

ITEM 5

APPLICATIONS FOR DETERMINATION

DEVELOPMENT CONTROL COMMITTEE - 21 December 2011

INDEX OF APPLICATIONS FOR CONSIDERATION

Application	Location	Recom.	Page No.
EN/10/01017/OUT	Rushden Hospital The Drive Northamptonshire NN10 9JU	Grant	2
EN/11/01564/FUL	20 High Street Higham Ferrers Northamptonshire NN10 8BL	Grant	36
EN/10/00818/OUT	Garage Block Adjacent 23 Brigstock Kettering Northamptonshire NN14 3JE	Grant	43
EN/11/01544/FUL	Former Polebrook Airfield Off Hemington Northamptonshire PE8 5QN	Grant	52
EN/11/01535/FUL	Priors Hall Proposed Data Centre Road Deene Northamptonshire	Grant	61
EN/11/01047/FUL	57A Main Street Yarwell Northamptonshire PE8 6PR	Grant	79
EN/11/01683/FUL	New Manor Farm Wansford Road Northamptonshire PE8 6PN	Grant	87
EN/11/01818/FUL	29 - 30 High Street Little Northamptonshire NN14 4BD	Grant	95
EN/11/01845/FUL	4 St Andrews Close Titchmarsh Northamptonshire NN14 3DS	Grant	104
EN/11/01871/OUT	Land Adjacent To The Croft Rushden Northamptonshire	Grant	112
EN/11/01904/FUL	22 School Lane Warmington Northamptonshire PE8 6TA	Refuse	118
EN/11/01863/NCC	Westwood A D Plant Rushden Northamptonshire NN10 0SQ	No objection	123
EN/11/01938/NCC	Westwood A D Plant Rushden Northamptonshire NN10 0SQ	No objection	127

Case Officer **Samantha Hammonds****EN/10/01017/OUT**

Date received	Date valid	Overall Expiry	Ward	Parish
27 May 2010	4 June 2010	3 September 2010	Rushden Sartoris	Rushden

Applicant **Northamptonshire Healthcare NHS Foundation Trust - Mr B Adam**Agent **Ove Arup And Partners Ltd - Mr M Smith**Location **Rushden Hospital The Drive Rushden Northamptonshire NN10 9JU**Proposal **Outline: Erection of a NHS Resource Centre, creation of up to 125 dwellings with associated open space, space for educational use by South End Infant School, removal of four trees covered by TPO, new access roads and alterations to existing internal road layout (All matters reserved)**

1. Summary of recommendation

- 1.1 That Members resolve to GRANT outline planning permission subject to the conditions in the appended report, the additional condition below, and the completion of a S106 agreement in respect of developer contributions.

2. Background

- 2.1 Members will recall that Development Control Committee previously considered this application on 28 September 2011. The application generated a considerable amount of detailed discussion, but the major concerns related to highways issues. The committee agreed to defer the application so that a representative of NCC Highways could be invited to a site meeting to address members' detailed points. The committee also wished for further consideration to be given to design matters in the light of the comments made by various consultees. The committee requested that the application then be brought back to the committee as soon as possible.
- 2.2 The original committee report, incorporating the amended conditions that were recommended to the committee through the update sheet on the night, is appended to this report.
- 2.3 There were two additional representations reported via the update sheet, from Raunds Town Council and a local resident, but these representations did not raise any new issues that were not already detailed in the report.

3. Highways issues

- 3.1 A site based meeting was held on 3 November 2011, attended by the NCC highways officer, the applicant and their highways consultant, relevant members from the District and Town Council and representatives from South End Infant School. The main issues

discussed are summarised below.

3.2 Off site highway works

3.2.1 During the meeting it was clarified that the improvement works to the Wymington Road / High Street South junction would take the form of a "mini" roundabout (a painted circle) rather than a larger scale traditional roundabout, and all parties are confident that this could be accommodated.

3.2.2 Members expressed concern that the roundabout may make it harder for pedestrians to cross Wymington Road to reach the wider pavement on the west site, and felt that a pedestrian refuge could be beneficial. The possibility of incorporating a pedestrian refuge into the mini roundabout design has since been investigated and the applicant has established that such a feature could be physically accommodated. Further technical details of the mini roundabout specification would need to be submitted and an associated safety audit carried out in order to gain the necessary approval of NCC. These technical details are requested by condition 15 to be submitted and approved by the local planning authority prior to commencement of any residential development, and it is at this technical stage that it would be established if/how the refuge should be pursued. Whilst every reasonable endeavour will be made by officers to negotiate the provision of a pedestrian refuge as part of the scheme, the council will be obliged to take account of any issues of technical feasibility, financial viability and reasonableness that may arise.

3.2.3 Members did not feel that a zebra crossing adjacent to Hall Park would be well used, but officers emphasised that the idea of this was to facilitate access to recreation opportunities and provide a pleasant pedestrian / cycle route to the town for future residents of the site. This is a key part of the vision for the development and officers therefore feel that this should be pursued. To allow flexibility it is recommended that the wording of condition 15 be amended to remove reference to "the vicinity of Hall Park". The precise location of the crossing would be determined through the usual statutory consultation process that is dictated by Highways legislation.

3.2.4 On reflection, officers feel that it would be unreasonable to require the technical details of the off-site highway works to be submitted and finalised before works on the NHS resource centre could begin - this is because it is the residential element that would bring about the intensification and hence the need for the off-site improvements. It is therefore recommended that the wording of condition 15 is further adapted so that the details are required prior to the commencement of residential development and that the works are completed prior to the occupation of the first dwelling. Please note that the improvement works to the main site access onto Wymington Road would still be required prior to the commencement of any development, and a construction management plan would be required for each phase.

3.3 Transport Assessment

3.3.1 Several points of detail were clarified at the meeting in relation to the figures within the TA, in particular:

- the increase on existing traffic is an additional 2.5 vehicles in the am peak and 2.2 in the pm peak (equating to 1 every 30 seconds)
- 30% of vehicles turn left out of the site and drive past the school - this would equate to 30 vehicles in the peak hour (1 every 2 minutes)
- the development will not lead to any additional standing traffic on Wymington Road - parking is a Traffic Regulation Enforcement issue that would be present with or without the development
- the TA was calculated on an overestimate (it was carried out for 161 dwellings but the scheme has now reduced to 125)

3.3.2 The highways officer was insistent that the estimates in the TA are robust, despite the doubt that remained in some members' minds.

3.3.3 The accident data figures were discussed and it was acknowledged that the sources of data did not record near misses or incidents on private land.

3.4 Access to Wymington Road

3.4.1 It was confirmed that the access would be widened from 4.9m to 5.5m with a 2.4m x 43m visibility splay each side (in accordance with Manual for Streets), and the levels of the junction would be lowered because the access is too steep at present. The highways officer confirmed he agrees with the conclusion of the TA, that the improved access junction could cope with significant additional traffic beyond what is proposed, and is satisfied that it could accommodate large refuse trucks and ambulances. He pointed out that the 5.5m standard is the same as countless other estate road junctions across the county and would be no harder to cross than any other.

3.4.2 In answer to members questions, the highways officer explained that physical barriers at junctions are not generally promoted at present for practical and safety reasons, and that it would not be feasible or desirable to install a traffic island in the centre of this junction.

3.5 Pavement on east side of Wymington Road

3.5.1 The limited width of the pavement on Wymington Road was discussed at length, but the highways officer confirmed that the majority of it is 1.4m wide (wider in places) so would accommodate a standard double buggy (at 900mm wide). The minimum recommended width of a pavement is 1.2m, but this can be lowered to 1.0m depending on circumstances.

3.5.2 The highways officer confirmed that this particular footway was installed to NCC standards in order to facilitate pedestrian movement on the east side of the road (previously people walked on the verge). He pointed out that people can choose to use the other (wider) side of the road to walk with buggies.

3.5.3 Members suggested that the carriageway could be realigned to enable footway widening. However it is officers' view that this would be unnecessary and disproportionate to the extent of the problem. It would certainly be difficult to justify a request for the developer to fund such works given that the problem is an existing one, not one generated by the proposed development.

3.6 Resource centre car park

3.6.1 The applicant confirmed there would be an on-site building manager at the resource centre site who would be instructed to keep the car park barrier open between certain times (to be agreed with the school) to allow access for parents during school pick up and drop off times. It would be difficult to condition this as it would not strictly be necessary or relevant to the proposed development. However, the applicant has openly expressed his willingness to work with the school on this issue.

3.6.2 In terms of how useful this provision would be in reality, the applicant advised that the car park would not be expected to be full of staff vehicles at 3.30pm as most of the staff based at the site work within the community.

3.6.3 The models that have been run suggest that the 98 spaces proposed would be sufficient for employees, visitors and patients over both phases.

4. Design issues

4.1 At the September committee, members were concerned that some consultees still had

design related objections, and that the full range of recommendations made by the OPUN Design Review Panel had not been incorporated into the indicative layout, in particular the segregation between the NHS and residential uses.

- 4.2 Following the receipt of OPUN's comments, a meeting was held between officers and the relevant members with a view to agreeing which of the recommendations should be pursued by officers in further negotiations. It was concluded that the so-called 'segregation' between the uses would be extremely difficult to overcome given that another key design objective was that the NHS building should be towards the street frontage.
- 4.3 Considerable negotiation has taken place on the illustrative layout since the OPUN Design Review and the majority of the recommendations have been incorporated into the current scheme. As emphasised in the September committee report (paragraphs 7.47 and 7.48), despite the objections that remain on matters of design detail, your officers' view is that the layout has gone as far as it can at this outline stage. Any further negotiations are likely to consume a disproportionate amount of resources and cause unreasonable delays, particularly when the tabled layout is only indicative and the reserved matters could allow for a more innovative design that incorporates more positive design features. In conclusion, the indicative layout before the committee is considered to provide strong enough design principles to guide a reserved matters submission.

5. Other matters raised by members during post-committee discussions

5.1 Education contributions

- 5.1.1 The county council requested a primary school contribution from the development in order to provide additional primary school places - this is not being disputed. However members felt that contributions towards secondary education were also needed, and were concerned that the county council had not requested these.
- 5.1.2 The county council has since given written confirmation that there is no justification for secondary school contributions, and provided detailed figures that demonstrate the significant existing and forecast surplus places at both the Ferrers and Rushden Schools. The forecast surplus in the catchment in 2016 is 489 places, way in excess of the 14 secondary school pupils that the development is expected to generate.
- 5.1.3 The county council acknowledges that one of the schools is using portacabins, but confirms that this does not indicate a lack of surplus places as portacabins count as capacity according to NCC policy. The county council go on to point out that even if the portacabins were removed this would not take capacity down to numbers which would generate the need for contributions.

5.2 Health contributions

- 5.2.1 Members were concerned that the PCT has not requested healthcare contributions despite the Parklands Surgery's claim that they cannot cope.
- 5.2.2 The PCT has since confirmed that the reasons for this are multiple and inter-related. Given that the applicant is the NHS Trust, any healthcare contributions would be taken from the PCT to go back to the PCT (albeit a different department). In the grand scheme, the PCT would be no better off if contributions were sought. Furthermore, the additional S106 burden required from the Trust's development budget would be likely to render the scheme unviable (viability information has been submitted which demonstrates that the scheme could not proceed if more contributions were required). A decision was therefore taken by the PCT to not request contributions from this scheme.

5.2.3 The PCT also advise that within the three Rushden practices there is capacity to absorb the anticipated c.300 patients that the development would generate. The PCT advise that GP practices do not operate on a system of vacant spaces, they merely have an open or a closed list with demand to be registered on these lists being managed by the practice with support from the PCT where possible. With regards to the Rushden practices the lists are all currently open and the PCT note that they have not been approached to close any of these lists. The figures are as follows:

Parklands Surgery - Total patient list: 11,895; divided between 5.5 GPs gives a list size per GP of 2163.

Rushden Medical Centre - Total patient list: 10,212; divided between 6 GPs gives a list size per GP of 1702.

Harborough Field - Total patient list: 11,241; divided between 4.5 GPs gives a list size per GP of 2498.

5.2.4 ENCs Developer Contributions SPD gives a general indication that contributions should be considered where the number of patients per GP exceeds 2000 suggesting that contributions may be required in this instance. However the PCT re-iterates that it does not wish to seek contributions as this would negatively impact the development. The PCT further reiterate that they believe there to be sufficient capacity to absorb new patients generated by the development. Further discussions are taking place with the PCT on this issue and will be reported in the update.

5.2.5 The PCT has also looked into claims that there is a need for more dentists. They advise that there are three NHS dental practices within Rushden and these are supplemented by five "8am-8pm 365 days a year" dental centres throughout the county, the nearest being Wellingborough, to encompass routine dental care as well as urgent out of hours care for people who already have a regular dentist. There are apparently no immediate plans to commission additional dental services so contributions could not reasonably be sought. In any event the council's Developer Contributions SPD refers only to General Practice issues.

5.2.5 In respect of hospitals, the PCT co-ordinate the response on behalf of both primary and secondary healthcare, and as outlined above the decision has been made to not seek contributions in this instance. In any event the council's Developer Contributions SPD refers only to General Practice issues.

5.3 Open space contributions

5.3.1 In terms of maintenance sums, an initial figure of £6,656 per annum for ten years was negotiated with the developer in consultation with Rushden Town Council. This was on the basis of the 0.95ha of open space that was initially proposed. However, the subsequent revisions to the scheme not only reduced the number of dwellings from 161 to 125, but it showed that the open space around the resource centre would be privately maintainable by the NHS Trust, leaving only 0.7ha to pass to the Town Council. The maintenance figure was therefore recalculated to account for this reduction from 0.95ha to 0.7ha, and a figure of £5305 per annum for ten years was reached. This figure is still based on the estimates provided by Rushden Town Council.

5.3.2 In terms of open space provision, Rushden Town Council welcome the provision of a LAP on site, but they feel that enhancements to Hall Park are also needed. From a planning perspective the 0.7ha of on-site open space that features in the revised scheme accords with what would be required by the ENC Developer Contributions SPD for a development of 125 dwellings. There is therefore no justification in this case for

seeking additional contributions towards off-site enhancements.

5.3.3 The scheme does identify a LAP of 100 sq.m and it is recommended that an additional condition be used to require a scheme for the provision of play equipment within this LAP. The section 106 would also dictate the terms of exactly how the equipment should be provided. The Town Council has been approached in relation to the amount and type of play equipment that they would desire for the site, and any responses will be reported in the update. In any event the Town Council will be consulted and involved in the agreement of details for the LAP.

5.4 Package of developer contributions

5.4.1 To summarise, the package of S106 contributions that has been agreed with the developer is as follows:

- 25 affordable houses (17 rented and 8 shared ownership)
- £248,893 towards primary education
- £9,865 towards libraries
- £50,000 towards bus service enhancements
- 0.7ha of on-site public open space including an equipped LAP
- £53,050 towards open space maintenance (index linked over ten years)

5.4.2 In addition the following would be secured by condition:

- Pedestrian crossing over Wymington Road
- Improved junction at Wymington Road/High Street South
- 33 fire hydrants

5.4.3 Viability information was submitted with the application which demonstrates that additional contributions would render the scheme unviable. The government advises that local planning authorities must take account of viability concerns when considering applications for development. This advice, together with the input of the relevant statutory consultees, is sufficient to conclude that the above package is satisfactory.

6. Additional condition

6.1 As outlined in 5.3.3 above, it is recommended that the following condition is added to any planning permission:

"35. Prior to the commencement of any residential development, a precise scheme for the provision of play equipment within the LAP shall be submitted to and approved in writing by the local planning authority. The scheme so approved shall then be implemented in accordance with the terms of the section 106 agreement.

Reason: To ensure the provision of a quality play area and create a high standard residential development".

7. Recommendation

7.1 That Members resolve to GRANT outline planning permission subject to the conditions in the appended report, the additional condition below, and the completion of a S106 agreement in respect of developer contributions.

APPENDIX - REPORT TO COMMITTEE - 28 SEPTEMBER 2011 incorporating the amendments that were reported via the update sheet on the night

1. Summary of Recommendation

- 1.1 That, subject to a S106 agreement in respect of contributions and conditions, outline planning permission be granted.

2. The proposal

- 2.1 This is an outline application for an NHS resource centre together with a residential development of up to 125 dwellings. All matters are reserved for later consideration.
- 2.2 Indicative plans have been submitted that show how the site could be developed with the residential development predominantly at the eastern side of the site with the resource centre and parking located in the western corner. The most significant green spaces would be to the west of the site, nearest Wymington Road, and the majority of the existing mature trees on site would be retained to enhance the character of the development. However, if the site were developed in line with the indicative layout, several trees would be lost, including four that are subject to tree preservation orders.
- 2.3 The proposed resource centre would provide a purpose built, modern facility that would replace the range of outdated buildings that currently occupy the hospital site. The proposed floor area of the resource centre is 1400 sq metres, designed over two floors with rooms for consulting, group work and offices. Space for a further 950 sq metre "extension" has also been shown on the layout to account for a possible need for future expansion. The maximum resultant floorspace would be 2350 sq metres. The layout shows how a car park with 98 spaces could serve the resource centre.
- 2.4 The residential part of the development would comprise up to 125 dwellings, and it is proposed that 25 of these dwellings would be affordable (20% of the total). The breakdown would be as follows:
- Affordable - 25 dwellings (17 rented and 8 shared ownership), comprising
- 2 x 4-bed houses
 - 12 x 3-bed houses
 - 11 x 2-bed houses
- Private- 100 dwellings, comprising
- 17 x 4-bed houses (2 and 3 storey)
 - 47 x 3 bed houses
 - 26 x 2-bed houses
 - 10 x 2-bed apartments (conversions within the main house)
- 2.5 There would be three vehicle access points. Firstly, the existing access off Wymington Road would be widened to 5.5 metres with a 1.8m wide footway and this would serve as the main point of access and egress for the whole site. A second access would lead off The Drive but for vehicles this would be restricted to serve only the ten dwellings within the converted main house and the four reconstructed outbuildings. Lastly, the existing access off Wymington Road to "The Grange" would become a minor shared access to three new properties with a dropped kerb and vehicle crossover.
- 2.6 In addition to the above accesses there is also provision within the layout for additional points of pedestrian access from Bluebell Rise and from the western corner of Wymington Road to the resource centre car park.
- 2.7 The following reports and information accompanied the application:
- Planning Statement
 - Design & Access Statement

- Sustainability Assessment
- Resource Centre Sustainable Energy Options
- Pre-Development Tree Survey & Arboricultural Impact Assessment
- Transport Assessment
- Transport Assessment Appendices
- Travel Plan
- Landscape Assessment
- Ecological Appraisal
- Outline Resource and Waste Management Strategy
- Archaeological Technical Appraisal
- Archaeological Geophysical Survey
- Archaeological Trial Trench Evaluation
- Ground Conditions (contamination)
- Air Quality Assessment
- Acoustic Assessment
- Structural Report on the Main House
- Statement of Local Engagement
- Utilities Assessment
- Flood Risk Assessment

2.8 The original scheme has been amended twice during the course of this application and full re-consultations have been carried out on both sets of revised plans and documents. The main impact of the amendments is that the number of units has been reduced from 161 to 125, and the number of trees subject to a tree preservation order that would need to be removed has reduced from eight to four.

3. Site and surroundings

3.1 The site is reasonably close to the centre of Rushden, to the east of Wymington Road. There is residential development to the west, north and east, and South End Infant School abuts the site to the south.

3.2 The site currently accommodates a range of 1930s single storey buildings occupied by the NHS, and an attractive (but un-listed) range of Victorian buildings that are currently disused. The existing doctors surgery and the two NHS respite care homes (The Squirrels and The Martins) would remain and are excluded from the application site.

3.3 Despite the parkland character that dominates much of the site, and the fact that the site was once garden land for the Victorian villa (c1871), the later development of the site (as a WWI prisoner of war camp, a 1920's sanatorium and today as a hospital) means that it should strictly be defined as brownfield.

4. Policy considerations

- 4.1 National Planning Policy
- PPS1 - Delivering Sustainable Development
 - Supplement to PPS1 - Planning and Climate Change
 - PPS3 - Housing
 - PPS5 - Planning and the Historic Environment
 - PPS9 - Biodiversity and Geological Conservation
 - PPS10 - Sustainable Waste Management
 - PPG13 - Transport
 - PPG17 - Planning for Open Space, Sport and Recreation
 - PPS23 - Planning and Pollution
 - PPG24 - Planning and Noise
 - PPS25 - Development and Flood Risk

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 11 - Development in the Southern Sub Area
- 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 27 – Regional Priorities for the Historic Environment
- Policy 28 – Regional Priorities for Environmental and Green Infra-structure
- Policy 29 – Priorities for Enhancing the Region's Biodiversity
- Policy 32 – A Regional Approach to Water Resources and Quality
- Policy 35 – A Regional Approach to Managing Flood Risk
- Policy 36 – Regional Priorities for Air Quality
- Policy 38 – Regional Priorities for Waste Management
- Policy 39 – Regional Priorities for Energy Reduction and Efficiency
- Policy 41 - Regional Priorities for Culture, Sport and Recreation
- Policy 43 – Regional Transport Objectives
- Policy 48 – Regional Car Parking Standards
- Policy 49 – A Regional Approach to Improving Public Transport Accessibility
- MKSM Sub-Regional Strategy

4.3 North Northamptonshire Core Spatial Strategy 2008

- Policy 1 - Strengthening the Network of Settlements
- Policy 5 - Green Infrastructure
- Policy 6 - Infrastructure Delivery and Developer Contributions
- 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
- Policy 15 - Sustainable Housing Provision

4.4 Northamptonshire County Structure Plan

No relevant saved policies.

4.5 East Northamptonshire District Local Plan (1996) Saved Policies

- GEN3 - Planning Obligations
- H4 - Variety of Dwelling Types and Densities
- RL3 - Recreational Open Space Provision by Developers
- RL4 - Children's Play Areas
- RU1 - Provision of Housing in Rushden
- RU5 - Rushden Hospital Site

4.6 Other relevant policies / documents

- Three Towns Preferred Options
- NCC SPG - Parking (2003)
- NCC SPD - Place and Movement Guide (2008)

NCC SPG - Planning Out Crime (2004)
ENC SPD - Developer Contributions (2006)
ENC SPD - Open Space (Draft)
North Northamptonshire SPD - Sustainable Design (2009)

5. Relevant planning history

- 5.1 09/00845/OUT - an earlier version of the current application that proposed 185 dwellings was withdrawn due to officer concerns about the design and density of the proposal.

6. Consultations and representations

6.1 Neighbours and local residents

6.1.1 During the first round of consultation, relating to 161 dwellings (June 2010), 57 letters of objection were received from residents of Bluebell Rise, Greenacre Drive, Hay Close, Pytchley Road, The Drive, Windsor Road, Wymington Park and Wymington Road.

6.1.2 During the second round of consultation, for 125 dwellings (June 2011), 52 additional letters of objection were received from residents of Bluebell Rise, Greenacre Drive, Harvey Road, Hay Close, Higham Road, The Drive, Wymington Park and Wymington Road. Many of these re-iterated earlier concerns, but some additional points were made.

6.1.3 During the third round of consultation, for 125 dwellings (August 2011), 6 additional letters were received from residents of Wymington Road, The Drive, Windsor Road and Greenacre Drive, re-iterating previous concerns and raising some new points.

6.1.4 The concerns of neighbours and local residents can be summarised as follows:

Principle

- Rushden has had enough development
- Rushden is saturated with new dwellings and is struggling to sell existing homes
- Better to redevelop Rushden's tired areas than develop green space that the NHS may regret selling

Traffic - current situation

- Already a heavily congested area with on street parking problems
- Measures are needed to prevent indiscriminate parking outside The Squirrels - this often blocks The Drive or makes it a single lane road
- Gradient of main access creates a hazard in winter
- Access problems for emergency vehicles
- Junction of High Street South and Wymington Road is already too busy and hazardous for pedestrians, this must be considered

Traffic – comments about the TA

- No traffic survey undertaken at the end of school times
- The TA doesn't account for existing use of The Drive by visitors to Parklands Surgery
- The TA should be impartial

Traffic – anticipated impact of additional traffic

- Increased traffic congestion at peak times leading to noise, pollution and inconvenience
- Additional traffic to the medical facility / resource centre – 100+ parking spaces suggests excessive traffic movements
- Use of the resource centre car park as a drop off point for the school will exacerbate the problems

- One-way systems may improve the situation
- Concerned about impact of construction traffic

Traffic impact - safety

- Increased traffic means increased traffic hazards and road safety issues especially for school children and the elderly
- Pedestrian numbers on Wymington Road are significant around school times (between 8.30-09.15 and 15.00-15.45), and all of these pedestrians have to cross the main access to the site.
- Movement of construction traffic in and out of the site – this will be hazardous if it conflicts with school times
- Recent accidents involving children
- Disagree with the reduced visibility splay from the main access just to save one oak tree
- Proposed footpaths are not adequate
- Two crossings within 400 metres of each other is ill considered and potentially dangerous
- Can double yellow lines be implemented on Wymington Road?

Parking

- Inadequate and insufficient parking within new development, including lack of garages
- Planned green areas will become overspill car parks

Infrastructure

- Additional pressure on local facilities, infrastructure and resources including schools
- Rushden will soon need its own hospital if growth continues - losing this site to yet more housing is short-sighted
- South End School should not be given additional capacity whilst other schools in the area are under subscribed.

Traffic – differing points of view about the vehicle access points

- Main proposed access off Wymington Road is not a suitable access. Specific comments include: too narrow and steep; will not cope with extra traffic from the housing and resource centre; couldn't adequately accommodate service vehicles, LGV vehicles, waste collection vehicles and emergency vehicles; not acceptable to allow uncontrolled intensification of the main access to the site; the provision for parents pick up and drop off within the resource centre car park will exacerbate the situation.
- The Drive should be an unrestricted second access to relieve pressure on the main access. Specific comments include: only one entrance to the site will be dangerous and disruptive; severing the access to The Drive will worsen access issues; The Drive should be opened up/improved to be the more primary access; The Drive would be a safer access than the Wymington Road one.
- The Drive is not a suitable access and the proposed road-block to restrict access via this route should be installed.
- Access from Greenacre Drive should be considered as this would be preferable.
- A third access is needed directly into the Resource Centre car park
- A turning area is needed outside No.10 The Drive

Issues with proposed pedestrian provision

- Concern about the location of zebra crossing
- Ransom strip will prevent the provision of the Bluebell Rise pedestrian access (two adjacent residents say they own)
- Parking and access problems on Bluebell Rise as a result of the footpath link
- Pedestrian access from Bluebell Rise would create a rat-run, a security risk and will destroy our quiet street
- Crime and anti-social behaviour concerns about Bluebell Rise pedestrian link

Character, design and density

- 3 storey buildings and flats would be out of keeping
- Poor quality, cheap looking housing would be out of keeping
- Monotonous rows of buildings with tiny gardens will destroy character of area
- Outbuildings adjacent to the main house should be retained
- Rushden is losing its identity
- Density too high - too many homes

Trees and hedgerows

- Object to removal of mature and protected trees - the town is becoming a concrete jungle
- Some trees have already been felled on this site
- Concern about impact on hedge on eastern boundary (adjacent Hay Close and Bluebell Rise) - will individual future residents remove it to increase their garden size?

Ecology

- Loss of a wildlife haven
- Wildlife implications of hedgerow and tree loss

Residential amenity

- Loss of privacy, loss of light, noise and air pollution impact for Hay Close and Bluebell Rise
- Residents prefer to back onto open land

- No.10 The Drive will be "penned in" by a boundary fence and a new building, and manoeuvring space to the front will be limited, making access to garage difficult and resulting in loss of light
- Overlooking of school play area
- Construction disturbance - need Considerate Constructors, restricted working hours, a no parking policy off site and wheel wash facilities.

Alternative uses for the site

- Alternative uses suggested, including green space, improved hospital services and land for the school or hospital to expand onto

Other comments

- If granted residents will seek a reduction in council tax
- General concern about increased flooding
- Biomass boiler for the hospital would require a tall chimney and deliveries of 'fuel'
- Ground source heating should not be dismissed
- Where will wheelie bins be stored?

6.2 Other nearby occupiers

6.2.1 South End Infant School: object. Concerned over the Wymington Road access to the new estate and the potential danger this junction could pose to our pupils and families walking to and from school. No children's crossing provision for the access point. Increased traffic, existing parking problems. (NB: the school's initial concerns about security of school site and footpath link to the resource centre car park have been addressed by the latest revisions).

6.2.2 Parklands Surgery: object. Impact on business. Practice does not have capacity to cope with the increase. Access inadequate, ambulances already struggle. Surgery parking problems. Congestion on Wymington Road. Too many houses. Houses next to a surgery gives confidentiality issues. Tree felling.

6.3 External consultation responses

- 6.3.1 Rushden Town Council: object. Density. Design. 2.5 and 3 storey dwellings. Insufficient parking. Traffic. Infrastructure strain. Trees. Footpath to Bluebell Rise. Enhancement of facilities in Hall Park is needed. No space for NHS to expand. Following the revisions the Town Council still object on all of the above grounds with the exception of trees. They also add that members of the public strongly oppose the site being sold off for development as the land had originally been given for the benefit of Rushden people.
- 6.3.2 Anglian Water: no objections, but suggest informatives and a condition relating to drainage.
- 6.3.3 East Midlands Councils: refer to uncertain status of regional plan
- 6.3.4 E-On: no objection but include an informative for the developer.
- 6.3.5 English Heritage: no comments to make.
- 6.3.6 Environment Agency: Initial concerns with the FRA have now been addressed. No objections subject to conditions relating to surface water drainage and ground water protection.
- 6.3.7 Highways Agency: No objection. Initial concerns with the Travel Plan have been overcome by the revisions. The development is not expected to have a material impact on the A45 trunk road.
- 6.3.8 Natural England: no objection subject to conditions (site clearance, bat timetable)
- 6.3.9 Northants Badger Group: no comments to make
- 6.3.10
Northants Bat Group: licence should be obtained before works.
- 6.3.11
Northamptonshire Police: no objection. Some comments on reserved matter level details including adherence to Secured by Design, lighting, boundary treatments and defensive landscaping. Concerned about lack of surveillance of the resource centre car park which may leave vehicles vulnerable. Recommend CCTV and attention to boundary treatment of this area. Would like to see bollards installed at the parking area off The Drive at the 'pedestrian route through' to prevent vehicular access. Would prefer to see landscaping used as the 'road barrier' between the main house and the new dwellings to the south instead of a continuation of hard surface and a constructed road barrier.
- 6.3.12
Ramblers Association: appreciate the provision of a link to Bluebell Rise, but concerned that a ransom strip may prevent this.
- 6.3.13
Sport England: no specific comments, only advisories.
- 6.3.14
Wildlife Trust: no objections. Recommend implementation of ecological appraisals findings

6.4 Consultation responses from ENC, NCC and JPU

6.4.1 ENC Env (contamination): planning conditions should be used.

6.4.2 ENC Env (noise): cannot see any obvious issues in relation to environmental matters. However a condition should be used that restricts noisy construction works to 08.00-18.00 on Monday - Friday, 08.30-13.30 on Saturdays and at no time on Sundays or Bank Holidays.

6.4.3 ENC Env (air quality): no issues so long as the developers comply with the recommendations in their submitted report.

6.4.4 ENC Housing Strategy: Satisfied that the viability appraisal is robust and sufficiently justifies the provision of only 20% affordable housing.

6.4.5 ENC Planning Policy: A joint memo from the Planning Policy and Conservation team was received covering the following areas:

Planning Policy - no objections

Design - several concerns

Conservation - concerned about setting

Trees and landscape - several concerns

Archaeology - no objections.

The particular concerns of the design and conservation officers are separated out below and followed up by their later comments following the revisions.

6.4.6 ENC Design Officer: Several positive amendments have been made including: the re-building the existing outbuildings to retain a courtyard character; the reduced number of units has improved the layout to some extent; the increased areas of green space; the retention of more mature trees; the improvement of the 'green link' (albeit fragmented); provision for views towards the church spire; the repositioning of the resource centre so that it relates better to the street and provides a more attractive parking area; increased on street parking; widened pedestrian link to Bluebell Rise. However the Design Officer remains concerned about: second courtyard arrangement at the rear of the main house; terraced and semi-detached properties with very limited spaces in between; undermining of parkland character of the site; vehicle barrier from The Drive; streets lack character and don't prioritise pedestrians. Overall the Design Officer does not feel that the improvements address the fundamental concern of the impact on the established character of the site, but she accepts that this needs to be weighed against other planning considerations.

6.4.7 ENC Conservation Officer (Trees and Landscape): Remain concerned that the design does not reflect the setting of the site and the mature natural features that create its identity. In respect of trees, concerned that many negative relationships would exist whereby trees overshadow or overhang multiple gardens leading to problems of future maintenance. In respect of landscaping, concerned that the green link is not robust, that the smaller green spaces lack a proper role and that the street planting is inconsistent. If the council is minded to grant permission, suggest conditions be used to protect onsite trees and hedges, to require a clear landscape design strategy, to ensure that no TPO trees are removed until such a time as a future reserved matters application is permitted and to agree the exact alignment and construction details for the footpath link at the south of the site.

6.4.8 NCC Highways: Highways objected to the second version of the scheme that removed the proposed vehicle barrier that would restrict access from The Drive. Consequently the vehicle barrier has been added back into the scheme and Highways now have no objections subject to:

- provision of a zebra crossing over Wymington Road

- improvements to the junction of High Street South and Wymington Road
- access off Wymington Road must comply with current design criteria (ie in respect of gradient and junction visibility).
- promotion of a pedestrian link to Bluebell Rise
- condition to ensure compliance with Travel Plan
- contribution towards bus services will be required
- visibility, parking and manoeuvring space within the estate layout will be considered in full detail at reserved matters stage.

6.4.9 NCC Archaeology: Condition requiring archaeological works and building recording will be needed.

6.4.10

NCC Libraries and Education: The following financial contributions are sought:

Libraries £9,865

Fire and Rescue £14,996 and 3 hydrants

Education (primary) £248.893

No contribution towards secondary education was requested.

6.4.11

NCC Sustainable Transport: A financial contribution of £500 per market dwelling is sought towards the improvement / enhancement of local bus services.

6.4.12

NNJPU: Overall the scheme does not meet the high standard of design required in the Core Spatial Strategy and there is insufficient information to overcome concerns. The main concerns relate to quality of the public realm, legibility of the site, integration with surroundings, continuity and enclosure and overall character. Conditions should be used to cover ensure compliance with the sustainability policy in the CSS.

7. Evaluation

7.1 The main considerations in this proposal are: principle of development; impact on highway network, means of access to the site and related highway matters; the layout and design; tree issues; landscape provision; water resources (including flooding and drainage); ecological issues; archaeology and cultural heritage; noise, dust, contamination and air quality; effect on residential amenity; waste management; sustainable design and construction; the level of contributions required towards social and community infrastructure (s106); any other material planning considerations.

7.2 Principle of development

7.2.1 Policy 10 of the North Northamptonshire Core Spatial Strategy sets out the distribution of new housing and states that development plan documents will make provision for the stated amounts of housing development (net new dwellings) in the named settlements. Rushden is grouped together with Higham Ferrers and Irthlingborough, and the indicative housing requirement for the three towns up to 2021 is 5090. Our planning policy team has broken this figure down resulting in 2370 dwellings being apportioned to Rushden (although this will have been reduced by the completions to date. As of 31 March 2010: 1527 units had been completed, 60 units were under construction, and 531 remained extant but unimplemented).

7.2.2 Whilst "localism" is being promoted by the Government, legislation has not yet been changed. There is still the requirement for local planning authorities to have regard to adopted and saved development plan policies and to be able to demonstrate that they have a 5 year supply of housing land.

- 7.2.3 Although the Rushden Hospital site was not put forward as an allocation through the Three Towns Preferred Options document, there is a site-specific saved policy in the East Northamptonshire Local Plan (policy RU5) that emphasises the importance of retaining and enhancing health facilities in Rushden. The proposed new resource centre would ensure such enhanced health facilities are provided whilst providing the opportunity for future healthcare facilities on the site. The proposed residential development of the rest of the site would not prevent this but would serve to enable the enhanced healthcare facilities, whilst also making a contribution towards the identified housing target for the "three towns".
- 7.2.4 Although the site has a relatively open parkland character, the site is strictly speaking a brownfield site in a relatively accessible location close to the centre of the district's largest town. Therefore the principle of redeveloping this site for a mixture of healthcare, housing and open space is in accordance with the broad aims of national and local planning policy. In accordance with PPS3, the proposal would provide a good mix of housing that is accessible, well linked to local facilities and services, provides a good level of community open space and private outdoor space, and makes a reasonable attempt to work with the site's main distinctive assets (namely the main house, outbuildings, mature trees and green spaces).
- 7.2.5 The net housing density (calculated by including only those site areas which will be developed for housing and directly associated uses) would be 31 dwellings per hectare. Whilst minimum densities have been removed from PPS3, there is still the need to make efficient use of land whilst respecting the character of the surrounding area. The indicative layout demonstrates that this is an appropriate density that balances both of these important requirements.
- 7.2.6 Affordable housing would be provided and, whilst the proposed 20% affordable housing provision is below the 40% that is sought in the NNCSS, this is considered an acceptable level for Rushden in this instance taking into account the fact that the developer has demonstrated by way of a robust viability assessment that a higher level of affordable housing provision would jeopardise the overall scheme.

7.3 Means of Access, Impact on Highway Network and Related Highway Matters

- 7.3.1 Despite the considerable local opposition to this application on the grounds of highway safety, access and parking issues, the highway authority (NCC) has raised no objection to the proposal subject to improvements being carried out to the junction of High Street South and Wymington Road. Each particular issue or element is considered in turn below.

Impact on Wymington Road and the surrounding road network

- 7.3.2 A Transport Assessment was submitted with the application, and this has been evaluated in detail by NCC Highways. The TA states that the development as a whole (the resource centre and the residential combined) would be expected to generate a total of 282 additional trips in the morning peak and 226 additional trips in the evening peak. The key junctions on the local road network were identified as Wymington Road main access junction; The Drive / Wymington Road junction; and Wymington Road / High Street South junction. All of these junctions have been analysed and the TA concludes that the only junction that would struggle is the High Street South junction.
- 7.3.3 NCC has evaluated the TA and agree that it is robust and agree with its conclusions. Subject to a requirement that improvements are made to the Wymington Road junction with High Street South that would increase its capacity, NCC are satisfied that the TA demonstrates that the surrounding road network could cope with the anticipated additional volume of traffic that would be generated by the proposed development. The highways officer has agreed in principal that the provision of a mini roundabout in this

location would satisfactorily address the anticipated capacity issues and enable the development to go ahead without adverse impact on traffic flows. A condition would ensure that these off-site highway works have been carried out prior to the first occupation of the development (see recommended condition 15).

- 7.3.4 Local people have expressed concern that the local roads already struggle with congestion at peak school times and there is concern that excess pressure would be put on the existing mini roundabout that leads to Hall Avenue. These concerns are noted and have been discussed at length with the highways officer. The Hall Avenue junction was not identified as one that would be significantly affected by the proposed development so NCC did not feel it necessary that the TA analysed the impact on this junction. NCC acknowledge that there is often congestion in this area at school times but highlight that this is a concentrated problem affecting only a short part of the day.
- 7.3.5 As outlined above, a robust Transport Assessment has been submitted which contains technical analysis to demonstrate that there is sufficient capacity on the local roads, subject to the requested improvements to the High Street South junction. The highway authority is satisfied with this technical analysis, and there seems to be no reason to challenge this. It would therefore be extremely difficult to defend a refusal of planning permission on the grounds of excessive pressure on local roads.

Main vehicle access off Wymington Road

- 7.3.6 The proposed main access point off Wymington Road would be improved as part of the proposals, but it would remain a T-junction. The plans indicate a 5.5 metre wide carriageway, the provision of a footway at both sides of the access road and visibility splays of 2.4m x 43m. This element of the proposal complies with current design criteria in Manual for Streets and is therefore acceptable to NCC Highways. From a visual amenity point of view officers are pleased that the required visibility splays can be achieved without having to remove the protected oak tree on this corner. Conditions are recommended to ensure that the correct standards are met in relation to the construction of the access, gradients and visibility splays, and it is the developer's responsibility to demonstrate how this would be satisfactorily achieved.
- 7.3.7 Local people are concerned that the intensified use of this access will lead to road safety issues as traffic backs up. There is also concern about the ability of pedestrians on the east side of Wymington Road to cross a busier and wider access without the aid of a crossing facility. Again, these concerns are not shared by our highways advisors. NCC Highways are satisfied that the evidence within the submitted TA demonstrates that the proposed T-junction could cope with the anticipated traffic to the development and that queues would not build (the maximum queue predicted is one vehicle making a right turn out of the main access). They point out that the junction would be similar to many other urban junctions and there is no reason why this one should be more problematic for pedestrians to cross. A crossing facility is not considered necessary and may even cause more problems than it solves.
- 7.3.8 Accident data submitted within the TA shows that only two accidents occurred in the vicinity of the site in five year period from Jan 2004 - Jan 2009. One was a fatal accident allegedly resulting from a vehicle driving too fast along Wymington Road towards High Street South and losing control. The other was less serious and resulted from a driver pulling out from Wymington Road into another vehicle's path on High Street South. The accident rate in the vicinity is considered to be low and no incidents involved vulnerable road users.
- 7.3.9 A restriction that would forbid the movement of construction vehicles in or out of the site at school pick up and drop off times has been requested by local residents who are concerned for the safety of children walking to and from the adjacent school. This is

suggested in condition 22(xviii).

7.3.10

The only NHS centre delivery lorries that are mentioned in the application are 10m rigid vehicles and a swept path analysis has been undertaken to demonstrate that these vehicles could manoeuvre. The Waste Management team has confirmed that waste lorries would be able to negotiate the access and estate roads as these roads would be to adoptable standards. The detail of this would be considered at reserved matters stage.

Access off The Drive

7.3.11

The series of amendments to this application has seen the initially proposed road barrier removed and then re-instated on the plans, and this has resulted in some confusion, clarified below.

7.3.12

From the outset the developer proposed to install some sort of road barrier that would restrict access via The Drive to only 14 dwellings, in response to concerns from both NCC Highways and local residents about the ability of The Drive to handle additional traffic. However, the inclusion of such a barrier has always been a concern to ENC officers from an urban design point of view as the obstacle would add confusion, prevent legibility and permeability, and create cul-de-sac development which is contrary to the widely recognised principles of good urban design.

7.3.13

Given ENC's concerns about this element of the design, further advice was sought from NCC Highways about whether the barrier was absolutely necessary, and NCC advised "if the applicant can demonstrate that there will be no intensification of vehicle movement throughout The Drive then the adopted estate street can remain in its current form" (ie without a barrier). The applicant therefore did some further work and submitted a scheme which saw the barrier removed, together with an attempt to demonstrate that there would be no intensification.

7.3.14

However, the details were not sufficient to convince NCC Highways that there would be no intensification and as a result NCC insist that either a barrier is needed, or the carriageway of The Drive would need to be widened. As widening works would be unfeasible and cost-prohibitive, ENC officers have reluctantly accepted that a physical barrier is the only way to ensure that the development can go ahead.

7.3.15

It is intended that pedestrians and cyclists would still be able to access the site via The Drive despite the introduction of a road barrier. The footpath along this route would be promoted as an adoptable pedestrian and cycle route.

7.3.16

Whilst ENC officers always seek to promote the principles of good urban design wherever possible, on this occasion it is not considered that the urban design concerns of installing a barrier would be sufficient to warrant refusal of planning permission, particularly given that the development could be safely and adequately served by the other point of access. The "cul-de-sac development" that would result is not ideal, but there are many existing examples of this type of urban design and they seem to function perfectly well. A refusal on these grounds may therefore be difficult to defend.

7.3.17

A condition is therefore suggested that will ensure that vehicular access from The Drive is restricted (condition 25). The road barrier could take a number of forms and may simply be a line of low-key bollards. However the details of the barrier and the road layout and surfacing around it would be carefully considered at reserved matters stage to ensure that the scheme is visually pleasing, coherent and not confusing to road users.

Access via "The Grange"

7.3.18

NCC consider that the vehicle access to the three divorced plots off Wymington Road, currently known as "The Grange", should be a private access. Therefore, in line with the advice of NCC, this access has been re-designed as a simple dropped kerb crossover so that pedestrian movement is prioritised. Notwithstanding this, the footpath alongside this private access would be promoted as an adoptable pedestrian and cycle route.

Pedestrian link to Bluebell Rise

7.3.19

There is significant local opposition to the idea of having a pedestrian link from the site to Bluebell Rise due to the impact of additional movements through what is currently a quiet cul-de-sac and the potential for criminals to use it as a rat-run. However a pedestrian link has always been specifically sought by NCC Highways and ENC's design advisors as the achievement of pedestrian permeability is a fundamental urban design principal. The benefits of such a link would be improved accessibility to the town centre and Hall Park for people in the Greenacre Drive area, preventing them having to walk all the way round High Street South. Other locations were explored for a potential pedestrian link but these were ruled out as they were physically problematic, due either to physical obstruction of buildings or significant changes in levels.

7.3.20

The revised scheme sees a Bluebell Rise footpath link passing through a relatively wide area of green space, so that the path is much more of an attractive and safe route than a threatening 'alleyway'. The dwellings fronting on to this space at both sides would ensure good natural surveillance of the footpath whilst maintaining their own separate defensible space. Despite the local concern about the crime and anti-social behaviour that this footpath could bring, Northamptonshire Police are satisfied that the design would sufficiently prevent such issues from arising. In response to ecological concerns raised by many residents of Bluebell Rise, and at the suggestion of the Police, the revised scheme sees the majority of the existing hedgerow retained, with it being broken through only to the extent that would be required to allow the footpath to pass through. The Police have suggested a motorcycle barrier be installed at this location, but the benefits of this would need to be carefully considered against the disadvantages of restricting access for buggies, wheelchairs and bicycles. This would be considered as part of the reserved matters.

7.3.21

Representations from adjacent landowners suggest that there is a ransom strip which may prevent the delivery of the footpath link. Unfortunately this is a civil law matter that is outside the control of the planning system, but the implication is as follows. The footpath cannot be provided until all third party landowners grant their permission for it to be installed over their land. At the present time the granting of such permission seems unlikely given that the relevant landowners strongly object to the principle of the new footpath link to Bluebell Rise. However, ENC officers still consider it important to take a longer term view and to still provide for the possibility of such a link as circumstances may change in the future. Nonetheless, to allay the concerns of local residents, it would seem wise to ensure that no break is made in the existing hedge

until such time as any third party ransom to the provision of a pedestrian link is lifted. This is addressed by condition 11.

Parking

7.3.22

Residential parking would be provided at an average level of 1.5 spaces per dwelling, which is in line with local standards. This equates to a total of 188 residential spaces and would be provided in a variety of ways, including on-street (lay-bys), shared courtyards, driveways and garages.

7.3.23

In terms of Resource Centre parking, the NCC Parking SPG (2003) stipulates a maximum of 3 parking spaces per consulting room for a hospital use, suggesting a maximum of 75 spaces for this 25 room resource centre. However, in a recent amendment to PPS3, there has been a move away from maximum parking standards in favour of a more local approach that takes account of a proposal's particular circumstances.

7.3.24

In this case, given that there are already 70 NHS staff currently based at the site during the period from 8am to 8pm and that most of these require their own cars for home visits, this would not leave much provision for patients from the wide catchment area served by the facility. There is also the need to ensure that additional parking could be provided for the "extended" healthcare facility. The indicative layout shows that the resource centre car park could comfortably provide 98 car spaces and that these could be set within an attractive landscaped parking area that would be set around existing mature trees. Cycle racks are also proposed adjacent to the building.

7.3.25

As well as ample parking, the layout demonstrates that a turning area for a 10m rigid delivery vehicle could be accommodated, although this is some distance from the building itself.

Footpath between resource centre car park and Wymington Road

7.3.26

The applicant has stated that the resource centre car park would be available for parents to use at school pick up and drop off times in an attempt to ease the current problems caused by the high demand for parking in the vicinity at these times. A footpath has been incorporated into the revised plans which would link this car park with Wymington Road by cutting through the existing tree belt.

7.3.27

Although there was initial concern that this might be too secluded a route, the Police are satisfied that the sheltered length of path would be short enough to benefit from lighting at either end and that wire-mesh fencing at the 'open' side of the path would prevent any hiding in the undergrowth. A lighting scheme and proposals for the ongoing maintenance of this would be required at reserved matters stage.

7.3.28

The Tree Protection Officer is confident that it will be possible to agree a final alignment for the footpath and a method of construction that would be acceptable in terms of impact on trees and vegetation. The removal of some vegetation or small trees would be acceptable subject to detail. Condition 7 deals with this aspect.

Access from the site to the Primary School field

7.3.29

At the request of the Primary School the plans have been revised to remove the point of access that was initially proposed from the development site to the school field. Instead a fence would be installed around the school's newly acquired land to ensure their security on this boundary.

Estate street layout

7.3.30

NCC highlight that only the principles of vehicle and pedestrian access are being considered as part of this outline application. The precise detail of the estate road design and layout would be considered at reserved matters stage.

Public Transport, Cycling and Walking

7.3.31

A Travel Plan was submitted with the application, which contains measures to promote sustainable travel habits for the end users of the proposed development. Pedestrian and cycle routes are promoted in general and more specifically initiatives such as cycle parking, showers, car sharing schemes, discounted public transport, mileage allowance schemes are all combined to encourage people out of their cars. This Travel Plan has been evaluated in detail by NCC Highways, who advise that it's contents are sound and the recommendations therein should be imposed by way of planning conditions (see recommended condition 17).

7.3.32

Further to the recommendations of the Travel Plan, the developer has also agreed to pay the requested £50,000 financial contribution towards buses. This money would be put towards the county council's identified improvements to local bus services, particularly a new hourly loop service for Rushden and enhancements to service 45 that would increase accessibility to rail links at Wellingborough.

7.3.33

The opportunities for modal shift that would result from the Travel Plan measures and the enhancements to local bus services should help to reduce the reliance of the private car and hence reduce pressure on the local road network.

Zebra crossing

7.3.34

Given that the overall aim is to improve pedestrian links to Rushden Park and the town centre NCC Highways are seeking the provision of a zebra crossing over Wymington Road. The detail of exactly where this crossing would be situated would have to be agreed with NCC at a later date, but the developer can be required to ensure that these off-site highway works have been carried out prior to the first occupation of the development. This is addressed in recommended condition 15.

7.3.35

To conclude on highways related matters, the indicative plans demonstrate a sensible level of commercial parking and residential parking provision that accords with current local policy and the highway authority, despite the many local objections, remains firmly of the conclusion that there is no highway safety reason to refuse the application. The application is therefore considered acceptable from a highways perspective.

7.4 Urban Design and Visual Impact

- 7.4.1 The details of scale, appearance, layout and landscaping are not part of the current outline application so it is not possible to give a full assessment of the design and visual impact of the proposal. The precise detail would be considered at the reserved matters stage. Nonetheless, members will be aware that the broad design principles should be established at the outline stage, so an analysis of the indicative layout is necessary.
- 7.4.2 The indicative plans show that most significant green spaces would be to the west of the site, nearest Wymington Road with further green spaces around the housing, particularly on the approach from The Drive, around the main house and adjacent to Bluebell Rise. The majority of the existing mature trees on site would be retained to enhance the character of the development. A mixture of two and three storey dwellings are proposed, with the three storey units located towards the central area of the site to create a focal point at a key vista termination. The residential development would be predominantly at the eastern side of the site with the resource centre and parking located in the western corner.
- 7.4.3 During an independent design review held in summer 2010, the proposed layout was criticised by design professionals as being overly segregated, but it is difficult to see how this could realistically be overcome. Certainly such segregation of the site is not considered to be a strong enough reason to refuse the application. In any event the design and layout of the development has moved on significantly since this design review was held and many of the panel's recommendations have now been incorporated.
- 7.4.4 Many of ENC's initial concerns on design have been overcome by the amendments that have been negotiated throughout the course of this application, in particular:
- re-building the existing outbuildings in a similar style to retain a traditional courtyard character around the main house
 - reduction in number of units and increase in plot sizes
 - increased green space around the main house and proposed resource centre
 - retention of a greater number of significant trees
 - improvement of the proposed "green link" from Bluebell Rise, around the Main House and adjacent to Wymington Road towards Hall Park

 - a more outward looking design that links the scheme to its context by taking advantage of views to the church spire
 - relocation of the resource centre so that it relates better to the street and allows a more attractive parking area
 - provision of on-street parking to create a better mix
 - pedestrian link to Bluebell Rise relocated, opened up, and overlooked
- 7.4.5 There are however still some design criticisms that have not been adequately addressed, namely:
- second courtyard arrangement to rear of main house could undermine the setting of the main house
 - terraced or semi-detached urban form is not reflective of area's character
 - fragmented nature of the "green link" and loss of the parkland character of the site
 - road barrier to The Drive prevents permeability and legibility of the site
 - streets appear over engineered, lack character and pedestrians are not prioritised
- 7.4.6 Whilst acknowledging the improvements that have been made to the indicative layout, the design officer's overall conclusion is that these do not sufficiently address her concerns with regard to integrating a coherent sense of the area's existing character into the scheme. The Conservation Officer also remains concerned that the design

does not reflect the setting of the site and the mature natural features that create its identity. However, both acknowledge that these concerns need to be weighed against other planning considerations.

7.4.7 Bringing this all together, it is important to acknowledge that the amendments to the indicative scheme have already resulted in a significant reduction in the number of units proposed. To insist on a further reduction in density to achieve a more parkland character and more substantial links between green spaces would place further constraints on the applicant which, on balance, may be difficult to justify if challenged at appeal.

7.4.8 Your officers' view is that we have come as far as we can in terms of design negotiations, particularly given that this is an outline application with all matters reserved. The overall principles that have been established within the indicative layout and design and access statement are robust and recommended condition 4 would ensure that these principles should be adhered to when drawing up the detailed design of any reserved matters application. The character and design of the individual dwellings can also be subjected to further scrutiny at the reserved matters stage.

7.5 Tree Issues

7.5.1 It is acknowledged that the indicative layout would require the removal of a total of 14 trees, four of which are protected by tree preservation order. However, it should be noted that this outline application shows only an indicative layout, and that another designer working on a future reserved matters application may be able to come up with a scheme that affects fewer protected trees. For this reason it is important to emphasise that outline planning permission alone does not authorise the removal of any protected trees on the site (see condition 10). Overall though, the desire to retain the four protected trees would not on balance be a sufficient reason to refuse an application of this scale, particularly when the loss could be compensated for by the landscaping provisions within the large areas of open space.

7.5.2 The Conservation Officer does though remain concerned about the incorporation of large mature trees into such a densely constructed surrounding. She points towards several negative relationships within the layout, where private gardens are likely to be overshadowed by some retained trees and where multiple gardens would experience crown overhanging. This could lead to maintenance problems for future occupiers. She also feels that the constraints of the retained trees have not been adequately taken into account as there are examples of where canopies may interfere with roof structure and where limited root protection areas have been left.

7.5.3 There has been a great deal of negotiation during the course of this application to reach an indicative layout that affects as few protected trees as possible. In recommending the application for approval, your officers are by no means dismissing the above concerns of the tree officer - if this were a full application these could well be valid reasons for refusal. However, as outlined above in 7.5.1, it is impossible to establish at this stage whether these concerns will actually remain valid on submission of a reserved matters application. Also, whilst we would ideally like to avoid having protected trees located close to buildings or in private gardens, this relationship is not necessarily insurmountable. For these reasons your officers feel that a refusal based on the impact of the development on trees would be difficult to substantiate.

7.6 Landscape provision

7.6.1 The area around the main house and the former terraced "bowling green" area would be used to provide a main focal area of open space, and to serve as the initial part of the proposed green link from Hall Park across the development site. Within this main

open space would be a local area for play (LAP). Further open areas would be provided around the proposed footpath link to Bluebell Rise, adjacent to the access off The Drive and between the resource centre and its car park. The thick mature tree belt to the Wymington Road frontage would be retained as part of the structural landscaping. Lastly an area of outside space would be given over to the adjacent primary school for their use.

7.6.2 The Conservation Officer has a number of concerns in relation to the landscape provision, namely:

- there is limited connection between the main open space and the house, and that the play space is over-dominant
- that the green link is not sufficiently robust in terms of a visual link or planted connection
- the smaller areas of 'open space' don't have a clear purpose or role
- lack of consistency in the proposed street planting.

7.6.3 These concerns are noted but, as outlined in paragraph 7.5.3 above, there is a limit to the weight that can be given to this level of design detail considering that this is an outline application. It is likely that most of these concerns could be addressed in a reserved matters submission.

7.7 Water Resources (including flooding and drainage)

7.7.1 Anglian Water has confirmed that there is sufficient water resource capacity to supply this development, and that it can be supplied from a network system that has adequate capacity. However, Anglian Water has expressed a wish to see measures to ensure the buildings are constructed to high water efficiency standards. This is addressed by recommended condition 18 on sustainable design.

7.7.2 Anglian Water has also confirmed that foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity. The surface water drainage network also has sufficient capacity at present.

7.7.3 Revisions have been made to the submitted Flood Risk Assessment in response to the initial comments of the Environment Agency. The EA has now confirmed that it has no objections subject to the imposition of a conditions relating to surface water drainage and ground water protection (recommended conditions 20 and 21).

7.8 Ecological Issues

7.8.1 An Ecological Appraisal was submitted with the application and Northamptonshire Wildlife Trust has confirmed that this is a robust appraisal with well-founded conclusions. They suggest that planning conditions are used to ensure that the recommendations within the ecological appraisal are implemented on the ground as part of the development.

7.8.2 A Bat Report was submitted with the application which shows that bat roosts are present in some of the buildings. The Northamptonshire Bat Group agrees with the report's recommendations that new roosts should be provided to compensate for those lost and that works should be timed appropriately to avoid bat disturbance. A license will also be required (see condition 14 and informative 2).

7.9 Archaeology and Cultural Heritage

7.9.1 Due to the potential significance of the development area, trial trenching was carried out and the results were submitted with the application. Evidence of ridge and furrow and a possible medieval boundary was found, but the county archaeologist had expected there to be reference to an area of Iron Age and Roman activity in the south

eastern corner of the site and no such reference was made. The county archaeologist has therefore asked that further, targeted works be carried out prior to development in the event that permission is granted (see recommended condition 19).

7.9.2 The applicant's submission suggests that the former Rushden House Sanatorium, although not listed, should be subject to building recording before re-development, and the county archaeologist would wholly agree with this. In addition the county archaeologist has asked that the 1930s brick buildings and former hospital outbuildings are also recorded before demolition (this would also be covered in recommended condition 19).

7.10 Noise, Dust, Contamination and Air Quality

7.10.1

As referenced in the submitted Air Quality Report, a Code of Construction Practice should be agreed with ENC to ensure that any potential for adverse environmental effects on local receptors (with respect to dust, light, noise odour and hours of work) is avoided (see recommended condition 22).

7.10.2

It is possible to restrict the hours of construction so that nearby residents are not disturbed by noise and it is suggested that this should be to 08.00-18.00 Monday to Friday and 08.30-13.30 on Saturdays (and at no time on Sundays or Bank Holidays). A tighter restriction that forbids the movement of construction vehicles at school pick up and drop off times has been requested by local residents who are concerned for the safety of children walking to and from the adjacent school. This is also recommended in condition 22 (xviii).

7.10.3

The submitted Environmental Report identified that discrete areas of the site may be affected by contamination and should therefore be investigated further. A detailed ground investigation would be required if permission was granted. It would also be prudent to put on a condition for unexpected contamination. Conditions 26 - 30 deal with this issue.

7.10.4

Having reviewed the submitted Air Quality Report, the council's Environmental Health officers are satisfied that there should be no air quality issues so long as the development proceeds in accordance with the recommendations of the report (see condition 31).

7.11 Effect on Residential Amenity

7.11.1

The indicative plans would suggest that the development could be accommodated without any adverse impact on the residential amenity of existing residents. As this is an outline application the precise positioning of dwellings will be determined at reserved matters stage. The purpose of the illustrative layout is not to determine exactly where each dwelling would be positioned, rather to establish the principles that will inform reserved matters applications. Notwithstanding this, analysis shows:

- that the site can comfortably accommodate 125 units
 - back to back distances of at least 25 metres for Hay Close
 - main to side distances of at least 17 metres for Bluebell Close
- Overshadowing or loss of privacy are therefore extremely unlikely to occur.

7.11.2

There is one point in the indicative layout where an unacceptable relationship may

occur and that is with respect to 10 The Drive whose front elevation would be "hemmed in" by the rear garden fence of one of the new dwellings. The indicative layout suggests that there would only be approx 4 metres between the front elevation and the fence which would be an unacceptable relationship. This area of the layout would need particular attention at reserved matters stage to ensure that such a negative relationship did not occur for 10 the Drive. There would be ways to re-work this part of the layout to offer the new property a private garden area to the side and ensure that the area to the front of 10 The Drive remains open.

7.11.3

Concern has been raised that the new dwellings would overlook the school play area. It is not unusual to have private rear gardens backing onto a school playing field and it is rare for this to cause any significant issues. Again the suggested separation distances are more than sufficient.

7.11.4

Objectors in Bluebell Close and Hay Close have expressed concern about noise impact. However as it would be residential development that would be the closest to these areas the noise is unlikely to be greater than would be expected in any residential area.

7.11.5

Construction disturbance can be controlled by a condition restricting hours of work (see recommended conditions 22 and 23).

7.12 Waste Management

7.12.1

A Waste Audit and Waste Facilities Management Strategy were carried out as part of the submission. These begin to consider the broad impacts of the demolition and how, once built, the new resource centre will manage its waste in the longer term.

7.12.2

However, as this is an outline application, detailed matters related to waste collection will need to be considered at reserved matters stage. A Site Waste Management Plan would be required for the development (see recommended condition 32).

7.13 Sustainable Design and Construction

7.13.1

The application was accompanied by a Sustainability Appraisal and Energy Report although only for the resource centre. This states that the resource centre development is seeking to achieve a BREEAM excellent rating and for 40% of the carbon emissions to be off-set with an on-site renewable or low carbon energy supply.

7.13.2

However, the residential element of the development still needs to be considered. Furthermore, as the application is in outline only the robustness of the suggested measures cannot be fully assessed at this stage and the targets within Policy 14 of the CSS are framed slightly differently. Therefore, to ensure that all angles are covered a condition is recommended that requires full details of sustainable design and construction measures to be submitted and approved as part of the reserved matters submission. Recommended condition 18 refers.

7.14 Contributions

7.14.1

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.

7.14.2

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

7.14.3

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

Affordable Housing

7.14.4

The applicant has agreed that 20% of the new dwellings be affordable, equating to a provision of 25 affordable units. Whilst this is below the 40% target that is set out in Policy 15 of the CSS, this has been agreed by the council's Housing Strategy Manager as it has been backed up by a robust viability assessment

7.14.5

Of these affordable units 70% (17 units) would be rented and 30% (8 units) would be shared ownership, in line with the current identified need. This is acceptable to the Housing Strategy Manager.

Education

7.14.6

The applicant has agreed to NCC's request for a £248,893 financial contribution towards primary education.

7.14.7

NCC did not seek a contribution towards secondary education as the area is served by Ferrers and Rushden Secondary Schools, both of which have sufficient capacity to be able to accommodate pupils generated from this development.

7.14.8

The agreed £248,893 contribution is in addition to the "gifting" of 0.04ha of land to South End Primary School (it is understood that the school hope to use this land as an outdoor classroom to enhance their curriculum delivery).

Libraries

7.14.9

The applicant has agreed to NCC's request for a £9,865 financial contribution towards libraries.

Bus services

7.14.10

The applicant has agreed to NCC's request for a financial contribution of £500 per market dwelling (a total of £50,000) towards bus service enhancements for the Rushden area. This money would be put towards the county council's identified

improvements to local bus services, particularly a new hourly loop service for Rushden and enhancements to service 45 that would increase accessibility to rail links at Wellingborough.

Open space

7.14.11

The scheme provides 0.7ha of on-site open space including a local area of play (LAP). In terms of maintenance of this open space, the applicant has agreed to the requested £5,305 per year for ten years (a total of £53,050 index linked over the ten years). In reaching the requested figure for maintenance, the officer's initial figure (informed by the Developer Contributions SPD) was revised upwards following discussions with Rushden Town Council for two reasons: firstly, to account for the town council's more up-to-date costings on open space maintenance; and secondly, to account for the likely additional cost of maintaining so many mature trees.

7.14.12

The above contributions would be ensured by way of a section 106 agreement. In addition to this, the applicant has also agreed to provide the following off-site highway works, which would be secured by way of a Grampian-style planning condition (see recommended condition 15):

- pedestrian crossing over Wymington Road
- improved junction at Wymington Road-High Street South in the form of a mini-roundabout

Other S106 related matters

7.14.13

Whilst NCC's request for contributions towards the fire service are acknowledged, ENC's adopted SPD for Developer Contributions does not make provision for this and it is therefore not considered appropriate to insist upon in this instance. However, it is recommended that the developers be required to install fire hydrants within the development and that this be secured by recommended condition 33.

7.14.14

The Primary Care Trust have confirmed that they do not feel it necessary to seek any contributions in respect of healthcare.

7.14.15

It is important to ensure that the main house is actually retained and converted as part of the development. A clause requiring this and setting out timescales is proposed to be included in the S106 Agreement.

8. Other issues

- 8.1 Construction Management - The highway authority recommend that conditions be imposed to control the hours of plant and material delivery to avoid school time; road cleaning and the keeping of a daily log of vehicles (see condition 22).
- 8.2 Alternative uses – Members will be aware that they must consider the proposal that is in front of them and not consider whether alternative proposals would be better.
- 8.3 Consultation process – the second round of consultation on this application contained an incorrect description of development and several calls / letters were received complaining about this. The officers have apologised for this error. The third round of consultation ensured that this mistake was rectified and that everyone had access to

the correct information and had further time to make representations.

- 8.4 Comments were made by a local resident that a Biomass boiler for the hospital would require a tall chimney and deliveries of 'fuel', and that ground source heating should not be dismissed. This level of detail would be considered at reserved matters stage.

9. Recommendation

- 9.1 That, subject to a S106 agreement in respect of contributions and conditions, outline planning permission be granted.

10 Conditions/Reasons -

1. Approval of the details of the access, layout, scale and appearance of the building(s), 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. All reserved matters submissions shall accord with the design principles and scale parameters contained within the Design and Access Statement (T-00-003 issue 3 (received 24 May 2011)) and also the principles shown on the illustrative layout.
Reason: To ensure that the design is of a high quality reflecting the character of the area and is in accordance with Policy 13 in the North Northamptonshire Core Spatial Strategy.
5. Notwithstanding the submitted details, a scheme for the protection of the onsite trees and hedges and a Tree Protection Plan for the relevant part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the 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
6. Notwithstanding the submitted details, an Arboricultural Method Statement for the relevant part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part 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
7. Notwithstanding the submitted details, details of the exact alignment for the footpath link at the south of the site (to Wymington Road) and the proposed method for the construction of the footpath and wire mesh fencing shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development. The details shall take account of the arboricultural constraints of the nearby trees and the development

shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of trees on site.

8. Notwithstanding the submitted information, a clear landscape design strategy for the relevant part of the site shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development. The details shall include, but not be limited to, a design for all open space areas, a street planting strategy and detailed planting proposals. The development shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of trees on site

9. The landscaping (which includes boundary treatment) required under conditions 1 and 8 shall be carried out in accordance with an implementation plan for the relevant part of the development, to be submitted to and approved by the Local Planning Authority in writing prior to the commencement of the relevant part of the development. Any planting forming part of the approved landscaping scheme which dies 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: In the interest of the amenity of the area.

10. No trees that are subject to Tree Preservation Orders shall be removed before a reserved matters application for that particular area of the site, submitted pursuant to condition 1, has been formally approved by the local planning authority.

Reason: To ensure that protected trees are only removed if the final approved layout necessitates this, in the interests of visual amenity.

11. No break shall be made in the boundary hedge adjacent to Bluebell Rise, until such time as any land ownership issues have been fully resolved and there is no legal impediment to the provision of a footpath in this location.

Reason: To prevent use of the footpath until such time as it is properly authorised and constructed, in the interests of residential and visual amenity.

12. Development shall proceed in accordance with the recommendations in the Ecological Appraisal (ref N-00-003 issue 3 and received by the local planning authority 24 May 2011), unless otherwise agreed in writing by the local planning authority. An Ecological Management Plan covering the ongoing management of the newly created areas of habitat for biodiversity benefit for the relevant part of the development shall be submitted to and approved in writing by the local planning authority within 6 months of the commencement of the relevant part of the development and the site shall be managed in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of ecological protection.

13. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, unless otherwise approved by the local planning authority.

Reason: To ensure breeding birds are not adversely affected.

14. Before and demolition or residential development commences a working design, method statement and timetable of works to mitigate any adverse effects to bats shall be submitted to and agreed with the local planning authority and shall thereafter be carried out as part of the development. The development shall take place in accordance with the agreed details therein.

Reason: To ensure bats are not adversely affected and to compensate for any loss of roosts.

15. No residential development shall commence until a scheme for off-site highway improvement works (comprising a pedestrian crossing over Wymington Road and

improvement works to the High Street South / Wymington Road junction) has been submitted to and approved in writing by the local planning authority. The scheme for the off-site highway improvement works shall be informed by the findings of a Road Safety Audit, which considers vehicular and pedestrian safety. The scheme for the off site highway works shall be completed in accordance with the approved details, and written confirmation shall be gained from the local planning authority that the works are acceptable, prior to the occupation of the first residential dwelling.

Reason: In the interest of highway safety.

16. Upon completion of the new resource centre the existing resource centre buildings shall be vacated in accordance with a programmed timetable that shall have been submitted to and approved in writing by the local planning authority prior to completion of the resource centre. Once vacated the existing resource centre buildings shall not be used for any purpose unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that intensification of the site does not take place with out the necessary off-site highway improvement works.

17. Notwithstanding the submitted details, prior to the commencement of any development the following access details relating to the main Wymington Road access shall be submitted to and approved in writing by the local planning authority:

- Sight lines to give visibility along the road over a distance of at least 43.0m in both directions from a point measured 2.4m back along the centre lone of the proposed accesses. These dimensions to be measured from and along the nearer edge of carriageway
- Hard surface materials
- Means of drainage for the access, to prevent the unregulated discharge of surface water onto the highway from the development site
- Maximum and minimum gradients from the highway boundary
- Details of tactile paving crossing points to aid pedestrian movement.

The works shall be completed in accordance with the approved details within a timetable to be agreed in writing by the local planning authority prior to the commencement of any development. Development shall be implemented in accordance with the approved details

Reason: In the interest of highway safety.

18. All reserved matters submissions shall accord with the principles contained within the Travel Plan (R-00-002 issue 6 received 24 May 2011) and, in accordance with the provisions therein, a further detailed Travel Plan shall be submitted in conjunction with the reserved matters submissions 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.

19. Notwithstanding the submitted details and before commencement of the relevant part of the development hereby permitted, a sustainable strategy for the relevant part of the development shall be submitted to and approved in writing by the local planning authority. This will demonstrate that the development would meet requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy and Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Spatial Strategy, and that the non-residential element would reach BREEAM very good, and the residential element would reach minimum Code for Sustainable Homes level 3 and Lifetime Homes. It will also provide details of measures for water efficiency and water recycling and renewable/low carbon energy supply targets for both the housing and the resource centre. 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, Policy 14 of the adopted North Northamptonshire Core Spatial Strategy and Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Spatial Strategy.

20. No demolition or residential 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.

21. Unless otherwise agreed in writing by the local planning authority, no part of the development shall not begin until a detailed scheme for the provision, implementation, ownership and maintenance of the surface water drainage for the relevant part of the site, in accordance with the submitted FRA undertaken by ARUP (job number 207441-00 dated May 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.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that no risks are posed to groundwater.

23. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan for the relevant part of the development 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.
 - xviii No deliveries shall be made to the site before 9:15am and after 3:00pm on school days.
 - xvii Limits on deliveries to the site at other times on non school days.

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.

24. No works that cause noise to be audible outside the site boundary shall take place outside the hours of 08.00-18.00 on Mondays - Fridays, 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.

25. Prior to commencement of any part of the development, a scheme of lighting for the relevant part of the development shall be submitted to and approved in writing by the local planning authority. This scheme shall provide full details of all lighting to relevant roads, parking areas and footpath links and shall demonstrate the lux levels and spread of all lamps. The agreed lighting scheme shall be implemented prior to the relevant part of the development being brought into use and shall be retained and maintained thereafter.

Reason: In the interests of public safety and to protect the amenities of adjoining residential properties.

26. Access to the site from The Drive shall be restricted by a road barrier, full details of which shall have been submitted to and approved in writing by the local planning authority prior to the commencement of the residential development. The details shall include elevational and streetscene drawings, details of the surface treatment leading up to the barrier and landscaping to soften the visual impact. The approved barrier scheme shall be implemented prior to the first occupation of the dwellings hereby permitted and shall be retained in perpetuity, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety.

27. Prior to commencement of any part of the development, details of a comprehensive contaminated land investigation for the relevant part of the site shall be 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'.

Reason: To ensure potential risks arising from previous site uses have been fully assessed

28. 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 relevant part of the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the relevant part of 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.

29. 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.

30. On completion of remediation, two copies of a closure report for the relevant part of the site 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.

31. Development shall proceed in accordance with the recommendations in the Air Quality Report (N-00-006 issue 3 (received 24 May 2011)) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of local amenity.

32. A Waste Audit, covering post project completion, and an overall Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the details so approved.

Reason: To ensure a satisfactory and sustainable development.

33. Prior to the commencement of any part of the development a scheme and timetable for the provision of fire hydrants to the relevant part of the development 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.

34. A secure fence shall be provided around the area of land to be used for the adjacent school, in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of school security and visual amenity.

Informatives

1. Central Networks has Network within the site to which it required 24 hour access.
2. This planning permission does not absolve the applicant from complying with the relevant law relating to protected species, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the circular.
3. No works within the existing public highway may commence without the express written permission of the Highway Authority. This planning permission does not give or infer such permission. The Highway Authority, will only give consent to commence works subject to the completion of an appropriate Agreement, within the Highways Act 1980. Full engineering, drainage, street lighting and constructional details will be required to process such an agreement. Any details submitted will be subject to a technical and safety audits that may result in changes to the details of the street and junction etc required to discharge the relevant condition above. The attention is drawn to the implementation of the Traffic Management Act 2004, where a three month notice period to allocate road space (for works within the highway) is formally given prior to the commencement of works.

Committee Report

Committee Date : 21 December 2011

Printed: 8 December 2011

Case Officer **Anna Lee**

EN/11/01564/FUL

Date received Date valid Overall Expiry Ward Parish
27 September 2011 27 September 2011 22 November 2011 Higham Ferrers Chichele Higham Ferrers

Applicant **Ellis Recycling Solutions Ltd - Mr M Patel**

Agent **Architectural Solutions - Mr P Dooley**

Location 20 High Street Higham Ferrers Rushden Northamptonshire NN10 8BL

Proposal **Change of use from car sales/showroom (sui generis) to retail (A1)**

The application has been brought to Development Control Committee because Higham Ferrers Town Council has objected on grounds that there is no off-road parking for customers or for deliveries.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes a change of use from car sales showroom/garage (sui generis) to A1 retail.

2.2 According to the submitted Design and Access Statement, the proposal is to sell pre-owned goods and recycled household materials at the premises. The applicant Mr Patel is the landlord, who has submitted this application on behalf of the potential tenant Ellis Recycling Solutions Ltd.

2.3 Ellis Recycling Solutions run the existing business at Rushden Town Centre, in the former Woolworths store along the main High Street. Initially, the intention was to relocate the business from Rushden to Higham Ferrers. However, their existing contract expired shortly after the submission of this application, so they recently moved into another unit along the High Street in Rushden. It is understood that as they have entered into a contract with the new unit, they will no longer be moving into Higham Ferrers.

2.4 The agent advises that he is not aware of any change in circumstances, as it is possible that the premises could be occupied by another similar business. In particular, he would like to comment that "the application should not be made personal to Ellis Recycling Solutions. The change of use is for retail, and anybody in that use class should be able to occupy the premises".

3 The Site and Surroundings

3.1 The application building is a two storey mid-terraced building, fronting High Street in

Higham Ferrers. The building lies along the shopping frontage defined for Higham Ferrers in both the 1996 Adopted Local Plan and Three Towns Preferred Options.

- 3.2 The existing building is vacant and was last in use in July 2010 as a garage for vehicle sales.
- 3.3 The application building is attached to a restaurant on the left (no.22 High Street) and a house on the right (no.18 High Street). The surrounding uses are mainly commercial.
- 3.4 Both sides of High Street are pedestrianised. The existing garage benefits from a vehicular access off High Street and this is situated directly in front of the building. A bus stop and parking bay also sits directly in front of the site.
- 3.5 The application building falls within a conservation area.

4 Policy Considerations

- 4.1 National Planning Policy Guidance:
 - PPS1– Sustainable Development
 - PPS4 – Planning for Sustainable Economic Development
 - PPS5 – Planning for the Historic Environment
 - PPG13 – Transport

- 4.2 East Midlands Regional Plan, March 2009

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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent Regional Spatial Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- Policy 1 – Regional Core Objectives
- Policy 2 – Promoting Better Design
- Policy 3 – Distribution of New Development
- Policy 27 – Regional Priorities for the Historic Environment
- Policy 45 – Regional Approach to Traffic Growth Reduction
- Policy 48 – Regional Car Parking Standards

- 4.3 North Northamptonshire Core Spatial Strategy (NNCSS), June 2008:

- Policy 1 – Strengthening the Network of Settlements
- Policy 9 – Distribution & Location of Development
- Policy 13 – General Sustainable Development Principles

- 4.4 Supplementary Planning Guidance:
Parking SPG, March 2003

- 4.5 Supplementary Planning Document:
Design SPD, March 2009

- 4.6 Other Documents:
 - Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008
 - Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough

5 Relevant Planning History

- 5.1 An application was previously submitted for a change of use of the existing garage into

a hot food takeaway under EN/09/00530/FUL. The application was withdrawn on 11.11.2010.

5.2 An application for a change of use to a A3 restaurant was submitted and refused, under EN/07/00035/FUL on 17.05.2007.

5.3 Also, an application was submitted for conversion of the garage to five flats and a ground floor coffee shop under EN/05/02428/FUL. This application was refused on 22.06.2006.

6 Consultations and Representations

6.1 Neighbours: 4 letters of objection received from 8 Wesfield Mews, 11 High Street, 11 Market Square, Colemans Stationary Shop, and the reasons for objection are summarised below:

- Highway safety
 - A retail property which would have every day deliveries of bulky objects where there is no off-road parking would create problems;
 - The development would block the bus stop and create chaos at peak times;
 - Increase in traffic;
 - The existing crossing is already hard enough for school children and parents;
 - To park in front of the property would block traffic and cause visibility problems for other drivers;
- The building is in need of renovation and no renovation work is being proposed
- The proposal for a 'recycling shop', 'tip shop', would harm the character and appearance of the conservation area;

6.2 In addition a petition, signed by 350 local residents, has been submitted to oppose the application. The reasons and concerns are quoted or summarised below:

- "The suggestion by highways that they should not make deliveries or collections between 8am to 9pm and 3pm to 5pm would be impossible to monitor";
- "Equally customers collecting large items of furniture which cannot be carried by foot should also be controlled outside of these hours, again who would monitor this?";
- "How many people take note of Traffic Regulation Orders that resist parking at any time? Inconsiderate drivers would obstruct this area. There is no where to park without causing an obstruction at any time";
- "The nearest car park is the Market Square which is always full";
- "The proposal would propose risk to pedestrians, in particular school children from the local schools and disabled people who live in Chicellie Close";
- The East Northants Greenway Project would cause more problems.

6.3 Higham Ferrers Town Council: objection. "There is no off road parking for customers or deliveries. Deliveries will cause congestion and highway safety issues, as there is no off road parking for the site."

6.4 Local Highway Authority (NCC): has no objection in principle to this proposal. The highway officer advises that ENC should satisfy ourselves regarding parking and servicing, and recommends that a condition be imposed to control the hour of deliveries so that this does not take place during the core operating times of the local schools (between 8:00am to 9:00am and between 3:00pm and 5:00pm). Also, the collection of larger items by customers should also be restricted to these hours.

7 Evaluation

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

7.2 Principle of Development/Impact on the Town Centre

7.2.1 PPS4 seek to direct town centre uses, such as A1 retail, to existing centres and to promote the vitality and viability of town centres. Also, the planning policy statement recognises the importance of retail uses to the shopping function of town centres and advises that Local Planning Authorities should support a diverse range of uses which appeal to a wide range of age and social groups and to plan for a strong retail mix (Policy EC4). Furthermore, planning applications which support sustainable economic growth should be treated favourably (Policy EC10).

7.2.2 The proposal for an A1 use within the town centre would be in accordance with the above guidance. Given that there are very few shops selling household items along the High Street in Higham Ferrers, the proposal would add to the range of shops offered by the town centre and add to consumer choice. Furthermore, the proposal would help contribute towards the shopping function of the town centre, by bringing a vacant unit back into use.

7.2.3 The concerns and strong opposition from locals about the creation of a recycling/furniture shop in this location have been noted. However, Members are advised to note that whilst the Council can control the use class category of the premises, it would not be possible or reasonable to control the type of shop operating from the premises. Planning permission is only required for this application because the existing premise is classified as a sui generis use. Furthermore, Members should be aware of the fall-back position where should one of the existing shops along the High Street be vacated, planning permission would not be required should it be re-occupied as a recycling/furniture shop.

7.2.4 Therefore, the proposal would be extremely difficult to refuse on grounds of principle, and on balance, the principle of the development is acceptable, subject to the issues set out below.

7.3 Visual Impact/Impact on Conservation Area

7.3.1 The building has a traditional white-painted timber shop front. The front of the building is characterised by a pair of sliding doors on the left, and a single entrance door and petrol filler on the right. The window panels on the sliding doors also serve as windows.

7.3.2 Whilst no external alterations are proposed in this application, the proposal would bring a vacant unit back into use and hence would restore the unit. This, in itself, would be a visual improvement and would improve the character and appearance of the conservation area.

7.3.3 The Council's Senior Conservation Officer has been consulted on this application. In particular, he has been requested to offer advice on whether he feels that the building would require physical improvements. In his opinion, the existing building is in relatively good condition such that it would be difficult to justify physical improvements.

7.4 Neighbouring Amenity

7.4.1 There would be no more impact from this proposal on the nearby residential uses than the other uses in the town centre.

7.4.2 The proposed opening hours of 9:00am to 5:00pm Monday to Saturday and 10:00am to 4:00pm on Sundays and Bank Holiday Mondays is not unusual for a shop and would not have an adverse effect on neighbours.

7.5 Highway Impact

- 7.5.1 Higham Ferrers Town Council has objected on grounds that there is no off-road parking for customers or deliveries. The NCC highway officer has assessed the highway impact of this proposal. In his opinion, the proposal would have no significant increase in traffic to the site and pedestrian movement between the site and adjacent car parks would continue to sustain the current form and levels of movement. However, “the operators of the recycling centre should be able to control the deliveries so that these remain outside of the core operating times of the local schools, at am and pm peak periods on the highway network, between 8:00am to 9:00am and between 3:00pm to 5.00pm (inclusive). Issues in the long term for collecting the larger items which cannot be carried by foot to the parked vehicles should also be controlled outside of these identified hours”. The highway officer considers that such a condition would help to minimise conflict between pedestrians and vehicle movements throughout the frontage of the site.
- 7.5.2 The concerns raised about the effect of the proposal on highway safety have been noted. Most of these concerns arise from the fact that the vehicular entrance serving the existing premise is accessed through a bus bay and that this access would be unsuitable for use during busy traffic hours. However, members are advised to note that this is an existing situation and there is nothing to stop the vehicular access from being used in association with the unit.
- 7.5.3 As the vehicular access is existing, it would be necessary to consider if the condition recommended by the highway officer would be reasonable. The vehicular access would have been mainly used in the past for the delivery and collection of vehicles in association with the car showroom and due to the nature of the business deliveries/collection would have taken place on a less frequent basis. Should the premise be occupied by a shop for the sale of items such as furniture, the number of collections are likely to be greater and more frequent. Therefore, the condition suggested by the highway officer would be reasonable, and would also be necessary, in order to help minimise any additional traffic impact which could be associated with the creation of an additional retail unit.
- 7.5.4 Members are advised to note that should the application building be used as a recycling shop or furniture shop. In many instances, separate delivery arrangements would be made for the delivery of the larger items, where customers would not need to collect the items from the shop themselves.
- 7.5.5 In terms of parking provision for customers who may be purchasing the smaller items (which may be associated with any other retail use), parking is currently available at the Market Square car park and along the parking bays on High Street, all within short walking distances of the site. Given the fact that the proposal is situated within the town centre and served by a range of transport modes, it would be extremely difficult to refuse a small A1 unit on grounds of parking.
- 7.5.6 Locals have questioned how the parking and traffic associated with the proposal would be monitored. The following comments from the highway officer would help to answer this: “Noting that the current Traffic Regulation Order restricts parking at any time and should inconsiderate drivers obstruct this area then enforcement action can be taken by the appropriate authority to issue parking penalty notices or remove the vehicles should the need arise.” Furthermore, the condition recommended to control deliveries and collections would be enforced by East Northamptonshire Council and would need to be complied by the future tenant.
- 7.5.7 Therefore, on balance, your officers are of the opinion that the condition recommended by the highway officer (and with co-operation from the future tenant) would address the highway impacts that could be associated with this proposal.

8 Other issues

- 8.1 Effect on the Greenway – As part of East Northants Greenway Project (Phase 2), various highway improvement works are proposed along the High Street and a plan showing these works is attached as an appendix. A new footway and pedestrian crossing would be promoted in front of The Queen's Head on the corner between the High Street and Wharf Road and this would extend onto the southern side of High Street. As the footway and new pedestrian crossing would be connected to the opposite side of the High Street and would be located away from the front of the application site, the proposal would have very limited impact on these works, and vice versa.

9 Recommendation

- 9.1 That planning permission be GRANTED subject to the following conditions:

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. No deliveries or collection of large retail items (which cannot be carried by foot) shall take place between the hours of 08:00am to 9:00am and between 15:00pm to 17:00pm Mondays to Saturdays, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety.
3. The development hereby permitted shall be carried out strictly in accordance with the approved plan; plan received by the Local Planning Authority on 27 September 2011, drawing number: 11/P122/1.
Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

Informatives

1. The additional information to which this decision relates is as follows:
Information received by the Local Planning Authority on 27 September 2011: Design and Access Statement and Application Forms.
2. In approving this application, the relevant planning guidance and policies were identified as: PPS1, PPS4, PPS5, PPG13; Policies 1, 2, 3, 27, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 9, 13 of the North Northamptonshire Core Spatial Strategy 2008; Supplementary Planning Guidance: Parking SPG 2003; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008; and Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough.
Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; impact on town centre; visual impact; impact on conservation area; impact on neighbouring amenities;

highway impact.

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 the vitality and viability of the town centre.
3. The proposal would not harm visual amenity or the character and appearance of the area.
4. The proposal would not harm the conservation area.
5. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
6. The proposal would not have an unacceptable impact on the local highway.

A full report is available on the Council's website www.east-northamptonshire.gov.uk

Committee Report

Committee Date : 21 December 2011

Printed: 7 December 2011

Case Officer **Anna Lee**

EN/10/00818/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
27 April 2010	11 May 2010	6 July 2010	Lyveden	Brigstock

Applicant **Spire Homes**

Agent **Architectural And Surveying Services - Mr A Pringle**

Location Garage Block Adjacent 23 Barnards Way Brigstock Kettering
Northamptonshire NN14 3JE

Proposal **Single storey dwelling to provide an affordable and accessible home for people with mobility difficulties**

The application has been brought to Development Control Committee because Brigstock Parish Council has objected as there is already a large supply of accommodation for people with mobility difficulties and the parish council would like to see the provision of low cost rented homes for young single people.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application seeks outline planning approval for the construction of a bungalow to provide an affordable and accessible home for people with mobility difficulties. All matters are reserved. The applicant is Spire Homes and the bungalow will be built for and managed by Spire Homes.

3 The Site and Surroundings

3.1 The application site is a late 1950s, early 1960s garage court and contains seven single storey flat-roofed garages. In addition, a garage is located towards the front of the site which belongs to no.23 Barnards Way.

3.2 The application site is surrounded by 1960 style residential properties, with two storey properties predominating along Barnards Way to the east.

3.3 An electric substation run by Western Power Distribution (E-ON Central Networks) sits towards the far northwest corner of the site.

3.4 A public footpath, known as MK30 runs through the site, connecting Barnards Way with Sandlands Close to the west.

4 Policy Considerations

- 4.1 National Planning Policy Guidance:
PPS1– Sustainable Development
PPS3 – Housing
PPG13 – Transport

4.2 East Midlands Regional Plan, March 2009

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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- Policy 1 – Regional Core Objectives
- Policy 2 – Promoting Better Design
- Policy 3 – Distribution of New Development
- Policy 45 – Regional Approach to Traffic Growth Reduction
- Policy 48 – Regional Car Parking Standards

4.3 North Northamptonshire Core Spatial Strategy (NNCSS), June 2008:

- Policy 1 – Strengthening the Network of Settlements
- 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 Supplementary Planning Guidance:

Planning Out Crime in Northamptonshire, Feb 2004

4.6 Supplementary Planning Document:

Design SPD, March 2009

4.7 Other Documents:

Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008

5 Relevant Planning History

- 5.1 None.

6 Consultations and Representations

- 6.1 Neighbours: 2 letters received from the occupants at 23 and 27 Barnards Way, raising the following concerns:

- The occupant at no.27 rents one of the existing garages and have concerns about parking on the road and consider this to be dangerous;
- The occupant at no.23 has concerns about drainage as no drainage details have been provided. Also, they would like to know if a boundary fence will be constructed between their property and the proposed dwelling.

- 6.2 Brigstock Parish Council: objection. "In Brigstock, we have a large supply of rented accommodation for people with mobility difficulties. However, we have a shortage of low cost rented homes for suitable use by young single people. However, no objection to the removal of garages."
- 6.3 Public Right of Way Officer (NCC): no objection on the provision that the footpath remains un-gated, the route be retained and that it be well overlooked and lit, in order to reduce crime and remain suitable for use by disabled access users.
- 6.4 Local Highway Authority (NCC): no objection, (according to most recent memorandum dated 05.12.2011). However, the highway officer recommends that a condition be imposed to require that a row of "granite setts" be laid to help identify the footpath and to prevent obstruction.
- 6.5 Advisor on Sustainability Appraisals and Energy Efficiency Statements (JPU): no objection. The JPU advises that a condition be imposed to ensure that the new dwelling is constructed meeting the requirements of Policy 14 of the NNCSS, (see recommendations below).
- 6.6 Site notice posted: no other representations received.

7 Evaluation

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

7.2 Principle of Development

7.2.1 PPS1, PPS3 and policies 1 and 9 of the NNCSS encourage the re-use of previously developed land and development at locations which are well served by existing services and public transport. Whilst in this case it could not be argued that Brigstock has access to good local services and public transport, the application proposes redevelopment of a previously-developed site which falls within the settlement boundary of the village and proposes to replace a garage court, which is limitedly used (see section 7.5 below), with a dwelling making efficient use of land.

7.2.2 Brigstock is identified within the adopted RNOTP as a Category A Network Village with a defined settlement boundary. Policy 1 of the RNOTP allows for windfall developments subject to the criteria set out in Policy 2. Policy 2 states that planning permission will be granted for windfall development within settlement boundaries providing the scale and siting of the dwellings accord with the character of the surrounding properties and are satisfactorily integrated into the settlement and surrounding area.

7.2.3 Therefore, on balance, the principle of development is acceptable, subject to the issues set out below.

7.3 Visual Impact

7.3.1 Barnards Way is characterised by 1960s style two-storey terraces and semi-detached houses. The proposed detached bungalow would not reflect any of the surrounding house types, however, there would be no adverse impact on the street scene. The proposed dwelling would be mostly concealed by the garage of no.23 Barnards Way and it could be argued that the proposed bungalow, by being single storey, would have not much more impact on the street scene than the existing block of garages.

7.3.2 Overall, the submitted illustrative drawing has shown that a dwelling can be accommodated on this site without resulting harm to the character and layout of the area and street scene.

7.4 Neighbouring Amenity

- 7.4.1 The submitted indicative layout plan and elevation details would show that a dwelling can be positioned within the site without resulting undue overbearing and overlooking upon the occupiers in the adjacent properties, nos.23 and 25 Barnards Way, and the wider surrounding properties. In particular, overlooking could be prevented if no windows are provided in the side of the new dwelling.
- 7.4.2 Full details of the design of the dwelling, including exact position of the windows, would be considered at the reserved matters and boundary treatments could be conditioned.
- 7.4.3 In order to ensure that no undue noise and dust issues would result from the proposal to demolish the garages, a condition is recommended to require the submission of a noise and dust mitigation strategy prior to the commencement of the demolition works. This condition would help to minimise the impact of the proposal on neighbours.

7.5 Parking and Access

- 7.5.1 The existing garages were previously associated with the occupation of the nearby properties on Barnards Way when they were administered by the Council. These are now rented out by Spire Homes to occupants in the nearby properties who are non Spire Home tenants.
- 7.5.2 The agent has submitted a statement confirming the status of the existing garages. According to this statement, out of the seven garages, two of these are unoccupied/empty, and five are occupied. From the five garages which are occupied, the tenant of three of these have parking available on their own drives and mainly use the garages for storage. This suggests that the proposal would lead to the loss of two off-road parking spaces in total. The question is whether this loss of parking could be accommodated elsewhere.
- 7.5.3 On-street parking is available along Barnards Way and there is no parking restriction along the entire length of the road. Furthermore, a few properties along Barnards Way have off-road parking within their front gardens. Given the fact that some of the properties along the road have off-road parking facilities and the availability of on-street parking along the road directly in front of the application site, it would be extremely difficult to justify a refusal of planning permission on grounds of loss of parking. Officers are content that the additional parking demand resulting from the loss of the two existing garage spaces could be easily accommodated along Barnards Way. Also, it would be extremely difficult to argue that the additional demand for on-street parking from this proposal would compromise highway safety.
- 7.5.4 Policy 6 of the RNOTP states that an average maximum residential parking standard of two spaces per dwelling will apply for the plan area. The submitted illustrative plan shows that there would be room for parking of one vehicle within the curtilage of the proposed dwelling. Also, it is possible that another vehicle could be parked in tandem behind the parking space shown. Overall, given that the proposal is for a small bungalow that is likely to contain one to two bedrooms, the submitted details demonstrate that sufficient off-road parking could be provided for the proposal.
- 7.5.5 The submitted illustrative plan indicates that the proposed bungalow would be accessed off Barnards Way using the existing vehicular access. Whilst details of the means of access is for consideration at the reserved matters, the highway officer is satisfied that the applicant has demonstrated that an adequate means of access could be provided to serve the proposed bungalow. This is given that the existing access is used to serve five separate users and the proposal for a single dwelling to replace the

existing garages would not intensify the existing access. A condition is recommended to ensure that the vehicular entrance is re-surfaced with appropriate hard surface materials.

7.5.6 Overall, there would be no significant highway issues from this proposal.

7.6 Effect on Public Footpath

7.6.1 The public footpath (MK30) runs from the centre of the vehicular access along the northeast boundary of the site. To enable the public footpath to be clearly identified and to prevent it being obstructed by objects or parked vehicles, the highway officer has recommended a condition to require a row of 'granite sett' be laid along the course of the footpath.

7.6.2 Gates were initially proposed within the site, but were later omitted from the drawings. In the interest of preventing the public rights of way being obstructed, a condition is recommended to withdraw Permitted Development rights in respect of gates and fences. This would ensure that the existing public rights of way would remain available for use and not be affected by the proposed development.

7.7 Access to Sub Station

7.7.1 Following concerns raised by the highway officer about whether sufficient access could be gained to the sub-station by maintenance vehicles, the agent carried out consultations with the operator, Western Power Distribution (WPD). WPD has advised that their engineers would usually park on the designated access strip as close to the equipment and cables as possible and the company normally requires a 1.5 metre minimum clearance from the outermost equipment/cables. A plan has been supplied by WPD identifying the location of their equipment and cables, and the agent has provided a plan to demonstrate that a dwelling could be constructed on site leaving sufficient room available for access by maintenance vehicles (drawing number: PE575/SH01/PL03). Both WPD and NCC are content with the supplied information.

7.8 Sustainable Construction and Energy Efficiency

7.8.1 Policy 14 of the NNCSS requires new development to incorporate techniques of sustainable construction, provision for waste reduction and recycling, and water efficiency and recycling. According to the submitted Sustainability Statement, the following measures would be provided:

- Rainwater butts to recycle water
- Vents and weep holes incorporated to enable passive ventilation
- Use of natural drainage where possible to absorb and store storm water
- Maximise proportion of houses will benefit from passive solar gain
- Provide well insulated walls, roofs, floors and windows
- Provide high efficiency appliances

7.8.1 The above measures would be sufficient given the nature and scale of the development proposed. However, due to the lack of information provided on how the development would incorporate techniques of sustainable construction and make provision for waste reduction and recycling, a condition is recommended to require the submission of these details prior to commencement of development.

7.9 Crime and Disorder

7.9.1 The route of the existing public footpath provides almost a straight line from Barnards Way to Sandlands Close. Providing the footpath is retained, there would be clear views of pedestrians/cyclists using the footpath and this would help to reduce opportunities for crime and the fear of crime. In the interest of preventing crime and disorder, a

condition is recommended to require that lighting be provided for the footpath in this outline planning application.

8 Other issues

- 8.1 Brigstock Parish Council's concerns - The parish council's comment about the supply of accommodation for people with mobility difficulties and need for affordable homes for young people have been noted. However, the Strategic Housing Market Assessment carried by the Council in 2007 identified a need for smaller property types in the area and there is normally a demand for bungalows within the social housing sector, in particular for the elderly and disabled population. The proposed bungalow would contribute towards the Spire Homes housing stock and would be allocated on the basis of an allocation criteria set by Spire homes. Further comments received from the Council's Housing Strategy Team and Spire Homes would be added to the committee updates.
- 8.2 Drainage – The submitted applicant forms suggest that the proposed dwelling would be connected to a main sewer. However, no other information has been provided on drainage. As in any other development, it is the developer's responsibility to ensure adequate drainage and sewerage systems are put into place. However, in the interest of residential amenity and to safeguard public health, a condition to require the submission of drainage details to the Local Planning Authority before commencement of development is recommended.
- 8.3 Access for Disabled – The proposed bungalow does not raise any significant disabled access issues.
- 8.4 Withdrawal of Permitted Development Rights - Due to the size and other constraints at the site, and in the interest of preserving the residential amenities of the neighbouring occupiers and the street scene, it is recommended that permitted development rights be withdrawn from the properties in respect of extensions, porches, roof alterations and outbuildings.

9 Recommendation

- 9.1 That planning permission be GRANTED subject to the following conditions:

10 Conditions/Reasons -

1. Approval of the details of the access, siting, scale and appearance of the dwelling and garage 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. Prior to the 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 shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory appearance for the development.

5. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above shall include details of the provision of screening to all boundaries of the site and dwelling. 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 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.

6. Before any work is commenced on the development hereby permitted, details showing the slab levels of the proposed dwelling 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 no.23 Barnards Way and no.25 Barnards Way) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling 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.

7. The vehicular access shall have a gradient not exceeding 1 in 15 for a distance of 5.0 metres back from the correct level at the highway boundary. Prior to the first occupation of the development hereby permitted this area shall be paved with a hard bound surface for a minimum of 5.0 metres back from the highway boundary and be thereafter retained.

Reason: In the interest of highway safety.

8. Before the development hereby permitted is commenced, details of the construction and surfacing of the vehicular access to the public highway, parking facilities and all other hard-surfaced areas within the site shall have been submitted to and approved by the Local Planning Authority. These facilities shall then be provided in accordance with the approved details before the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and visual amenity.

9. Notwithstanding the submitted details and before commencement of the development hereby permitted, details of the provision of a granite sett feature to identify the adopted highway/public right of way shall be submitted to and approved in writing by the Local Planning Authority. The granite sett feature shall thereafter be provided and retained in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to ensure the retention of the public right of way.

10. In accordance with the details shown on drawing number PE575/SH01/PL03 (received by the Local Planning Authority on 29 November 2011), an area shall be provided on-site to allow access and turning for maintenance vehicles and other vehicles visiting the site and be thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

11. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2008 (or any Order amending or re-enacting that Order with or

without modification), no gates, fences, walls or other form of barrier shall be erected at the point of access or other areas within the site.

Reason: In the interest of highway safety and in the interest of retaining the public rights of way.

12. 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), there shall be no development within Classes A, B, C, D, E or F of Part 1 of Schedule 2 to that Order without the prior written approval of the local planning authority.

Reason: To protect the amenity of adjacent occupiers and to ensure a satisfactory elevational appearance for the development.

13. Details of external lighting to be provided adjacent to the footpath link shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The external lighting shall thereafter be installed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of crime prevention and the amenities of the users of the footpath.

14. 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 rear garden of the dwelling, which shall 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.

15. 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 be 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.

16. Prior to the commencement of any demolition work, a method statement for the control of dust and noise during demolition of the garages shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented 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.

17. The water efficiency, water recycling and energy efficiency measures detailed in the submitted Sustainability Statement (received by the Local Planning Authority on 29 April 2010) shall be provided, unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of development hereby permitted, details of techniques of sustainable construction and provisions for waste reduction and recycling, to be used for the dwelling hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. These measures shall thereafter 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 and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

18. This permission relates to the amended plans received by the Local Planning Authority on 29 November 2011, drawing numbers: PE575/SH01/PL02 and PE575/SH01/PL03.
Reason: In order to clarify the terms of the planning permission.

Informatives

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

Information received by the Local Planning Authority on 29 April 2010: Sustainability Statement; Planning, Design and Access Statement, received on 4 May 2010; Barnards Way Garage Summary Statement, received on 15 July 2011.

2. In approving this application, the relevant planning guidance and policies were identified as: PPS1, PPS3, PPG13; Policies 1, 2, 3, 4, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 7, 9, 10, 13 of the North Northamptonshire Core Spatial Strategy 2008; Policies 1, 2 and 6 of the Rural North, Oundle and Thrapston Plan 2011; Supplementary Planning Guidance: Planning Out Crime in Northamptonshire 2004; Design SPD 2009; and Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on neighbouring amenities; parking/highway impact; effect on public rights of way/access issues; sustainable construction; and crime and disorder.

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 a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
4. The proposal would not have an unacceptable impact on parking or the local highway.
5. The proposal would not have an adverse effect on a public right of way or have significant access issues.
6. The proposal would meet the sustainable construction and energy efficiency standards.
7. The proposal would have no significant crime and disorder issues.

A full report is available on the council's website www.east-northamptonshire.gov.uk

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>

Case Officer **Carolyn Tait****EN/11/01544/FUL**

Date received	Date valid	Overall Expiry	Ward	Parish
23 September 2011	3 October 2011	2 January 2012	Barnwell	Hemington

Applicant **Measures Farms Ltd**Agent **Berrys - Mr P Johnson**

Location Former Polebrook Airfield Off Lutton Road Hemington Northamptonshire PE8 5QN

Proposal **Erection of two free range poultry units (turkeys) to be situated either side of an approved third poultry unit that was subject to 11/01106/PNA**

This application is brought before Development Control Committee as it is a major development proposal.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes the erection of two free range poultry units (turkeys) to be situated either side of a third poultry unit that was permitted development. (An application for this was submitted under the prior notification procedure and this Council confirmed that prior approval for the siting, design and external appearance of the building was not required (EN/11/01106/PNA)). It has not yet been constructed but still remains extant. Together they will form one unit.

2.2 Including the building that was permitted development the proposal would measure approximately 103 metres in length by 18 metres in width by 6.6 metres in height. It would be constructed from polyester painted box profile sheeting, 0.5mm thick polyester painted roof and high concrete mass walls to the perimeter. These materials would be the same as those included in the prior notification application.

3 The Site and Surroundings

3.1 Page 3 of the supporting Design and Access Statement states that 'the site forms part of the former Polebrook Airfield and the site is currently retained as hardstanding on this basis but has latterly been in agricultural use. The site is surrounded by large open arable fields to the north, south, east and west which form a commercial agricultural holding' of which the applicant has an interest in (As shown by the blue line on the submitted drawings). Therefore, it is considered that the land is in agricultural use.

3.2 The site is surrounded by open countryside with the nearest settlement at Hemington

approximately 0.5km away. There is an existing Dutch barn located to the west.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
 - PPS1– Sustainable Development
 - PPS4 – Planning for Sustainable Economic Development
 - PPS7 – Sustainable Development in Rural Areas
 - PPS9 – Biodiversity and Geological Conservation
 - PPG13 – Transport
 - PPS23 – Planning and Pollution Control
 - PPS25 – Development and Flood Risk

- 4.2 East Midlands Regional Plan
 - Policy 2 – Promoting Better Design
 - Policy 3 – Distribution of New Development
 - Policy 18 – Regional Priorities for the Economy
 - Policy 24 – Regional Priorities for Rural Diversification
 - Policy 29 – Priorities for Enhancing the Region’s Biodiversity

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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- 4.3 North Northamptonshire Core Spatial Strategy
 - Policy 5 – Green Infrastructure
 - Policy 8 – Delivering Economic Prosperity
 - Policy 13 General Sustainable Development Principles
 - Policy 14 – Energy Efficiency and Sustainable Construction

- 4.4 Rural North Oundle and Thrapston Plan
 - No relevant policies

- 4.5 Other Documents
 - Planning Out Crime SPG

5 Relevant Planning History

- 5.1 85/00659/TMP Use of former airfield runway for storage of reclaimed building materials. PERMITTED.
- 5.2 88/00875/FUL Use of land for clay pigeon shooting. REFUSED.
- 5.3 94/00078/FUL Buildings and use for parachuting with light aircraft support. WITHDRAWN.
- 5.4 00/00071/PNA Agricultural building. PRIOR APPROVAL NOT REQUIRED.
- 5.5 11/01106/PNA Erection of poultry building. PRIOR APPROVAL NOT REQUIRED.

6 Consultations and Representations

- 6.1 Neighbours: Comments from Stumbles Lane House can be summarised as:
- Hemington is already severely affected by large amounts of flies as there are already 5 turkey farms in the area.
 - Residents have to keep windows and doors shut in the summer as a result of the flies.
 - Odour concerns.
 - Noise concerns.
 - Why can other sites not be considered?
- 6.2 Hemington, Luddington and Thurning Parish Council: No objection.
- 6.3 Local Highway Authority: "I refer to the submitted Transport Statement' and have no objection to this proposal on highway related issues to the promoted vehicle activity associated with this proposed development".
- 6.4 Environment Agency: "The application does not contain sufficient information regarding drainage arrangements and pollution prevention measures to demonstrate whether the proposal will lead to the pollution of controlled waters, either as a result of routine operations, or as a result of reasonably foreseeable events such as spillages, fire or vandalism.
- Therefore we consider that planning permission should only be granted for the proposed development if the following condition is imposed on any planning permission granted:
- Prior to the commencement of any development, a scheme for the provision and implementation of (i) pollution control (ii) foul water drainage shall be submitted to and agreed in writing by the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such times(s) as may be specified in the approved scheme. Reason: To prevent the pollution of controlled waters, in accordance with Planning Policy Statement 23".
- The Environment Agency then goes on to give information which would be useful for the applicant, relating to pollution prevention and trade effluent. It is recommended that this be added as informative to any permission granted.
- 6.5 The Wildlife Trust: "Please note that it appears that, as it currently stands, this application here is not proposing to make any form of committed/detailed net biodiversity gain as a result of eventual, assumed delivery.
- Therefore, given that this particular application site lies close to a local green infrastructure corridor route, given that within a zone of interest of only 1km out from its assumed centre, there are a number of historical species sightings records – many of which are for bird species; and several of which in turn are for Barn Owl – and furthermore, given that the application states that the external free-range area for these poultry birds is to be a new area of permanent grassland, taken altogether, we therefore do not think that it is unreasonable to request to require the applicant in this instance to provide some appropriate biodiversity enhancement measures in order to ensure the objective of a net biodiversity gain through the planning system in these circumstances.
- So ensuring that the free range grassland area here is sown with a suitable wildflower seed mixture, to complement the local soils and geology conditions, and then managed for sympathetic conservation aims in conjunction with its main function, and the provision of some artificial nesting/roosting boxes for bird and bat species (either installed on appropriate natural features in the wider locality, or else integrated into the structures of the new poultry units themselves), and also perhaps, the planting of some appropriate native species of plants (flowers, shrubs and trees, for example) in association with proposed new development scheme might all be considered as relevant enhancement aspects to see delivered as an outcome.
- Perhaps the detailing of such biodiversity enhancement measures in a strong, suitably

worded planning condition, as necessary, might be an advantageous way to bring about the desired delivery of such net planning gain outcomes”.

Following the comments from The Wildlife Trust, an email was received from the Applicant’s Agent stating that the increase in biodiversity, especially wild birds, may cause harm to the poultry by spreading disease. These comments were passed onto the Wildlife Trust who were happy with the comments provided and have stated that a condition could be added for details of biodiversity techniques to be agreed by the Local Planning Authority prior to the commencement of development.

- 6.6 Northamptonshire Police: No formal objection or comment to the planning application in its present form.
- 6.7 Northamptonshire County Council’s Archaeological Advisor: “The site lies to the north of the village of Hemington, which is described in the County Historic Environment record as a shrunken village. Earthmarks and cropmarks from the medieval settlement have been recorded, but these are at some distance from the application site. The site has already been subject to truncation from previous development and therefore I consider the potential for archaeological remains to survive to be very low. Therefore, I have no objection to this application on archaeological grounds”.
- 6.8 Environmental Protection Officer: “I have considered the information in the file and checked the history of the site already in operation at that location. There are no complaints listed for this activity at this site. I note from the application that there is to be no ventilation or extraction system installed at the building. However, there will be a space heater and side vents. I would request that a condition be applied requiring details of any plant or equipment be submitted to and approved by the local planning authority prior to installation. For information, I would suggest that the applicant is informed that any complaints of nuisance from activities or equipment at premises will be investigated under the Environmental Protection Act 1990 and should statutory nuisance be found, the operator will be required to take steps to reduce any noise. This applies regardless of whether planning permission has been granted”.
- 6.9 Council’s Solicitor: “Further to our recent discussion regarding the above. Having read through the file I can see no reason why the prior notification on the first piece of land should impact on the most recent planning application. I note that the farms intention is to incorporate all three pieces of land into one unit. I note your concerns concerning the outcome if the first prior notification land was not built on as intended. I do not have an issue with this. An agreement with the developer to complete the intended unit is of course possible. However, I do not think it necessary in this case anyway, it might be different if the site were more exposed”.
- 6.10 Community Safety Officer: No comments received.
- 6.11 Polebrook Parish Council: No comments received.
- 6.12 Lutton Parish Council: No comments received.
- 6.13 Great and Little Addington Parish Council: No comments received.
- 6.14 Huntingdonshire District Council: No comments received.
- 6.15 Glatton Parish Council: No comments received.
- 6.16 Site notice posted: 11 October 2011.

7 Evaluation

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

7.2 Principle of development

7.2.1 The site is located within the open countryside and is currently used for agricultural purposes although it is not currently being used for farming poultry. The application details state that the site is in agricultural use and it appeared from a site visit to be in arable use. There was farm machinery on the site. The Local Planning Authority assessed the site as being in agricultural use when they gave prior approval for the first poultry unit (EN/11/01106/PNA).

7.2.2 PPS7 states that planning policies should support development proposals that will enable farming and farmers to:

- Become more competitive, sustainable and environmentally friendly;
- Adapt to new and changing markets;
- Comply with changing legislation and associated guidance;
- diversify into new agricultural opportunities; or
- Broaden their operations to 'add value' to their primary produce.

It then goes on to state that a supportive approach should not result in excessive expansion and encroachment of building development into the countryside and that local planning authorities should encourage the re-use or replacement of existing buildings where feasible and have regard to the amenity of any nearby residents or other rural businesses.

Whilst the proposal would encroach into the open countryside it would be an extension to an already approved building and would allow the business to broaden their operations and become more competitive.

7.2.3 PPS4 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. It goes on to state that local planning authorities should support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.

7.2.4 The East Midlands Regional Plan supports rural diversification and the promotion of innovative businesses to maintain economic competitiveness.

7.2.5 Policy 8 of the North Northamptonshire Core Spatial Strategy supports the diversification of the rural economy.

7.2.6 Therefore, overall, the principle of development in the open countryside is considered acceptable because it would create an extension to a previously approved building and would enable a rural business to diversify. It would therefore support the rural economy.

7.3 Visual impact

7.3.2 The proposed extensions would not be highly visible from any public viewpoints. The land is relatively flat so views of it would be possible. However, given the height of the proposed structures, and the height of the building which is already approved, the proposal would not result in a prominent feature. In addition they would just be an extension to an already approved building and would not create two new structures. Therefore, it is considered that it would not result in a detrimental visual impact on the character and appearance of the open countryside or the surrounding area.

7.3.3 The impact of these two poultry units (the subject of this application) being built and the single poultry building, approved under reference EN/11/01106/PNA, not being built must be considered. It is unlikely that this would occur as it would not be considered a sensible approach, and the floor plans show that they would be linked internally. Given that the proposal would not be highly visible, should the two elements which are the subject of this application be built, and the middle section covered by 11/01106/PNA not be built then it would not result in a detrimental visual impact on the character and appearance of the open countryside or the surrounding area. Therefore, there is no requirement for a legal agreement to be signed linking the two applications together.

7.4 Impact on neighbouring amenity

7.4.1 The nearest neighbouring property is located approximately 540 metres away at 13 Main Street, Hemington. This distance is considered sufficient to prevent any issues of overlooking, overshadowing or overbearing impact created by the proposal.

7.4.2 The Council's Environmental Protection Team has been consulted with regards to this application. The proposed buildings would be naturally ventilated and therefore no mechanical equipment is required. Therefore, this would not result in any impact to neighbouring amenity as a result of noise. However, the Council's Environmental Protection Officer has requested that a condition be added to any permission granted for details of any plant or equipment to be submitted to and approved by the local planning authority prior to installation. This is because there will be a space heater and side vents.

7.4.3 An informative is recommended should planning permission be granted to state that any complaints of nuisance from activities or equipment at premises would be investigated under the Environmental Protection Act 1990 and should statutory nuisance be found, the operator will be required to take steps to reduce any noise.

7.4.4 The application details state that this type of production system produces very little odour and the distance to the nearest neighbouring property would ensure that odour does not become a problem. Should odour nuisance occur then this can be investigated by the Council's Environmental Protection Team and is treated under separate legislation. Whilst odour can cause harm to amenity without being a statutory nuisance, it is thought in this instance, given the distance from the nearest neighbouring property and all of the regulations that this type of business has to comply with, it is unlikely that odour would cause undue harm to neighbouring amenity. The Council's Environmental Protection Officer has confirmed verbally that no complaints have been received from neighbours in relation to any other poultry farms within the surrounding area, some of which are closer to residential amenity, and have commented that the proposal is unlikely to result in harm to neighbouring amenity. Therefore odour nuisance does not raise any concerns. Written comments from the Environmental Protection Officer will be reported on the update sheet.

7.4.5 Neighbours have expressed concern about the large number of flies that Hemington experiences in the summer months. However, the Council has not received any complaints regarding flies during the summer months, or in relation to this site and as such does not raise any concerns. Should flies become an issue then the Council has the power to investigate any complaints.

7.5 Impact on highway safety

7.5.1 The Local Highway Authority has no objection with regards to this application and as such it does not raise any concerns. In order to ensure that the proposal does not result in any harm on highway safety a condition will be added to ensure that the development is carried out in accordance with the submitted 'Transport Statement'.

7.5.2 The Transport statement shows that for many years the airfield has been used for agricultural storage which has necessitated regular HGV, tractor and trailer and light van traffic. It is considered that the overall volume of HGVs and tractors visiting the site would reduce. However, the frequency of vans will increase from 18.2 van movements per week to 28.1 van movements per week. The Local Highway Authority do not object to this.

7.6 Biodiversity

7.6.1 The site is located within 2km of a SSSI and The Wildlife Trust has stated that it lies close to a Local Green Infrastructure Corridor route and is within a Zone of Interest of only 1km out from its assumed centre. A number of historical species sightings have occurred and therefore it would not be unreasonable to add a condition for the applicant to provide some biodiversity enhancement measures in order to ensure the objective of a net biodiversity gain through the planning system. Therefore, based on the advice of the Wildlife Trust a condition is recommended for details of biodiversity enhancement measures to be submitted to and approved by the local planning authority.

8 Other issues

8.1 Crime and Disorder – Northamptonshire Police has been consulted and has no objection to make with regards to this application. Therefore, this application does not raise any concerns.

8.2 Access for Disabled – This building would not be subject to any public access and as such does not raise any concerns.

9 Recommendation

9.1 That the application be GRANTED subject to the following conditions:

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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (or any Order revoking or re-enacting that Order with or without modification) the buildings hereby approved shall only be occupied for agricultural purposes as defined in Section 336 of the Town and Country Planning Act 1990.

Reason: In order to clarify the terms of this permission and for the avoidance of doubt.

3. Notwithstanding the submitted details, prior to the commencement of development, details and/or samples of the proposed facing and roofing materials and the external finish of the buildings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the visual impact of the approved building in the wider landscape.

4. Prior to the commencement of development, a scheme for the provision and implementation of (i) pollution control and (ii) foul water drainage shall be submitted to and approved in writing by the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such times that may be specified in the approved scheme.

Reason: To prevent the pollution of controlled waters, in accordance with Planning Policy Statement 23.

5. Notwithstanding the submitted details, prior to the commencement of development, details of biodiversity enhancement measures shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity.

6. Full details of any mechanical plant or equipment to be used, including manufacturer's specifications, shall be submitted to and agreed in writing by the local planning authority, prior to their implementation. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

7. The development hereby permitted shall be carried out strictly in accordance with the approved plans and details received by the Local Planning Authority on 23 September 2011 and 3 October 2011, drawing numbers: 1 Location Plan, 2 Site Location Plan Revision A, 3 Existing Block Plan, 4 Block Plan as existing with Location of poultry house approved via EN/11/01106/PNA, 5 Proposed block plan, 6 Parking/turning area, 7 Location of existing structural landscaping, 223/02 Rev C Proposed poultry unit and Transport Statement received by the local planning authority on 3 October 2011, 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, PPS4, PPS7, PPS9, PPG13, Policies 2, 3, 18, 24 and 29 of the East Midlands Regional Plan, Policies 8 and 13 of the North Northamptonshire Core Spatial Strategy, Policy 23 of the Rural North Oundle and Thrapston Plan and Planning Out Crime SPG. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, the visual impact, the impact on neighbouring amenity and the impact on highway safety. The application has been approved as:

1. The proposal would be in accordance with national and local policy and therefore the principle is considered acceptable.
2. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.
3. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
4. The proposal would not result in a detrimental impact to highway safety.
5. Subject to a condition, the proposal would allow for biodiversity enhancement in accordance with planning policy.

2. The pollution prevention measures that should be considered are:

- a) Safe storage of oils and materials. For example agricultural oils/medicines/dead

- stock.
- b) Management of a drainage system.
- c) Management of a manure system.

If oil is to be used on site to power the buildings or to fuel the tractors Silage Slurry and Agricultural Fuel Oil Regulations will apply.

Consideration must be given to any wash water used if the houses are to be washed down between crops. Such as where will wash water go – will it be collected, or will it go to a soakaway? It must be noted that there should be no untreated point source emissions directly into surface water or land.

Any use of manure on farmland must be in accordance with relevant legislation. For example the Nitrate Pollution Prevention Regulations 2008. Further guidance can be found on the Environment Agency's website and the DEFRA website www.defra.gov.uk. A manure management plan should be implemented and maintained.

No trade effluent shall be discharged to the surface water drainage system. Please note that 'trade effluent' includes any effluent that is discharged from premises used for carrying on any trade or industry other than surface water and domestic sewage; any premises wholly or mainly used for agricultural purposes shall be deemed to be premises used for carrying on a trade.

In the event that disposal of trade effluent to the public foul sewer or recycling is not possible, the effluent must be contained within a sealed drainage system or catchpit for off-site disposal by an authorised waste contractor and will need to comply with waste legislation. Further information can be found on the Environment Agency's website www.environment-agency.gov.uk.

The farming of poultry associated with this development may require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via the Environment Agency's website.

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>

Committee Report

Committee Date : 21 December 2011

Printed: 9 December 2011

Case Officer **Mr Rhys Bradshaw**

EN/11/01535/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
21 September 2011	28 September 2011	28 December 2011	Kings Forest	Deene

Applicant **Lloyds TSB Bank Plc**

Agent **C B Richard Ellis Limited - Mr D Marwick**

Location Priors Hall Proposed Data Centre Gretton Road Deene Northamptonshire

Proposal **Erection of a Data Centre including associated ancillary buildings, access, landscaping and other infrastructure**

1 Summary of Recommendation

1.1 That the application be APPROVED subject to the satisfactory resolution of the outstanding issues raised by the Highway Authority and the Environment Agency and the imposition of planning conditions

2 The Proposal

2.1 This is a full application for the development of the site to provide a data centre for the storage of electronic data. The proposed facility would comprise the following:

- A main data hall building of 14,925 sqm floor space
- Secondary data hall (to be built under a second phase) of 7,790 sqm
- Primary access from Gretton Road
- Emergency access onto Kirby Lane
- Substation facility
- Gate house
- Car parking
- Security fencing
- Landscaping

2.2 The application is accompanied by the following documents:

- Full plans and elevations, including levels, site sections and lighting
- Landscape and Ecology Masterplan
- Air Quality Assessment
- Flood Risk Assessment
- Framework Travel Plan
- Noise Report
- Ecology Statement
- Sustainability and Energy Statement
- Design and Access Statement
- PPS4 Statement

3 The Site and Surroundings

- 3.1 The site takes in some 17.5 hectares of undeveloped land and is situated to the east of the Rockingham Motor Speedway. The site is bounded by hedgerows and small trees on all boundaries. Kirby Lane defines the northern boundary, beyond which is a collection of agricultural buildings which form part of an existing composting facility. Willow Brook runs along the southern boundary, running west to east. Beyond the brook is a small wooded area and open land. Gretton Road defines the western boundary and there are open fields to the east.
- 3.2 Public footpath MS1 runs through the centre of the site on an east-west alignment. An application to divert this route to the north of the site has been made under the Highways Act and is currently being considered under a separate application.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1– Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS5 – Planning for the Historic Environment
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

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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- 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 Rural North, Oundle and Thrapston Plan
- 4.6 Supplementary Planning Guidance
Planning out crime; Parking; Sustainable Design; Biodiversity

- 4.7 Other documents:
HM Treasury Plan for Growth (March 2011)
Draft National Planning Policy Framework (July 2011)
Northamptonshire Strategic Employment Land Assessment (SELA), November 2009
Rockingham Development Framework January 2011

5 Relevant Planning History

- 5.1 EN/04/01326/OUT - Mixed use: Urban extension to Corby, including residential (up to 5,100 units), Employment (up to 14ha, 1 District Centre, 2 neighbourhood centres, Schools (1 Secondary, 3 Primary), Hotel, Formal and Informal Open Space, together with changes to the operating regime at Rockingham Motor Speedway, at Priors Hall Site. Granted subject to S106 legal agreement.

6 Consultations and Representations

- 6.1 Neighbours – No comments received

- 6.2 ENC Planning Policy – No comment

- 6.3 ENC Environmental Services (contamination) – No objection

The application area was thoroughly investigated under the outline planning application for the whole of the Priors Hall site (EN/04/01326/OUT). The area is predominantly Greenfield and we have had discussions with the applicant's environmental engineers with respect to land quality.

No significant levels of contamination were found during earlier investigations, however, it is understood the applicant will be carrying out further geotechnical and geo-environmental work on the site. We do not consider it necessary to ask for conditions on the planning permission to require the applicant to carry out this further work. Given the nature of the proposed development, we have no objection on the grounds of contamination. However, it would be prudent for a general condition to be placed on the planning permission to address any unidentified contamination.

- 6.4 ENC Environmental Services (noise) – No objection

Having considered the noise assessment and the information within, it appears that the data centre will not have an adverse impact on any existing or proposed housing in this locality subject to suggested conditions.

- 6.5 ENC Environmental Services (air quality) – No objection

- 6.6 ENC Conservation Officer (trees) – No objection

As detailed in the submitted information, the site is boarded by mature hedges, the most significant being those lining the northern and western site boundaries. The centre of the site is dissected by two further hedges noted to be in a poor condition. These two are proposed to be removed as part of the application. In addition to the hedge structures, the northern boundary of the site is lined with a belt of young woodland planting which extends along the majority of the northern boundary of the Priors Hall site.

The application seeks to remove the two central hedges to allow for the siting of the new Data Centre, given the poor composition of these, I have no objection to their removal. The northern and western boundary hedges are to be retained.

The application is supported by a comprehensive landscaping scheme which includes significant areas of mixed woodland planting (to complement the existing planted tree belt) and meadow grassland planting surrounding the building. In addition, the existing

hedgerow to the east of the site (currently in a poor state) is proposed to be coppiced and replanted where required. While the proposed landscape layout for the new development is sound, I would advise that we look to secure and appropriate management plan for the new planting to ensure that appropriate aftercare is carried out.

6.7 NCC Highways: Initial objection because a full Transport Assessment has not been submitted. Further information has been submitted by the applicant and comments from NCC are awaited.

6.8 NCC Archaeology

The proposed Data Centre is within an area of archaeological sensitivity as identified during the evaluation in 2011 undertaken by Northamptonshire Archaeology. The evaluation identified a Bronze Age barrow and a possible Iron Age enclosure within the proposed development area. In light of this archaeological potential mitigation is required within the proposed development area. Northamptonshire Archaeology has submitted a Written Scheme of Investigation to this office for approval on behalf of Ramboll. The submitted WSI is satisfactory. I have attached a copy of the approved WSI for your information. I understand that the archaeological investigation has already started however I would still advise that a condition is required in order to ensure that all the archaeological requirements are undertaken.

The proposed development will have a detrimental impact upon any archaeological deposits present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition for an archaeological programme of works, as per para HE12.3 of PPS5 Planning for the Historic Environment to any permission granted in respect of this application.

6.9 Deene and Deenethorpe Parish Council: No comments received.

6.10 Environment Agency: Initial objection as the Flood Risk Assessment was not PPS25 compliant. Further work has been undertaken by the applicant in this regard and formal comments from the Environment Agency are awaited.

6.11 North Northants Joint Planning Unit

Data centres are huge users of electricity both to power the servers and to cool them. Policy 14 sets out the requirements both to reduce energy demand and also to provide as much of the required energy as possible from on site renewables. In this instance Policy 14 requires a BREEAM assessment of at least very good and sets a target of 30% of energy demand being supplied from renewables. The applicants indicate that they will meet the BREEAM very good minimum standard, although we would urge the applicants to strive towards BREEAM excellent, as has already been achieved by Barclay's data centre in Slough and by other banking groups in the UK. However, the application does not appear to provide any of its energy demand, which will still be very high, from on site renewables and therefore is failing to meet the requirements of Policy 14. Whilst we understand that the building itself will have a low demand for heat, it would sit as part of a much larger development framework for a sustainable urban extension where that heat could be usefully used. The applicants have not demonstrated that they have worked to consider the wider site and use of the heat that they would produce. Secondly, photo voltaics are dismissed on cost grounds and due to the way the roof structures have been designed and their orientation. Thirdly, elsewhere in the UK, data centres are using anaerobic bio digesters to provide their energy e.g. Martlesham data centre by Infinity. Clearly designing the renewable

technologies in at the start would have allowed for these problems to be minimised. Therefore, as proposed, the scheme would be contrary to Policy 14 of the CSS.

Carbon Sink Forest – Even if the applicants amend their application to provide more energy from on site renewables, this will still be a carbon hungry building. North Northamptonshire has an ongoing project to create a Carbon Sink Forest and the applicants should be made aware of this and the opportunity to become involved at an early stage in this project. It is being developed with River Nene Regional Park and the Forestry Commission.

Design

The proposed data centre is located within Zone 3 of Priors Hall and subject to an adopted Development Framework. The existing approved framework has the primary access point for the village in Zone 3 running through the data centre site, which would be blocked by this proposal. I have seen, at pre-app, a revised framework plan showing this proposed route relocated south to connect to the Northern Orbital Road. In many ways this is a sensible revision as it is a more direct link and provides a more rural approach to the new village, rather than approaching along the lane hard up against the back of the Speedway. Clearly though, the revisions to the framework plan need to be tied to this application so that the site's wider context is much clearer. In addition, the original development framework had employment and hotel use on this site. This is remote from the proposed village and indeed from the rest of Priors Hall and Corby, being hidden somewhat behind the Speedway and I assume was partly to act as a buffer to the Speedway. Its replacement with a single use building would still create a buffer to the Speedway for the open space proposed to the east, and its remoteness and lack of connection to the village would be a positive asset for the data centre.

In terms of its landscape context, the site sits on the Deene Plateau. It is on the line of a historic avenue to Deene House, which is proposed to be reinstated in the Priors Hall masterplan. A visual impact assessment accompanies the application with photographs from the various viewpoints. I think however, it would be useful to have some photo montages of what the view would be like from the viewpoints, and not just the extent of the site so that the visual impact assessment could be better understood.

The buildings are utilitarian in appearance. Whilst they would sit next to Rockingham Speedway and would be much less obtrusive than this structure, they will still be visible from the open spaces which will surround the site, now and in the future. Policy 13h states that we are seeking to raise standards so that development should “be of a high standard of design and architecture” which this building does not currently represent. There are examples of data centres elsewhere which are architecturally innovative – such as the Citigroup Data centre in Frankfurt which has a brise soleil across the glazed elements and a green wall to screen the blank facade.

One of the key green infrastructure (GI) link routes identified in the Corby GI Study (RNRP), the Urban Structures Study (USS) and indeed the Priors Hall Management Plan is along the Willow Brook. The GI study and the USS both indicate that access to the wider countryside is poor from Corby and that Priors Hall does feel disconnected from the town by the intervening industrial areas. Creating new pleasant routes between the centre and the edge of Corby are therefore a priority. I do not have any specific concerns about relocating the existing footpath to the north, but feel it is imperative that a route is provided along the Willow Brook to address the strategic GI link identified in these documents. The application ought therefore to contribute to the creation of a route along the Willow Brook via the S106 and should ensure that there is sufficient screening of their perimeter fencing on the southern boundary to ensure that the new route is pleasant. Funding towards the footpath route both back towards Corby

town should therefore be sought. I think that the existing Priors Hall management plan requires a route along the Willow Brook within the red line of the wider Priors Hall site but I am not sure whether this site would contribute to that, or if that is already covered by Bela in which case it would be best for this site to contribute to the off site elements – particularly to the south of the speedway adjacent to the road that needs to be relocated to facilitate this scheme.

Employment

The proposed data centre is located within Corby's Sustainable Urban Extension (SUE). Policy 11 identifies the SUEs as, inter alia, the locations for new employment. Policy 16 requires that SUEs include "a wide range of local employment opportunities that offer a choice of jobs and training prospects". About half of the proposed employment within the SUE, and a hotel, are currently agreed in the Framework Plan on this site. The proposed data centre would result in a likely reduction of jobs (down to approx 15) and loss of the variety of uses and because this facility would be standalone, it effectively sterilises this area for more employment uses. We therefore question where the hotel and employment that would be lost will be re-provided within the SUE?

Suggested S106 obligations:

Willow Brook footpath route – as outline above

Public Art – There is a wider public art strategy for Priors Hall Zone 1, which should be rolled out to the subsequent phases. On site public art would not be appropriate here, but an off site contribution to public art in Zone 1 (which may be easier as it's already has a strategy in place) or towards the artworks in Zone 3 should be included in the S106.

6.12 Corby Borough Council

We note that this proposal involves an application for full planning permission on land within the boundary of the Priors Hall site. Related to this we are also in receipt of the latest version of the Development Framework Plan of Priors Hall which is intended to show how this area of the site is to be reconfigured to allow for the accommodation of the data centre as a separate entity.

The latest approved version of the Development Framework Plan and associated land use budget proposes a 8000 sqm hotel, 22,950 sqm of employment floor space and informal open space and playing fields in the location of the proposed data centre

Bearing in mind this situation and having considered the submitted documentation for the data centre and proposed new Development Framework Plan, we have the following comments to make: (summarised)

- It is noted that the floor space for the data centre and associated buildings generally equates to the 22,950sqm of employment floor space proposed for this part of Priors Hall. As Priors Hall is a mixed use Sustainable Urban Extension it is important that it contains a good mix of employment opportunities. Whilst this proposal will mean that approximately the same amount of floor space for employment uses will be provided, you may have concerns that the level of provision of jobs in the data centre (max 60) is less than would be provided had there been a greater mix of employment uses at this location.
- There does not seem to be any alternative provision being made for the hotel elsewhere on the Priors Hall site. Your Council will therefore need to be satisfied that this is not an essential feature for the Priors Hall development to have before approving this proposal as, by doing so, it will mean that the site which has been reserved for the hotel will be lost.

- The data centre will result in the loss of an area of informal open space and the relocation of an area of playing fields elsewhere in the Priors Hall within East Northamptonshire. Your Council will need to satisfy itself that these changes are acceptable.
- The amended DFP also shows that the data centre will result in revised arrangements for the location of the proposed housing within East Northamptonshire. Your Council will need to satisfy itself that these changes are acceptable.
- The amended DFP does not take into account the loss of the hotel, the change in the configuration in the shape of the employment land or the amendments to the informal open space which will result should this development be approved. This will need addressing should your Council be minded to approve the data centre.
- We note the amended DFP proposes a new access road to serve the part of Priors Hall that is with East Northants which passes through land in Corby Borough to gain access to the Gretton Road. The principle of this road is considered acceptable providing the highway authority accepts the location of the access onto Gretton Road but the precise route will have to take account of the protection of any ecological features and important trees in this area. This level of detail will be considered by means of a proposed reserved matters application for the road concerned.
- The boundary of the planning application includes a strip of land north of the Willow Brook, which is outside the proposed security fencing. The Willow Brook has been identified as an important green infrastructure corridor. This has been incorporated into the 'Combined habitat, open space, woodland and ecological management plan' which has been agreed in relation to the Priors hall Section 106 agreement and various planning conditions. This plan requires Bela to undertake lots of work with a view to enhancing this corridor. You are advised to secure similar improvements to the land which will fall within the boundary of the data centre.

6.13 North Northants Badger Group: No objection

6.14 Northants Bat Group

We have read the bat report and agree with the findings. Under recommendations we suggest that squirrel-proof bat boxes are employed, such as woodcrete (Schwegler) boxes on trees, and, if possible, a built-in EcoSurv style box in the gable end apex of the new building. Wooden bat boxes have a short life.

6.15 Natural England:

The proposals will have no implications for any statutorily designated wildlife sites. However, the development does present both opportunities and risks in terms of local biodiversity and wider green infrastructure interest features identified through the wider master planning at the Priors Hall site.

The Ecology Statement submitted with the application identifies that surveys have been ongoing during 2009 and 2010. The majority of ecological constraints are identified with adjacent habitat corridors such as the Willow Brook, and broad recommendations for mitigation and enhancements are proposed through the development of an Ecology Method Statement and Ecology Management Plan respectively. The Statement recommends that the development and implementation of these measures are assured through the use of suitably worded planning conditions, and Natural England considers this is a reasonable approach.

The Ecology and Landscape Masterplan for the data centre site does not strictly accord with the wider masterplan for the whole site. For example, the footprint of the site

encroaches on additional area originally identified as open space provision, and the Ecology Statement acknowledges that the extent of hedgerow envisioned within the site boundary is not achievable. However, the proposal does include provisions for habitat creation within the development boundary itself, with the potential to secure net gains in terms of the overall biodiversity enhancements delivered within this parcel of land. Whilst Natural England is therefore supportive of the biodiversity enhancements proposed, we suggest your authority will need to consider the implications of the proposals in terms of the wider green infrastructure requirements across the entire Priors Hall development.

6.16 Wildlife Trust: No objection upon review of additional information. All recommendations for biodiversity enhancements and green infrastructure delivery in association with the construction of this Data Centre project should be secured by means of conditions and / or a S106 Agreement as necessary

6.17 Northamptonshire Police – No objection

6.18 The Ramblers Association

- We have proposed a northwest access/exit point to the development area. The diversion proposed for footpath MS1 would achieve that goal. It would improve the use of MS1 going west to Gretton Road as it would no be closer to footpath GN13 and remove a large section of dangerous road walking.
- The path needs to be 1.8m in width which I now believe is the case.
- There are a number of proposed kissing gates suitable for wheelchair use. We must be sure that the proposed surface of the path will be suitable, compatible and well maintained for wheelchair users.
- NCC may wish to renumber MS1 (west section) as the new diverted path will now be separated from the eastern section by a length of MS6

6.19 English Heritage: No comments received

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 into account its probable abolition following the enactment of the Localism Bill (see para 4.2 above).

North Northamptonshire Core Spatial Strategy (NNCSS)

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. The NNCSS aims to achieve greater self-sufficiency for North Northamptonshire as a whole, stating, in Policy 1 that development will be principally directed towards the urban core, focussed on the three main growth towns of Corby, Kettering and Wellingborough. Whilst the site is situated on undeveloped land outside the built up part of Corby, it does sit within the wider Priors Hall Sustainable Urban Extension, which Members recently resolved to grant outline planning permission for the East Northants portion of the site subject to the finalisation of a S106 legal agreement.

7.2.3 The NNCSS highlights that, whilst emphasis will be on the regeneration of these growth

towns, other complimentary sites will be required either edge of town or out of town to fulfil the growth strategy and meet the early need for investment. Policy 1 and its supporting text highlight the role of Sustainable Urban Extensions to the growth towns in providing major locations for growth and reinforcing the roles of these settlements.

7.2.4 Paragraph 3.93 of the NNCSS, 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, in view of the need to bring about economic development as fast as possible, 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. Whilst it is difficult to define which employment type a data centre would fall into, this proposal would provide highly specialised jobs.

7.2.5 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 the broader policy content of the CSS.

East Midlands Regional Plan

7.2.6 The proposal would accord with the thrust of the relevant policies of the East Midlands Regional Plan in that it would enhance the employment offer in Corby and East Northamptonshire.

Other Local Policy Documents

7.2.7 The Northamptonshire Strategic Employment Land Assessment (SELA) identifies Corby as a spatial priority for development as a Growth Town, where employment sites of regional importance are meant to be given particular attention by the Local Authorities. Rockingham, in which the Priors Hall site falls, has been identified to support a range of B and non B uses.

7.2.8 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".

7.2.9 A Framework Plan for Priors Hall has been developed through the outline consent for the wider site. The most up to date version of the Development Framework Plan shows the application site as being suitable for a mix of employment and a hotel development. This has been highlighted by Corby Borough Council in its consultation response to the application considered here. Whilst this is acknowledged; the previous application was in outline form and future development would not have to come forward in strict conformity with the Framework Plan as it is a suggestion as to how the Priors Hall site could be developed. The proposed data centre would be in broad conformity with the plan and its development would not prejudice the phased development of the wider Priors Hall site. Furthermore it is questionable whether a hotel use in this location would be compatible with the Rockingham Motor Speedway and the composting facility immediately to the north.

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". In the case of this site, the relevant policies are not out of date and the application should therefore be considered against the local policy context set out above.

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)). The more recently published 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 states that all planning applications for economic development should be assessed against the following impact considerations:

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change
- b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured
- c. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- e. the impact on local employment

These are considered in later sections of this report.

7.3.4 Overall Policy Conclusions

In bringing together the relevant policies, there is significant support for the proposal in both local and national planning policy. The main issues are around the acceptability of the loss of the hotel site in the land use budget for the East Northamptonshire portion of the wider Priors Hall development and the projected number of jobs to be generated by the proposed data centre as highlighted by the Joint Planning Unit and Corby Borough. As discussed in 7.2.5 above, the principle of employment uses on this site is considered acceptable and in accordance with policy 1 of the NNCSS.

7.3.5 The Development Framework Plan for Priors Hall shows this site as capable of accommodating a hotel; however, this is a guide as to how the site could be developed and complete conformity is not essential. The loss of the hotel and other employment uses from the land use budget must be weighed against the early development of the site and provision of highly skilled jobs, albeit fewer than could possibly be created should the site be developed with several businesses. Another factor weighing in the balance is the attraction of a nationally important facility into East Northamptonshire. On balance, officers are of the view that this proposal should be supported.

7.4 Layout and Visual Impact

- 7.4.1 The main elements of the scheme are the two large data centre halls. Both buildings would stand some 11m at the highest point and the curved roof form would help to integrate the buildings into the wider landscape. The proposed ground levels are such that the floor level of the complex of buildings would sit some 4m lower than that of Kirby Lane and approximately 1.5m lower than Gretton Road at the main access point; however, the levels would decrease further as the land falls towards the brook to the south.
- 7.4.2 In the context of the wider Priors Hall development, the application site is remote from the proposed village and the rest of the development, as acknowledged by the Joint Planning Unit. This remoteness is seen as a positive attribute for buildings that are intended to be inconspicuous in their nature and would not be accessed by the general public. Its location adjacent to the dominating grandstands of the Motor Speedway would not only create a buffer for the informal open space to the east but it would also help the buildings sit easier in the landscape.
- 7.4.3 Kirby Hall is a Grade I listed building. It and its Grade II registered park and gardens are situated some 900m to the north west. Cross sections have been submitted to show the relationship between the application site and Kirby Hall. These demonstrate that the buildings would not be highly visible from Kirby Hall given the distance between the two and the level changes.
- 7.4.4 The application proposes significant landscaping enhancements to further mitigate the impact of such large buildings on the character and setting of Kirby Hall and the wider area. These include native planting belts, new young tree and shrub mix, a wild flower meadow and native hedges.
- 7.4.5 In terms of the design of the buildings themselves, it is noted that the Joint Planning Unit have some reservations, commenting that the buildings would be utilitarian in appearance. Whist Officers would agree with this assessment, the buildings would not appear entirely out of place given their agricultural appearance. The submitted material schedule shows that the external walls would be clad in grey metal panels and the gently curved standing seam roof would be green. This simple form and appearance would be appropriate in the context of the site, its relationship with the wider Priors Hall development as discussed above and the desire for the use to be as inconspicuous as possible.
- 7.4.6 The JPU has given an example of another data building; however, this is much larger than the one proposed here. Features such as 'green walls' would help to screen the building further but on balance, the absence of such features would not warrant the refusal of the application on these grounds. The proposed data centre does incorporate brise soleil across the glazed elements, although not on the scale of the Citigroup building referenced by the JPU.

7.5 Means of Access and Highway matters

- 7.5.1 The main access would be taken from Gretton Road with a secondary emergency access where there is an existing field access. The secondary access would be gated for the majority of the time and only used in exceptional circumstances. The means of access to the site is acceptable to the highway authority, although other highway matters are still being resolved and will be reported to the Committee via the update sheet. Verbally, County Council Officers have suggested issues surrounding the upgrade of Gretton Road can be resolved.

7.5.2 Whilst the diversion of public footpath MS1 will be assessed under the Diversion Order, the details have been shown on the proposed site layout. The new route would follow the northern boundary of the site along the alignment of the security fencing. Various landscaping works are proposed along the entire length, including additional hedgerows, to create an attractive and convenient route for users. The route of the diversion was proposed by The Ramblers Association at the pre application stage. The JPU has suggested Section 106 contributions to the Willow Brook Corridor to facilitate a footpath link, however there is no intention for a footpath in the wider Development Framework Plan for Priors Hall and it would therefore be unreasonable to request such contributions. Other works to the Willow Brook corridor are discussed in 7.7 below.

7.6 Impact on neighbour amenity

7.6.1 The closest residential property to the application site is Weldon Lodge, some 350m south of the site. The Council's Environmental Protection Officer is satisfied that there would be no adverse impact subject to a noise condition requiring details of the plant equipment to be submitted and approved by the Council prior to the commencement of the development. A representative from the Campaign for Dark Skies has viewed the lighting plan and confirmed that there will be no light pollution issues. A condition can be imposed to ensure implementation in accordance with this plan unless otherwise agreed in writing by the Council.

7.7 Ecological Issues

7.7.1 The applicant has submitted an Ecology Statement and Landscape and Ecology Masterplan. The statement references surveys that have been undertaken in 2009 and 2010 as part of the Priors Hall proposal. The consultation response from Natural England is correct in identifying that the Landscape and Ecology Masterplan is not in strict accordance with the Priors Hall Development Framework Plan as the application site does encroach on an area previously identified as informal open space. Whilst this is so, the wider Priors hall site does make provision for 73.6ha of informal open space provided within the East Northamptonshire area of the application. Officers are of the view that the scale of this provision is such that it would more than compensate for the loss of a relatively small area of open space.

7.7.2 The Landscape and Ecology Masterplan would deliver a range of enhancements to the site, including native planting belts, new young tree and shrub mix, a wild flower meadow and native hedges. There is also provision for reptile refugia, bat boxes (Scwagler type as suggested by the Northants bat Group) and attenuation ponds. These measures can be strengthened by conditions requiring the submission of an Ecology Method Statement and an Ecology Management Plan. The management plan will include enhancements to the Willow Brook Corridor as suggested by Corby Borough Council. Officers are therefore confident that the scheme meets the wider green infrastructure requirements of Priors Hall.

7.8 Drainage and Flooding

7.8.2 The application was accompanied by a Flood Risk Assessment (FRA), to which the Environment Agency initially objected. The applicant liaised directly with the Environment Agency and has submitted a revised FRA. Verbally, the Environment Agency has indicated there would be no objection subject to conditions. Formal comments are awaited and will be reported via the update sheet.

7.9 Sustainable Design

7.9.1 The Joint Planning Unit has commented that the proposal will not meet the NNCSS Policy 14 target of at least 30% of the energy demand to be met on site. However, it must be highlighted that this part of Policy 14 refers to large developments, a category which this proposal would not fall into. The same policy requires that non-residential developments be compliant with a BREEAM rating of at least 'very good' and the application makes a commitment to achieving this. Whilst this rating can be secured by condition, the applicant has submitted additional information to show that it is highly

likely that the buildings will achieve an 'excellent' rating.

7.9.2 Policy 14(b) does stipulate that developments of this kind should demonstrate that at least 10% of the demand for energy will be met renewably on site and/or from a decentralised renewable or low carbon energy supply. It must be acknowledged that the applicant has confirmed that this is not possible on this site for several reasons. A summary is provided below:

7.9.3 Anaerobic biodigesters

The use of anaerobic biodigesters requires a large land take and a substantial supply of organic material. For this reason this technology is not a viable solution, unless there is an opportunity to develop a facility on an adjacent site (as is the case for Infinity's Data Centre in Martlesham).

7.9.4 Solar power

The use of renewable energy was considered during the early stages of design. The technical feasibility of photovoltaic panels was evaluated as part of a holistic design approach which has considered a number of environmental factors. The massing of the building has been carefully designed for minimum visual impact and optimum use of passive energy. A curved roof has been proposed to the building to reduce its height and prominence in the landscape. Also, the buildings have been positioned on site so as to take advantage of prevailing weather to maximise the efficiency of cooling plant. As a consequence, the available area suitable for the installation of PV panels is limited. In addition, the design proposal minimizes the embodied energy through a lean design which has a lower design load. Therefore increasing the design load to incorporate the PV panels will significantly increase the embodied carbon of the building.

7.9.5 Heat recovery

The feasibility and financial viability of a heat recovery system to feed a wider heat network has previously been considered for an alternative site that was being considered for the data centre. Whilst the system could provide a carbon saving, the simple payback is estimated at 30 years which is financially unviable. Additionally, the economic viability to a third party in distributing low grade heat beyond the data centre boundary would still be a potential issue given the high cost of heat network pipe work. It is our understanding that the timescale for the urban extension framework may be 15-20 years with the likelihood of no development be completed during the period that the data centre will be operational. Therefore the reuse of heat through a district heating network is not considered to be a viable solution at this stage. It must be noted however that heat from cooling systems is being used within the building to provide space heating to support areas (e.g. offices)

7.9.6 As well as the assessment of renewable options above, the applicant has provided the following to demonstrate the low energy demand:

The proposed energy strategy for Rockingham Data Centre focuses on the reduction of building energy demand through consideration of the energy hierarchy which prioritizes lower energy demand over green supply. From the outset of the brief and subsequent design development of this project, careful consideration has been given to the overall energy usage. Recognising the many constraints that are imposed on data systems that support the retail banking sector, a strategy was proposed to reduce the power input needed for the cooling systems. This resulted in two key design strategies:

- 1) Increase the cooling water temperatures to maximise the use of free cooling
- 2) Utilisation of adiabatic cooling plant to minimise the use of mechanical refrigeration within the cooling systems.

In comparison with other data centres, notably the recent project built by Barclays at Slough, the Rockingham data centre design has not been significantly constrained by neighbouring sites or by space. The selection of plant and cooling equipment proposed therefore reflect this, and a combination of high quality adiabatic coolers and chillers has enabled a projected maximum overall annualised Power Usage Effectiveness (PUE) of 1.399 at full load.

By way of reference, if the cooling systems were to utilise standard chillers alone, they would be likely to be operating at an annualised PUE of approximately 2.0 which would result in an estimated annual energy consumption of circa 105,000MWh. Renewables at 30% would therefore need to contribute 31,500MWh per annum. With the proposed annualised PUE of 1.399 a 6MW IT load would consume approx. 73,500MWh per annum, which is 31,500MWh less than the 'standard' installation and therefore the energy savings of the efficient cooling system equal what would be contributed by the renewables in a standard cooling system arrangement with 30% renewable energy supply.

Given the constraints of the resilience, security requirements, IT equipment and environmental performance, the design is similar or better than other peer data centres.

7.9.7 There is no doubt that this type of use would have a significant energy demand. The applicant has given detailed justification as to why some of the demand could not be met on site. In light of this and the commitment to achieving a BREEAM rating of 'very good' with a likely achievement of 'excellent', Officers are of the view that a contribution to a Carbon Sink Forest, as suggested by the Joint Planning Unit, would be the most reasonable way forward in this instance if there is a clear and robust methodology for calculating contributions. A Carbon Sink Forest is essentially the mass planting of trees for the purpose of storing carbon. The applicant has indicated their agreement to this if a methodology can be provided by the River Nene Regional Park and the Forestry Commission. The applicant has been liaising directly with these organisations and Officers hope to update Members on this particular issue via the update sheet.

7.10 Other Section 106 Contributions

7.101. Enhancements to the Willow Brook corridor can be secured by condition as discussed in 7.8.2. The Joint Planning Unit has suggested that the Council seek contributions towards public art; however, without an identified and fully costed project in place, it is extremely difficult to justify such a contribution or indeed work out that contribution. There are no contributions to public art set out in the S106 agreement for Priors Hall.

8 Other issues

- 8.1 Crime and Disorder – This is a high level security facility. The Northamptonshire Police Crime Design Advisor has no objection to the scheme.
- 8.2 Access for Disabled – Any issues arising in this sense will be covered under Building Regulations.

9 Conclusion

In recommending approval of this application, the relevant planning guidance and policies were identified as PPS1, PPS4, PPS5, PPS7, PPS9, PPG13, PPS22, PPG24, PPS25, North Northamptonshire Core Spatial Strategy 2008 policies 1, 8, 9, 11, 13 and

14. Other guidance also includes the Northamptonshire Strategic Employment Land Assessment (SELA), November 2009

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, the highway implications and the impact on trees and vegetation. The application has been recommended for approval as:

- The principle of the development is acceptable.
- The proposal would not have an unacceptable impact on the local or strategic highway network.
- The design and layout of the buildings is acceptable and demonstrates that development would not unduly harm the visual amenity or character of the area.
- The development would not have an adverse impact on ecology and biodiversity.
- The development will not have an adverse effect on flood risk and sewage capacity subject to the imposition of conditions.
- The development would not be exposed to significant levels of contamination.
- The proposal would not have a significant impact on the amenities of neighbouring occupiers

10 Recommendation

10.1 It is therefore recommended that the Head of Planning Services be authorised to approve the application subject to the prior completion of a Section 106 Agreement and the imposition of the following planning 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. The buildings hereby permitted shall be used for no other purpose than as a data centre for the storage and processing of electronic data (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without first obtaining the consent in writing of the local authority.

Reason: So that the Local Planning Authority may re-assess the impact of alternative uses which, without condition, may have been carried out without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3. On-site landscaping shall be undertaken in accordance with the Landscape and Ecology Masterplan received by the local planning authority on 04.11.11 in the first planting season following the occupation of the development. unless otherwise agreed in writing.

Reason: In the interest of visual amenity.

4. Notwithstanding the submitted details, an Ecology and Landscape Management Plan shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The Plan shall include the following:

- long term management responsibilities and maintenance schedules for all landscape areas

- the measures identified on page 5 of the Ecology Statement dated 20.09.11

The Ecology and Landscape Management Plan shall be carried out as approved unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity and ecological protection and ensure that enhancement opportunities are maximised.

5. Notwithstanding the submitted details, details of enhancements to the Willow Brook corridor in accordance with the Combined Habitat, Open Space, Woodland and Ecological Management Plan (Lockhart Garret Ltd) for Priors Hall shall be submitted to and approved in writing by the local planning authority prior to first occupation of the buildings hereby approved.

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

6. 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.

7. 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 proposed 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.

Reason: To safeguard public health and reduce the risk of flooding.

8. Deliveries and on site construction works which cause noise to be audible outside the site boundary shall not take place except between the hours of 08.00-18.00 Monday to Friday, 08.30-13.00 on Saturdays and at no time on Sundays or bank holidays.

Reason: In the interests of general amenity

9. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The construction of the development shall be carried out in accordance with the approved Plan unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall incorporate an Ecology Method Statement (EMS) and shall include but not be limited to the following matters:

- A Proposed hours of work
- B Details of traffic movements
- C Excavations
- D Dust and dust suppression
- E Pollution control
- F Piling
- G Site contact details

Reason: In the interest of general amenity and ecological protection.

10. Notwithstanding the submitted details, full details of plant to be installed shall be submitted to and approved by the Local Planning Authority prior to installation. These details shall include details of generators, air cooled water chillers, adiabatic coolers and any other plant and mitigation to be used. Details of mitigation must demonstrate, as per section 10 of the Noise Survey and Assessment dated September 2011, that the plant noise will not exceed 5dB below background (table 6.1) when measured as a 15 minute LAeq at the nearest residential property.

Reason: In the interest of general amenity

11. Details of the mitigation to be used at the electricity substation shall be provided to and approved by the Local Planning Authority prior to the commencement of development. Mitigation must ensure that there is no particular dominant one third octave band greater or less than 10 dB to its nearest neighbour, in order to avoid tonal noise.
Reason: In the interests of general amenity
12. Notwithstanding any proposed materials specified in the approved drawings or in the application form submitted with the application, samples of external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out using the approved materials.
13. 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.
14. No development shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the data halls can achieve the stipulated final BREEAM level.
No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating 'Very Good' has been achieved for this development
Reason: To ensure that the development complies with Policy 14 of the North Northamptonshire Core Spatial Strategy and the principle of sustainable development.
15. The development hereby permitted shall be carried out strictly in accordance with the approved plans: A0.200- A, A0.201-A, A0.202-A, A0.203-A A0.204, A0.205, A0.206, A0.207, A0.209-A, A0.210, A0.211, A0.213, B11040.07, PUR03711/5340-P1 received by the Local Planning Authority on 21.09.11 and A0.201-C, A0.202-D, A0.208-B, B11040 figure 5, B11040.01F, B11040.02E, B11040.03D, B11040.04B, B11040.05D, B11040.06A received by the Local Planning Authority on 04.11.11 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, PPS4, PPS5, PPS7, PPS9, PPG13, PPS22, PPG24, PPS25, North Northamptonshire Core Spatial Strategy 2008 policies 1, 8, 9, 11, 13 and 14. Other guidance also includes the Northamptonshire Strategic Employment Land Assessment (SELA), November 2009
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, the highway implications and the impact on trees and vegetation. The application has been approved as:

- The principle of the development is acceptable.
- The proposal would not have an unacceptable impact on the local or strategic highway network.
- The design and layout of the buildings is acceptable and demonstrates that development would not unduly harm the visual amenity or character of the area.
- The development would not have an adverse impact on ecology and biodiversity.
- The development will not have an adverse effect on flood risk and sewage capacity subject to the imposition of conditions.
- The development would not be exposed to significant levels of contamination.
- The proposal would not have a significant impact on the amenities of neighbouring occupiers

Committee Report

Printed: 7 December 2011

Case Officer **Amie Baxter**

EN/11/01047/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
6 July 2011	12 August 2011	7 October 2011	Prebendal	Yarwell

Applicant **Mr N Taylor**

Location 57A Main Street Yarwell Northamptonshire PE8 6PR

Proposal **New dwelling (Resubmission of 08/01296/FUL, new house type)**

This application has been brought before the Development Control Committee due to Members showing interest in this site previously and as Yarwell Parish Council have objected to the proposed development.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application seeks full planning permission for a detached dwelling and garage in the rear garden of Sundial House. The dwelling would be one and a half storeys with a single storey wing to the north elevation.

2.2 Planning permission was granted for a single dwelling on this site on 22.10.2008 (Ref: 08/01296/FUL) but the planning permission expired on 22.10.2011.

2.3 This current application proposes amendments to the design of the previously approved dwelling. The footprint of the amended dwelling would be the same as the dwelling previously approved.

2.4 The proposed amendments to the previously approved design are as follows:

General points:

- Increase ridge height of single storey element from 5 metres (as previously approved) to 5.5 metres.
Increase eaves height from 2.5 metres (as previously approved) to 3.0 metres.
- Ridge height and eaves height of the main dwelling to remain as previously approved.
- Hipped roof for the single storey element would be altered to a gable.

North Elevation

- Introduce a dormer window at first floor level in same position as previously approved window.
- Remove one velux rooflight and increase size of one previously approved rooflight.
- Insert additional window at ground floor level.
- Add a storm porch.

- Replace two ground floor windows with one larger window.

East Elevation

- Add three roof lights, each measuring 0.5m x 0.5m, in the roof of the single storey part of dwelling.
- Change from previously approved patio doors to a window and reposition along the same elevation.

South Elevation

- Replace previously approved first floor windows with dormers and remove one first floor window.
- Replace previously proposed timber panelling, patio doors and windows with two windows and a door with lintels over.
- Introduce a porch with a pitched roof over door.
- Add one roof light.

West Elevation

- Add two roof lights, each measuring 0.5m x 0.5m, in the roof of the single storey part of the dwelling.
- Add a flue within roofslope of single storey element.

3 Site and Surroundings

- 3.1 The application site is broadly rectangular in shape and sits directly to the rear of Sundial House, which is a Grade II Listed dwelling. The site was used as garden for Sundial House and is laid to lawn with a small orchard to the very northern end of the plot.
- 3.2 The site shares a vehicular access with two other dwellings, and this is situated to the west of the plot.
- 3.3 The site sits to the west of 'The Angel' public house and is surrounded by dwellings of differing age and design. There is open land to the north.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
 PPS1 - Sustainable Development
 PPS3- Housing.
 PPS5- Planning and the Historic Environment.
 PPS 7- Sustainable Development in Rural Areas.
- 4.2 Regional Spatial Strategy for the East Midlands
 Policy 2- Promoting Better Design
 Policy 27- Regional Priorities for the Historic Environment
 Policy 48- Regional Parking Standards

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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- 4.3 North Northamptonshire Core Spatial Strategy.
 Policy 7- Delivering Housing

Policy 9- Distribution and Location of Development
Policy 10- Distribution of Housing.
Policy 13- General Sustainable Development Principles
Policy 16- Sustainable Housing Provision.

- 4.3 Rural North, Oundle and Thrapston Plan
Policy 1- Settlement Roles
Policy 2- Windfall Development
Policy 6- Residential Parking Standards

- 4.4 Supplementary Planning Guidance
Parking SPG, 2003

- 4.5 Other Relevant Policy
The Highway Authority Standing Advice for Planning Authorities Document, July 2008
Planning Out Crime SPD

5 Relevant Planning History

- 5.1 EN/08/01296/FUL – Erection of a single dwelling and garage. Permitted on 22.10.2008.
5.2 EN/10/00183/VAR- Removal of Condition 7 (Hard surfacing). Permitted on 01.07.2010.

6 Consultations and Representations

- 6.1 Neighbours: No comments received.
6.2 Yarwell Parish Council– Object to the proposal as half of the proposed dwelling would be outside the defined village boundary, as it was with the last application where the Parish Council also objected.
6.3 Highways Authority: No objection.

7 Evaluation

- 7.0 The main considerations in the determination of this proposal are the principle of development; design and visual impact and impact on neighbouring properties.
- 7.1 Principle of Development
- 7.1.1 As a dwelling of the same footprint and an extremely similar scale was permitted in 2008, it would be prudent to apply the government advice in relation to replacement applications when considering the development. 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 In a recent amendment to PPS3 (June 2010) garden land is no longer classified as previously developed land. In this case, the site was part of the garden for Sundial House and has been partially developed, with the erection of a large outbuilding and garage. The remainder of the site is laid to lawn or used as an orchard.
- 7.1.3 The view taken in 2008 was that, although the northern extent of the site (proposed to remain as garden) would fall outside the village boundary, as defined by the Rural North, Oundle and Thrapston Plan, the majority of the proposed dwelling would fall within the built form of the village and would have a strong physical relationship to the neighbouring buildings, and therefore, development was permitted.
- 7.1.4 With the recent changes to PPS3, the site would not necessarily be classed as previously developed land. That being so, given the recent approval for a single dwelling on the site, it would be unreasonable for the local planning authority to now

refuse planning permission on grounds of principle. This is particularly true since the planning consent only lapsed during the period of consideration.

7.1.5 The East Midlands Regional Plan was adopted in March 2009. Policy 2 supports development which makes the most efficient use of land and that which maintains amenity and privacy. Policy 3 states that priority should be given to making best use of previously developed land. The proposal would comply with all of these policies.

7.1.6 PPS5: Planning for the Historic Environment (2010) replaces former PPG16: Archaeology and PPG15: Planning and the Historic Environment. However, there have been no significant changes to the thrust of this guidance which would lead the Local Planning Authority to come to a different view than that reached in 2008 regarding the effect on the setting of the nearby listed building known as Sundial House.

7.1.7 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.

7.1.8 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.

7.1.9 To conclude, the principle of development remains acceptable on this site and the proposal accords with government guidance contained within national policies, the adopted NNCSS and RNOTP.

7.2 Design and Visual Impact

7.2.1 The design of the previously approved dwelling was simple and in keeping with the surrounding dwellings but the applicant, who has just purchased the site, would like to tailor the design of the dwelling further to better replicate the detailed design of the more traditional dwellings adjacent to the site. In addition, the applicant has noted that the previously approved dwelling would not transfer well in build terms.

7.2.2 As noted at 2.3 of this report, there are a number of changes proposed for the design of the dwelling, although the majority of the changes are cosmetic.

7.4.3 The most significant change is the proposal to use a gabled roof instead of the previously approved hip for the single storey element to the rear. By introducing a gabled roof and increasing the roof height by 0.5 metres, the single storey element would become marginally larger in scale and more prominent. However, even with the proposed alterations, this element would not hold significant prominence when viewed from Main Street.

7.2.4 When considering proposed increase in bulk, the single storey part of the building would not become over dominant in a visual sense and it would still appear as a subservient wing to the rear. The gabled roof design would mimic that of the main part of the dwelling and those of the more traditional dwellings surrounding the site. Therefore, the increase in the ridge height and the introduction of a gabled roof would not be harmful in visual terms.

7.2.5 The proposed increase in eaves height would be minimal and would also be acceptable.

7.2.6 Dormer windows are proposed for the north and south elevations. Dormer windows are a characteristic of many of the neighbouring buildings and the scale and design of the proposed dormers is appropriate and proportionate to the scale of the dwelling.

7.2.7 The amended design of the proposed dwelling would be more traditional, with the use of stone headers and quoins, and the front elevation would have a less suburban appearance.

7.2.8 Overall then, the proposed alterations to the previously approved dwelling would be beneficial in that the resultant dwelling, although slightly larger in height, would be of a more appropriate and traditional design.

7.3 Effect on neighbours

7.3.1 The proposed alterations would introduce additional windows, some at first floor level, and increase the bulk of the proposed dwelling.

7.3.2 The introduction of an additional landing window in the north elevation would not give rise to any further over looking, due to the positioning of the proposed dwelling in context with the surrounding dwellings. The proposed additional roof lights would give skyward views only and would again, not result in any overlooking of adjacent properties. Nevertheless, a condition is recommended to ensure that cill heights of the velux windows is no lower than 1.6 metres above first floor level. No other windows proposed have the potential to overlook.

7.5.3 It is proposed to increase the height of the single storey element of the dwelling by 0.5metres to create storage space in the roof and to introduce a gabled roof. Close attention was paid to the impact of the proposed dwelling on Spring Barn (to the east of the site) during the course of the previous application, given concerns raised by the occupier regarding the potential of an overbearing impact. No concerns have been raised as part of this application but the impact must still be considered.

7.5.4 The proposed dwelling would be one and a half storeys high with a single storey wing returning to the north. The dwelling is positioned in line with Spring Barn, with the single storey element positioned away from Spring Barn.

7.4.3 The site sits approximately 1.2 metres higher than that at Spring Barn. However, the dwelling has been designed with a low ridge and eaves to limit any massing or bulk that may occur in terms of the view from Spring Barn. The eaves height of the resultant building would not exceed 3 metres with the ridge height being 7 metres above ground level. It is considered that the amended design remains acceptable in terms of overbearing impact. No other properties would be close enough to suffer from overshadowing or an overbearing impact.

8.0 Other Issues

8.1 Highways- The proposed dwelling would make use of an existing shared driveway and this arrangement was considered acceptable as part of the previous decision. No alterations would be made to the previously approved access and no objection has been raised by the Local Highways Authority as part of the consultations for this application.

8.1.2 A previously imposed condition which required the first 5 metres of the access (measured from Main Street) to be hard surfaced was removed in 2010 (ref:10/00183/VAR) as ownership issues prevented its implementation. Therefore, a condition to hard surface the access has not been recommended as part of this report.

8.1.3 Lapsed permission for garage- A detached garage formed part of the previously approved scheme. The garage was to serve Sundial House. The site has now been split and the application site sold separately. Therefore, the applicant no longer needs to include the garage as part of this amended proposal. No details of a garage have been submitted.

9 Conclusion

9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS5, PPS7, Regional Spatial Strategy for the East Midlands Policy 2, 27 and 48, North Northamptonshire Core Spatial Strategy 2008 policies 7, 9, 10, 16 and 16, Rural North, Oundle and Thrapston Plan Policies 1, 2 and 6, Parking SPG, Highway Authority Standing Advice July 2008, Parking SPG, Planning Out Crime 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 issues. The application is recommended for approval as:

- The principle of the development is acceptable and is consistent with the development plan.
- 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. Notwithstanding the submitted details and before any work is commenced on the development hereby permitted, details and a sample of the proposed facing and roofing materials for the building shall have been submitted to and approved by the local planning authority and the development shall thereafter be carried out in accordance with the approved details.

Reason: To achieve a satisfactory elevational appearance for the development and in the interest of preserving the setting.

3. Prior to the commencement of the development hereby permitted, details of the provision of boundary screening to the site shall be submitted to and approved in writing by the local planning authority, and this boundary screening shall then be provided in accordance with the details so approved before the development is brought into use and shall thereafter be retained.

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

4. Prior to the commencement of development hereby permitted, details of the proposed slab levels for the building(s) in relation to the existing and proposed levels of the site and the surrounding land 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.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development

in relation to neighbouring land and buildings.

5. 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 proposed shall have been submitted to and approved by the local planning authority, and the development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard public health and to prevent the potential for flooding on the site and elsewhere.

6. Before the development hereby permitted is commenced, details of the construction and surfacing of the vehicular access to the public highway, parking facilities and all other hard-surfaced areas within the site shall have been submitted to and approved by the local planning authority. These facilities shall then be provided in accordance with the approved details before the first occupation of the development.

Reason: In the interest of Highway Safety

7. 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), there shall be no development within class A, B, C, and E of Part 1 of Schedule 2 to that order.

Reason: In the interests of neighbouring amenity and preserving the rural setting.

8. 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, which shall 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.

9. All planting, seeding and turfing 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.

10. Notwithstanding the submitted information, details of sustainable construction techniques, provision for waste reduction and recycling, and water efficiency and recycling measures detailed in the submitted Sustainability Appraisal and Energy Statement (received by the local planning authority on 21 April 2011), shall be implemented, 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.

11. The rooflights hereby approved in the shall be provided at a minimum cill height of 1.6 metres and shall thereafter be retained in this manner unless otherwise approved in writing by the local planning authority.

Reason: In the interests of residential amenity.

12. The development hereby permitted shall be carried out strictly in accordance with the

approved plans OS plan, 57.D.1 Issues 3, 57.D.3 Issue 3, 57.D.4 Issue 3, 57.D.2 Issue 3, 8, 9, 57.I.1 Issue 3, 57.I.2 Issue 3, received by the Local Planning Authority on 17/08/11, 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, Regional Spatial Strategy for the East Midlands Policy 2, 27 and 48, North Northamptonshire Core Spatial Strategy 2008 policies 7, 9, 10, 16 and 16, Rural North, Oundle and Thrapston Plan Policies 1, 2 and 6, Parking SPG, Highway Authority Standing Advice July 2008, Parking SPG, Planning Out Crime 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 Issues. The application has been approved as:

- The principle of the development is acceptable and is consistent with the development plan.
- 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>.

Committee Report

Committee Date : 21 December 2011

Printed: 7 December 2011

Case Officer **Anna Lee**

EN/11/01683/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
18 October 2011	18 October 2011	13 December 2011	Prebendal	Yarwell

Applicant **Mr D Longfoot - M F Longfoot And Son**

Agent **Louise Theobald - Acorus Rural Property Services**

Location **New Manor Farm Wansford Road Yarwell Northamptonshire PE8 6PN**

Proposal **Proposed agricultural building and change of use of land for the stationing of a mobile home to supervise the agricultural business run from New Manor Farm, Yarwell.**

The application is reported to Development Control Committee at the request of a Ward Member and because of the planning history of the site.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to comments from the Local Highway Authority, amended plans and subject to conditions.

2. The Proposal

2.1 The application proposes the construction of an agricultural building and stationing of a mobile home in connection with the agricultural use of the site.

2.2 The proposed agricultural building would measure approximately 18.3 metres by 12.2 metres in area, and the proposed mobile home would measure approximately 3.0 metres by 11.0 metres.

2.3 An new agricultural building is proposed to enable the expansion of the existing cattle enterprise and the mobile home is proposed to provide accommodation for a full time stockman to occupy the site to provide for the welfare needs of cattle and sheep and to provide a security presence for the farm buildings.

3 The Site and Surroundings

3.1 The site, known as New Manor Farm, is situated on the eastern side of Wansford Road between Yarwell to the south and Wansford to the north.

3.2 The site lies opposite Linley Cottage and currently houses a grain store and a cattle shed. The surrounding land is largely arable.

3.3 There is an existing vehicular access onto Yarwell Road.

4 Policy Considerations

4.1 National Planning Policy Guidance:

- PPS1– Sustainable Development
- PPS3 – Housing
- PPS4 – Planning for Sustainable Economic Development
- PPS5 – Planning and the Historic Environment
- PPS7 – Sustainable Development in Rural Areas
- PPG13 – Transport

4.2 East Midlands Regional Plan, March 2009

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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- Policy 1 – Regional Core Objectives
- Policy 2 – Promoting Better Design
- Policy 3 – Distribution of New Development
- Policy 13b – Housing Provision
- Policy 45 – Regional Approach to Traffic Growth Reduction
- Policy 48 – Regional Car Parking Standards

4.3 North Northamptonshire Core Spatial Strategy, June 2008:

- Policy 1 – Strengthening the Network of Settlements
- Policy 7 – Delivering Housing
- Policy 9 – Distribution & Location of Development
- Policy 10 – Distribution of Housing
- Policy 13 – General Sustainable Development Principles

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

- Policy 1 – Settlement Roles

4.5 Supplementary Planning Guidance:

- Parking SPG, March 2003
- Planning Out Crime in Northamptonshire, Feb 2004

4.6 Supplementary Planning Document:

- Design SPD, March 2009

4.7 Other Documents:

- Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008

5 Background and Planning History

5.1 MF Longfoot & Son is a farming company owned by the applicant that has been operating in the area for the past 60 years. The main operational base is centred at Model Farm, Upton, which lies approximately 4km north east of Yarwell. The applicant lives there with his family and runs a traditional mixed farming business with arable and root crops, beef and sheep.

5.2 The application site, New Manor Farm, was purchased at auction in 1989 and appears to extend to approximately 35 to 40 hectares. The submitted Agricultural Report

(prepared by Acorus) mentions that of the 376 hectare of land farmed, 324 hectare is cropped, with the assumption made that approximately 52 hectare is laid to grass (minus tracks and buildings). The grass provides the grazing and conserved feedstuffs for approximately 100 cattle that are purchased as calves and reared to finish weights at approximately 22 months of age. About 150 store lambs are also purchased in the autumn and finished.

- 5.3 The existing cattle are housed in a cattle shed on site. This cattle shed was granted planning permission in 2007 ref: EN/07/00485/FUL.
- 5.4 An application was submitted earlier this year for a temporary mobile home under reference: EN/11/00081/FUL. This application was refused by Development Control Committee on 05.05.2011, as the applicant had failed to demonstrate that there was a functional need for the provision of a temporary residential unit on site and the council was not satisfied that there would be justifiable need for full-time presence on site.
- 5.5 Prior to the above, an application was submitted for the construction of a permanent agricultural dwelling on site, under reference EN/07/01435/OUT. This application was refused by the council due to the failure to demonstrate the functional need and because the dwelling would not be commensurate with the size of the agricultural operations.

6 Consultations and Representations

- 6.1 Neighbours: 1 Letter of objection received from the occupant(s) at Linley Cottage. The reasons for objection are summarised below:
- Adverse impact on the landscape;
 - Visual impact;
 - Impact on neighbour amenity;
 - Inadequate agricultural justification, including the need for a permanent worker on site and the availability of a dwelling in Yarwell, 1 km south of the application site;
 - The applicant has not demonstrated that the dwelling would be commensurate with the scale of the existing farmyard operations;
 - Increase in traffic;
 - Intensification of use of the existing access;
- 6.2 Yarwell Parish Council: no objection.
- 6.3 Local Highway Authority: no objection, subject to the receipt of amended plans to show the access widened to 6.0 metres and details to show the turning area(s), (see below for recommendations).
- 6.4 Environmental Protection: no objection.
- 6.5 Northamptonshire Archaeology: no objection, subject to a condition to ensure that adequate provision is made for the investigation and recording of any remains that may be affected.
- 6.6 ENC Agricultural Consultant: has assessed the application against the tests set out in PPS7 Annex A and is content that the various tests has been passed (see below for details).
- 6.7 Site notice posted: no other representations received.

7 Evaluation

- 7.1 The following issues are relevant to the determination of this application:

7.2 Principle of Development

7.2.1 Planning Policy Statement 7 (PPS7) outlines a range of tests to be considered for agricultural workers' dwelling. Paragraph 12 of Annex A states:

"If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need;
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis".

7.2.2 An agricultural consultant has undertaken an assessment of the proposal on behalf of East Northamptonshire Council addressing the tests indicated in Annex A of PPS7, which need to be met in order to establish the need for an agricultural dwelling. Each of the above matters are discussed in turn below.

7.2.3 **Clear evidence of intention and ability** – Based upon the applicant's experience from running the existing farm at Model Farm and investment in the land and buildings at the application site (including a cattle shed and grain store), the Council's consultant accepts that the applicant has the intention and ability to develop the business at the site.

7.2.4 Functional need - Applications for a temporary mobile home and permanent dwelling were refused in 2011 and 2007 because the applicant had failed to demonstrate that there was a functional need on site. The functional test is seen as the key test and requires the establishment of an essential need for the proper functioning of an enterprise for one or more workers to be readily available at most times. Annex A cites the case of the delivery of essential care to animals at short notice as an example of relevant circumstances and notes that, where such a need does exist, regard be given to the scale and nature of the need in order to determine how many workers are required to meet it.

7.2.5 The report submitted by Acorus advises that in order to develop the business, the applicant wishes to construct a second calf rearing building on the site and to move the cattle enterprise from Model Farm to New Manor Farm. In the past the calves have been kept at Model Farm but it is understood that the buildings are old, in a poor state of repair, and not properly suited to calf rearing. In this respect, the Council's agricultural consultant has taken into account the comments from a letter written by the farm's veterinary surgeon which advises that the buildings are "no longer fit for calf rearing purposes" and the existing buildings at New Manor Farm, on the other hand, are new, purpose built and are suited to cattle rearing. Furthermore, permission for a further building is sought as part of this application.

7.2.6 Over the next three years it is intended that the calf rearing operation would be expanded from 100 calves to 160. The Council's agricultural consultant advises that this stock would have a functional need for staff to be readily available for managing the mixed batches of calves arriving at the farm every month and individually penned for the initial 2-3 weeks. Also, "this mixing and batching of calves is stressful for the animals and it is under such circumstances that diseases and infections can originate and multiply, especially with animals sharing the same airspace". Therefore, the consultant considers that it would be essential that a key worker is readily available at most times to care for the stock and the numbers of cattle and store lambs (proposed

and existing) would justify a full-time worker. Also, the consultant considers that a key worker would help to provide emergency cover in the case of fire and a physical presence to deter theft.

7.2.7 The consultant, however, advises that it is important to note that if the planned expansion and building construction do not occur the essential functional needs of the holding will not require a worker on site. Therefore, should the council be minded to grant planning permission for the proposal, a condition is recommended to require that the mobile home is not brought onto the site until the calf-rearing building is firstly constructed and the occupation of the mobile home by the worker and calf-rearing building by livestock shall occur concurrently.

7.2.8 **The financial test** - The Council's agricultural consultant advises that the financial budgets submitted appear reasonable subject to minor corrections. The margins for the cattle business are good and are likely to improve if improved cattle housing is erected on the site. Therefore, the financial test is passed. Furthermore, the consultant advises that the corrected figures still provide confidence that the enterprise could meet the financial test for a permanent dwelling in three years time. However, if the proposed new cattle building is not erected there would be insufficient space for cattle to warrant a permanent dwelling in three years time.

7.2.9 **The suitability for other accommodation** –The closest residential property to the site, Linley Cottage, is currently occupied and the council does not hold any information to suggest that there are any other properties in the locality that could meet the need. Whilst the applicant owns a bungalow in Yarwell, this is not considered by the Council's agricultural consultant to be suitable given its distance from the yard (over 1 mile), and when considered against the need for a key worker to be readily available on site.

7.2.10 Therefore, the principle of development is acceptable, subject to the issues set out below.

7.3 Visual Impact

7.3.1 The proposed agricultural building and mobile home would be positioned close to the existing buildings on site, and given their scale, would not appear obtrusive in the rural landscape.

7.3.2 The materials proposed for the construction of the agricultural building are concrete panels and timber boarding for the walls and fibre cement for the roof. These materials, together with the design of the building would appear visually in-keeping and harmonious with the site and existing buildings.

7.3.3 A condition is recommended to require details of the mobile home, including its scale and design, be submitted for approval before the mobile home is brought on site. This would ensure that there would be no significant visual harm from this element of the proposal.

7.3.4 Overall, there would be no visual harm from this proposal and there would be no harm on the character and appearance of the landscape.

7.4 Neighbouring Amenity

7.4.1 The residential amenity of neighbours would not be compromised due to the distance of over 90 metres between the nearest dwelling, Linley Cottage, and the proposed structures. It would be extremely difficult for the council to refuse an application on grounds of harm to neighbouring amenity due to the location of the neighbouring

property in the open countryside, surrounded by existing agricultural uses, and due to the presence of an existing cattle building nearby at the application site. Furthermore, the Council's Environmental Protection Officer has assessed this proposal and does not consider there to be any significant noise or odour issues.

7.5 Highway Impact

7.5.1 The existing agricultural access and driveway measures approximately 4.0 metres in width. The highway officer has requested that the applicant submits a Transport Statement to identify the type, size and number of vehicles generated by the application site at present and the additional vehicles that would be created by the proposal. A statement has been submitted by the applicant and this suggests that the promoted usage would appear to reduce the flow of traffic to the site. However, given that the existing access does not allow the larger vehicles to access the site properly and the fact the proposal would intensify the use of the existing access, the highway officer recommends that the existing access be upgraded and widened to 6.0 metres. Also, the highway officer has requested that details of the turning area within the site, to prevent issues of parked vehicles fronting the site and obstruction to the free flow of pedestrian and vehicular traffic, be submitted. These alterations are considered necessary in order to allow vehicles to access the site in a safe manner and to allow opposing drivers to pass without conflict. The applicant will be submitting amended plans to show the above alterations, and full details, together with the highway officer's comments will be reported in the committee updates.

7.6 Archaeology

7.6.1 Northamptonshire Archaeology advises: "The field where the proposed agricultural building would stand contains a number of crop marks recorded from aerial photographs. These include a linear feature and a possible round barrow. A Neolithic stone axe has reportedly been found in the same field. There is therefore the potential for remains of archaeological interest to survive on the application site, albeit truncated by more recent activity. If the applicants intend to carry out any excavations to level the ground prior to construction, this will increase the potential impact on any underlying archaeological features."

7.6.2 Policy HE8.1 of PPS5 stresses the importance of pre-application discussions in order to assess the significance of potential heritage assets and normally the assessment would take place in the form of a field evaluation prior to determination. However, the Archaeological Advisor considers that an archaeological investigation and watching programme condition would be acceptable in this instance, after taking into consideration the relevant archaeological background evidence.

7.6.3 In order to ensure that no archaeological remains would be adversely affected by the proposed development, the condition suggested by Northamptonshire Archaeology is recommended.

8 Recommendation

8.1 That planning permission be GRANTED subject to comments from the Local Highway Authority, amended plans and subject to conditions:

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 permission shall be limited to a period of time expiring on 22 December 2014 and at the expiration of that period the mobile home hereby permitted shall be -removed and the site restored to its former condition.

Reason: In order to meet the requirements of PPS7, to enable the impact of the development to be re-assessed at the expiry of this period and given the special circumstances of the site and permitted development.

3. The mobile home hereby approved shall not be brought on site until the calf-rearing building hereby approved is firstly constructed and the occupation of the mobile home and calf-rearing building by calves shall occur concurrently, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to meet the requirements of PPS7 and given the special circumstances of the site and permitted development.

4. The mobile home hereby permitted shall be occupied by a person(s) solely or mainly working at New Manor Farm, in association with the agricultural operations, and for no other purpose.

Reason: To ensure that the mobile home remains available for occupation by an agricultural worker(s) and to allow the Local Planning Authority to retain adequate control over the occupancy of the mobile home, given the special circumstances of the site.

5. In accordance with the submitted details, the agricultural building hereby approved shall only be used for the accommodation of livestock, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to meet the requirements of PPS7 and given the special circumstances of the site and permitted development.

6. Before the mobile home hereby approved is brought on site, full details of the mobile home, including its exact scale and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and the character and appearance of the rural area.

7. The agricultural building hereby approved shall be constructed in accordance with the external materials stated in the submitted Design and Access Statement and drawing number: 100-02 (received by the Local Planning Authority on 18 October 2011), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory elevational appearance for the development and to ensure the development would not detract from the character and appearance of the rural area.

8. 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 by the applicant 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.

9. The development hereby permitted shall be carried out strictly in accordance with the approved plans; plans received by the Local Planning Authority on 18 October 2011, drawing numbers: 100-01 Revision A and 100-02.

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

Informatives

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

Information received by the Local Planning Authority on 18 October 2011: Design and Access Statement; and Report Prepared By Acorus Rural Property Consultant.

2. In approving this application, the relevant planning guidance and policies were identified as: PPS1, PPS4, PPS5, PPS7, PPG13; Policies 1, 2, 3, 13b, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 7, 9, 10, 13 of the North Northamptonshire Core Spatial Strategy 2008; Policy 1 of the Rural North, Oundle and Thrapston Plan 2011; Supplementary Planning Guidance: Parking SPG 2003; Design SPD 2009; and Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on neighbouring amenities; highway impact; and archaeology.

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 a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
- 4) The proposal would not have an unacceptable impact on the local highway.
- 5) The proposal is unlikely to have an adverse effect on archaeology.

A full report is available on the council's website www.east-northamptonshire.gov.uk

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>

Committee Delegated Report

Committee Date : 21 December 2011

Printed: 7 December 2011

Case Officer **Carolyn Tait**

EN/11/01818/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
4 November 2011	14 November 2011	9 January 2012	Woodford	Little Addington

Applicant **Danegrove Development Ltd - Mr D O'Connell**

Location **29 - 30 High Street Little Addington Northamptonshire NN14 4BD**

Proposal **Demolition of existing dwellings and erection of two four bed semi detached dwellings along with a new double garage provided for number 30**

This application is brought before Development Control Committee because it proposes the erection of two dwellings in a former restricted infill village.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes the demolition of the two existing dwellings and the erection of two semi-detached dwellings as well as a new detached double garage to be associated with No.30 High Street.

2.2 The proposed dwellings would measure approximately 21.5 metres in width by 8 metres in depth by 7.6 metres in height. The existing dwellings measure approximately 2.5 metres in width by 6 metres in length by 6 metres in height. Therefore there would be an increase in height of approximately 1.6 metres and an increase in length of 2 metres to that of the existing dwellings. The proposal would be on the footprint of the existing dwellings.

2.3 The proposed dwellings would be constructed from Pastoral Multi brick (red) and stone quoins and cills. The roof would be covered in slate and fenestration would be timber. Details of all materials, including fenestration, have been submitted with the application.

2.4 Each dwelling would accommodate four bedrooms, a bathroom, an en-suite, a lounge, a kitchen/dining room, a utility room, a downstairs WC and a study. The existing dwellings are constructed from brick, which has been painted a dark red, and stone under a concrete tiled roof.

2.5 No.29 has an existing detached garage which is to remain.

3 The Site and Surroundings

- 3.1 The application site accommodates two semi-detached dwellings. Originally the building was four terraced cottages which were later converted into two semi-detached dwellings. Both properties currently benefit from off-road parking, albeit No.30 does not have a garage. No.29 has a separate vehicular access to the garage. This will be retained.
- 3.2 The application site is located opposite a Grade I listed building at St Mary's Church.
- 3.3 The site is surrounded by residential development which differs in its character and appearance.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1– Sustainable Development
PPS3 - Housing
PPS5 – Planning for the Historic Environment

- 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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- 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 Rural North Oundle and Thrapston Plan
Policy 1 – Settlement Roles
Policy 2 – Windfall Development in Settlements
Policy 6 – Residential Parking Standards

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

5 Relevant Planning History

- 5.1 11/01358/FUL Erection of double storey rear extension at No.29. Erection of double storey rear and side extension plus detached garage at No.30. WITHDRAWN.

6 Consultations and Representations

- 6.1 Neighbours: Comments received from Peal House and The Spires, both Back Lane,

can be summarised as:

- Disappointed that the proposed building is to be faced with brick when other properties in the vicinity are faced in natural stone. It would be a shame to put a brick faced building in this prominent position.
- The existing rear elevation is constructed from natural stone.
- Concerned about the increase in roof height. It would adversely effect views across the village.
- Demolition of the property would deprive the area of a very old building and thereby diminish the sense of history that the existing building brings to the village.
- The ground level of the existing property is substantially below the ground level of the properties on Back Lane and have concerns that raising the building height by 1.5 metres would effect the outlook from neighbouring properties and lead to loss of views.
- The upper rear windows in the proposed property would be at the ground level of the properties along Back Lane and so would look directly into neighbouring gardens. Use of the gardens would therefore be adversely affected by substantial loss of privacy.

6.2 Parish Council: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.3 Local Highway Authority: Standard conditions should be applied to any permission granted including pedestrian visibility splays, surface water drainage and hard surfacing.

6.4 Ramblers Association: No comments to make.

6.5 Senior Conservation Officer: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.6 Northamptonshire County Council Archaeologist: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.7 Rights of Way Officer: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.8 Ancient Monuments Society: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.9 English Heritage: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.10 Society for the Protection of Ancient Buildings: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.11 The Georgian Group: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.12 The Victorian Society: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.13 Twentieth Century Trust: No comments received at the time of writing this report. The consultation expiry date is 17 December 2011, therefore any comments will be reported on the update sheet prior to the committee meeting.

6.14 Site notice posted: 21 November 2011 on a lamp post to the front of the site.

7 Evaluation

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

7.2 Principle of development

7.2.1 PPS3 states that the priority for development should be previously developed land, in particular vacant and derelict sites. The site is classed as previously developed as it contains two dwellings and is not classed as garden land, which is Greenfield land. Therefore the proposal would comply with this policy.

7.2.2 Policy 3 of the East Midlands Regional Plan states that priority should be given to making best use of previously developed land and vacant or under-used buildings in order to contribute towards a regional target of 60% of additional dwellings on previously developed land. The proposal would comply with this policy.

7.2.3 Policy 1 of the North Northamptonshire Core Spatial Strategy states that in the rural areas development will take place on sites within village boundaries. The site is located within the defined settlement boundary identified in the Rural North Oundle and Thrapston Plan and as such would comply with this policy.

7.2.4 Policy 9 of the North Northamptonshire Core Spatial Strategy states that priority will be given to the reuse of suitable previously developed land. The proposal therefore complies with this policy.

7.2.5 Policy 1 of the Rural North Oundle and Thrapston Plan states that within villages there are opportunities for windfall development. Little Addington is a category A village with a defined settlement boundary and therefore Policy 2 of the Rural North Oundle and Thrapston Plan is applicable. Policy 2 sets out the criteria that must be met for windfall development. It states that:

- the overall mix of housing types and sizes of the development should meet local circumstances and need and provide for a balanced mix in the neighbourhood or community;
- the scale and siting of any dwellings would accord with the character of the surrounding properties and would be satisfactorily be integrated into the settlement and the surrounding area;
- and that local services and infrastructure are sufficient to serve the proposal.

This is a replacement of two dwellings with two dwellings and therefore, the overall housing mix and size would not alter significantly. They would be constructed using materials which would not be harmful to the character and appearance of the surrounding area and would be sited on the footprint of the existing dwellings. The local services and infrastructure would sufficiently serve the proposed dwellings as the

proposal is for the replacement of the existing dwellings and would not create any additional housing. Therefore, the proposal would comply with these policies.

7.2.6 The principle of development on this site is acceptable subject to the following considerations:

7.3 Visual impact

7.3.1 Whilst the proposed dwellings would be larger than those that are to be demolished, their design is very similar in appearance to the existing dwellings. The only real significant difference would be the increase in height and depth of the proposed dwellings in comparison to the existing dwellings. The proposed design would remain simple in appearance and the form of the dwellings would remain the same, although slightly larger, with a pitched roof, three chimneys and regularly spaced windows.

7.3.2 Samples of the materials have been submitted with the application. A condition is therefore recommended that the proposal be carried out in accordance with the submitted details. These include using red brick for the walls, stone quoins, stone cills, a natural slate roof and timber fenestration. Whilst the existing dwellings include a painted red brick and concrete roof tiles, the proposed materials would be in keeping with dwellings in the surrounding area and would be a reflection of the existing dwellings to be demolished. Therefore they would not result in a detrimental visual impact. It is considered that the natural slate to the roof would be much more sympathetic with the surroundings than the existing concrete tiles.

7.3.3 Two roof lights have been proposed for each dwelling to serve the landing. Whilst these are not a feature of the existing dwellings, they would not be out of keeping with the character and appearance of the surrounding area as they can be seen elsewhere within Little Addington on the High Street.

7.3.4 The proposed garage would be constructed from materials to match the main dwelling which it is to serve and as such would remain in keeping. It would appear as an outbuilding and would be set back within the plot. Therefore, the proposed garage would not result in a prominent feature that would be harmful to the character or appearance of the street scene. The existing garage which serves No.29 would remain and would therefore not result in any undue visual harm.

7.4 Impact on neighbouring amenity

7.4.1 The nearest properties likely to be affected by the proposal are Oakroy and Old School. Oakroy is located to the west of No.29 and Old School is located to the north east of No.30. All other properties would be located far enough away not to be impacted upon by the proposal.

7.4.2 There are no windows located within the first floor south west elevation and as such there would be no overlooking to the amenity space at Oakroy. Whilst it is proposed to widen the dwellings by approximately 2 metres and increase the height by 1.6 metres, the land at Oakroy sits significantly higher than the application site and as such the proposal would not result in any undue overshadowing or overbearing impact.

7.4.3 The Old School is located approximately 16 metres away from the proposal at the nearest point. The two properties have a side to side relationship. Therefore, taking into account the relationship between the two properties and the distance, no undue overlooking, overshadowing or overbearing impact would occur.

7.4.4 The proposed double garage would be single storey in height and as such does not raise any concerns.

7.4.5 Neighbours have commented that the proposed increase in roof height would lead to a loss of privacy to the rear gardens of properties in Back Lane. However, the properties in Back Lane are elevated and therefore the proposed first floor windows would be at ground floor level in comparison. There is also a distance of 14 metres between the rear of the proposed dwellings and the rear of the nearest garden. Therefore, for these two reasons there would be no undue harm as a result of loss of privacy.

7.4.6 Overall, the proposal would not result in a detrimental impact on neighbouring amenity.

7.5 Impact on highway safety

7.5.1 The proposed two vehicular accesses, side by side, measure approximately 10 metres in width, and would be sufficient to serve two dwellings. However, the 1 metre high wall between both accesses will have to be reduced to 600mm in order to accommodate the pedestrian visibility splays. This can be covered by a condition.

7.5.2 The existing garage and vehicle access will be retained for No.29 and as such no conditions are required for this.

7.5.3 The Local Highway Authority have requested conditions be added to any permission granted given that the application involves improvements to the vehicular access to the site. Therefore, conditions are recommended for details of the pedestrian visibility splays, surface water drainage and hardsurfacing to be agreed by the local planning authority.

7.6 Impact on the adjacent Grade I listed building

7.6.1 PPS5 states that the setting of a listed building is a material consideration and that when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the heritage asset. This should be seen as part of the process of place-shaping.

7.6.2 St Mary's Church is located approximately 35 metres to the east of the proposal and as such would not be read in conjunction with the proposal. This distance is considered sufficient to prevent any harm on the character or setting of the Grade I listed building. In addition the dwellings would be constructed to resemble the existing dwellings as closely as possible and therefore do not raise any concerns.

8 Other issues

8.1 Both dwellings would have sufficient private amenity space.

8.2 Crime and Disorder - This application does not raise any significant issues

8.3 Access for Disabled – The proposed dwellings would not be subject to any public access and therefore does not raise any concerns.

8.4 Neighbours have commented that the proposal would lead to a loss of views given the increase in roof height. However, this is not a material planning consideration.

9 Recommendation

9.1 That the application be GRANTED subject to the following conditions:

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. The development hereby permitted shall be carried out using Wienerberger Pastorale Multi bricks, Natural Blue Slate and Bath Stone, details of which were received by the Local Planning Authority on 26 October 2011, unless otherwise agreed in writing by the local planning authority.
Reason: In the interests of visual amenity.
3. Notwithstanding the submitted details, prior to the commencement of development, details of the proposed boundary screening shall be submitted to and approved in writing by the Local Planning Authority. The development 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.
Reason: In the interests of visual amenity.
4. The garages, turning areas and parking areas hereby approved shall be provided and permanently retained for the parking of vehicles of residents/occupiers of the approved dwellings, prior to occupation of the dwellings, and shall not be used for any other purpose and thereafter retained in perpetuity.
Reason: In the interests of highway safety.
5. Before any work is commenced on the development the subject of this permission, details of the ground floor levels and finished floor levels of the proposed building in relation to surrounding properties 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.
Reason: To safeguard the amenity of adjacent properties.
6. Notwithstanding the submitted details, the following access details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and subsequently implemented and retained in accordance with the agreed details.
Hard surface materials throughout the development to form the carriageway footway and private drives;
Means of drainage to prevent the unregulated discharge of surface water onto the highway.
The subsequent submitted details shall illustrate a vehicle access which is to the local highway authority's adoptable standard. The hard surfacing shall be completed in accordance with the approved details in accordance with a timetable to be agreed in writing by the local planning authority prior to the commencement of development. Development shall be constructed in strict accordance with the approved details and retained thereafter.
Reason: In the interests of highway safety.
7. 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 additional windows or other openings shall be installed in the north east or south west elevations hereby approved, without the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

8. Notwithstanding the details to be submitted for conditions 3, 6 and 9, the development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 4 November 2011 and 14 November 2011 drawing numbers 1 OS Mastermap, 2 Block plan and proposed garage and 3 Existing and proposed plans and elevations, 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. Notwithstanding the submitted details, prior to the commencement of development, details of pedestrian visibility splays of at least 2.4 metres by 2.4 metres (2 metres by 2 metres where there is turning space within the site) shall be submitted to and approved in writing by the local planning authority and shall thereafter be carried out in accordance with the approved details prior to the first use or occupation of the dwellings hereby permitted. The pedestrian visibility splays shall thereafter be retained in perpetuity. These measurements are taken from and along the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.6 metres above access/footway level.

Reason: In the interests of highway safety.

10. The vehicular access gradient from the highway boundary shall not exceed 1 in 15.

Reason: In the interests of highway safety.

11. No gates, barrier or means of enclosure shall be erected within 5.5 metres of the highway boundary. Any such feature erected beyond that distance should be hung to open inwards away from the highway.

Reason: In the interests of highway safety.

Informatives

1. No works within the existing public highway may commence without the express written permission of the Highway Authority. This planning permission does not give or infer such permission. The Highway Authority, will only give consent to commence works subject to the completion of an agreement under Section 184 of the Highways Act 1980, required to discharge the relevant condition above.

The attention is drawn to the implementation of the New Road Traffic Management Act 2004, where a three month notice period to allocate road space (for works within the highway) is formally given prior to the commencement of works.

2. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS5, East Midlands Regional Plan Policies 2, 3 and 13b, the North Northamptonshire Core Spatial Strategy 2008 policies 1, 7, 9, 10, 13 and 14, Local Highway Authority Standing Advice and the Rural North Oundle and Thrapston Plan Policies 1, 2 and 9. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, the visual impact, the impact on neighbouring amenity, the impact on highway safety and the impact on the adjacent Grade I listed building. The application has been approved as:

1. The principle of development is acceptable and in accordance with national and local policy.
 2. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.
 3. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
 4. The proposal would not result in a detrimental impact to highway safety subject to the addition of relevant conditions.
 5. The proposal would not result in any harm to the character or setting of the Grade I listed building.
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>

Committee Delegated Report

Committee Date : 21 December 2011

Printed: 7 December 2011

Case Officer **Carolyn Tait**

EN/11/01845/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
10 November 2011	16 November 2011	11 January 2012	Barnwell	Titchmarsh

Applicant **The Society Of Merchant Venturers**

Agent **Carter Jonas LLP - Miss A Hallam**

Location **4 St Andrews Close Titchmarsh Kettering Northamptonshire NN14 3DS**

Proposal **Demolition of existing dwelling and garages and erection of two No.2 bed dwellings (Re-submission of 11/00498/FUL)**

This application is brought before Development Control Committee as it proposes more than one unit in a restricted infill village.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 This is a resubmission of a previous refusal EN/11/00498/FUL for the demolition of an existing garage block and dwelling and the erection of three dwellings.

2.2 The number of dwellings has been reduced and this application proposes the erection of only two, two bedroom dwellings. Each dwelling would be two storey in height and would be detached. It would involve the demolition of an existing garage block accommodating five garages and the demolition of a three bedroom bungalow.

2.3 Unit 1 is located to the south west of the site and unit 2 is located to the north of the site.

2.4 Unit 1 would measure approximately 8.1 metres in width by 7 metres in depth by 7.5 metres in height and would accommodate a lounge, a dining area, a kitchen, a utility room, an entrance hall, a WC, two bedrooms, a bathroom and an en-suite.

2.5 Unit 2 would measure approximately 12.6 metres in width by 7 metres in depth by 7 metres in height. It would include a single storey element which would measure approximately 4.6 metres in height. It would accommodate a lounge, a dining area, a utility room, a kitchen, an entrance hall, a WC, two bedrooms, two en-suites and a dressing room.

2.6 Plans show that the vegetation to the rear of the site would be retained.

- 2.7 Four parking spaces are proposed. This is the same amount as the previous application but the access points have been relocated to address the previous refusal reason.

3 The Site and Surroundings

- 3.1 The application site accommodates a three bedroom detached bungalow and a row of five garages.
- 3.2 No.4 St Andrews Close is a brick built bungalow and is currently in a poor state of repair. It has been vacant for over five years and is considered unsuitable for renovation. This property has no off road parking facilities.
- 3.3 St Andrews Close is characterised by a mix of one and two storey detached properties built in the 1960s and 1970s.
- 3.4 There is an adjacent conservation area to the south west of the site.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1– Sustainable Development
PPS3 - Housing
PPS5 – Planning for the Historic Environment

- 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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- 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 The Rural North Oundle and Thrapston Plan
Policy 1 – Strengthening the Network of Settlements
Policy 2 – Windfall Development in Settlements
Policy 6 – Residential Parking Standards
Policy 8 – Housing Mix

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

5 Relevant Planning History

- 5.1 66/0124//OTR Residential development (outline). PERMITTED.
- 5.2 66/0124//1OTR Residential development (4 dwellings and block of 5 garages – details). PERMITTED.
- 5.3 11/00498/FUL Demolition of existing dwelling and garages and erection of two 1 bedroom dwelling and one 2 bedroom dwelling. REFUSED. This application was taken before Development Control Committee with a recommendation for approval but was overturned by Members following a site visit and refused. The two refusal reasons were:
- 1) Access to the plots is unacceptable by virtue of the cramped layout and manoeuvrability and would be detrimental to adjacent occupiers and other users of the highway. The proposal is therefore contrary to Policy 13 (1) and (n) of the North Northamptonshire Core Spatial Strategy.
 - 2) The erection of three dwellings on this site would result in a density of 62.5 dwellings per hectare. The proposal is considered overdevelopment of the site given the cramped layout which is out of keeping with the immediate locality. The proposal is therefore contrary to PPS1, PPS3, Policy 2 of the East Midlands Regional Plan and Policy 13 (h) of the North Northamptonshire Core Spatial Strategy.
- This current proposal has reduced the number of dwellings by one and has repositioned the parking arrangement to address the previous reasons for refusal.

6 Consultations and Representations

- 6.1 Neighbours: No comments received at the time of writing this report. However, the deadline date for consultee responses is 19 December 2011 and therefore any comments will be added to the update sheet which will be presented at the committee meeting.
- 6.2 Parish Council: No comments received at the time of writing this report. However, the deadline date for consultee responses is 19 December 2011 and therefore any comments will be added to the update sheet which will be presented at the committee meeting.
- 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 as 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 Head of Environmental Services: No comments received at the time of writing this report. However, the deadline date for consultee responses is 19 December 2011 and therefore any comments will be added to the update sheet which will be presented at the committee meeting.
- 6.5 Senior Conservation Officer: No comments received at the time of writing this report. However, the deadline date for consultee responses is 19 December 2011 and therefore any comments will be added to the update sheet which will be presented at the committee meeting.
- 6.6 Site notice posted: 28 November 2011 on a lamp post opposite the site.

7 Evaluation

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

7.2 Principle of development

7.2.1 PPS3 states that the priority for development should be previously developed land, in particular vacant and derelict sites. The site is classed as previously developed as it contains a dwelling and a garage block and is not classed as garden land, which is Greenfield land. Therefore the proposal would comply with this policy.

7.2.2 Policy 3 of the East Midlands Regional Plan states that priority should be given to making best use of previously developed land and vacant or under-used buildings in order to contribute towards a regional target of 60% of additional dwellings on previously developed land. The proposal would comply with this policy.

7.2.3 Policy 1 of the North Northamptonshire Core Spatial Strategy states that in the rural areas development will take place on sites within village boundaries. The site is located within the defined settlement boundary identified in the Rural North Oundle and Thrapston Plan and as such would comply with this policy.

7.2.4 Policy 9 of the North Northamptonshire Core Spatial Strategy states that priority will be given to the reuse of suitable previously developed land. The proposal therefore complies with this policy.

7.2.5 Policy 1 of the Rural North Oundle and Thrapston Plan states that within villages there are opportunities for windfall development. Titchmarsh is a category A village with a defined settlement boundary and therefore Policy 2 of the Rural North Oundle and Thrapston Plan is applicable. Policy 2 sets out the criteria that must be met for windfall development. It states that:

- the overall mix of housing types and sizes of the development should meet local circumstances and need and provide for a balanced mix in the neighbourhood or community;
- the scale and siting of any dwellings would accord with the character of the surrounding properties and would be satisfactorily be integrated into the settlement and the surrounding area;
- and that local services and infrastructure are sufficient to serve the proposal.

Policy 8 of the Rural North Oundle and Thrapston Plan states that proposals for new housing should include a mix of housing types to take account of local need. It states that on smaller sites, a mix which includes mainly 1 or 2 bedroom house types would be acceptable. As this is a proposal for two, two bedroom dwellings it would comply with Policy 2 and 8.

The scale and siting of the dwellings as set out below are acceptable.

As this site currently serves one dwelling, it is considered that the local services and infrastructure are acceptable for this proposal. Local services include a village shop, a pub, a school and a village hall.

7.3 Visual impact

7.3.1 The street scene is characterised by bungalows to the north of St Andrews Close and two storey properties to the south and east of the close. All properties are detached and were built around the 1960s and 1970s. The bungalows are all very similar in character and appearance as are the two storey dwellings. However, both house types differ significantly from one another.

7.3.2 The proposal is for two, one and a half storey dwellings. Whilst the proposed dwellings are smaller than those within the street in terms of their scale and design, they would be similar in appearance and scale with one another and would not appear as piecemeal development. There is a change in the roof heights from single storey at unit 2 to two storey at unit 1 This allows for a transition between the bungalows and the two storey dwellings within St Andrews Close. As the street is made up by a mixture of

dwelling types the proposal would not appear out of keeping and as such would not result in a detrimental visual impact on the character and appearance of the street scene or the surrounding area.

7.3.3 The siting of the proposed dwellings is considered acceptable as they would be located on the footprints of the existing dwelling and garage block. Therefore the proposal would not result in an overdevelopment of the site as the dwellings fit comfortably and each property would have adequate amenity space for the number of bedrooms proposed. This addresses one of the previous reasons for refusal.

7.4 Impact on the adjacent conservation area

7.4.1 The proposed development would not appear prominent in the conservation area because of its set back distance and the views would be obscured by neighbouring properties.

7.4.2 As the proposed dwellings would not result in a detrimental visual impact on the character and appearance of the surrounding area, they would not fail to preserve or enhance the conservation area and as such would not result in undue harm to its character or appearance.

7.5 Impact on neighbouring amenity

7.5.1 The nearest properties to the proposed dwelling are No.47 High Street, No.8A St Andrews Lane and No.3 St Andrews Close. All other properties are located far enough away not to be impacted upon to any significant extent.

7.5.2 No.47 High Street is located approximately 20 metres to the south west of the proposal. The south west elevation of the proposal includes a first floor window which would serve a bedroom. The plans show that this would be obscure glazed. A condition is therefore recommended that this window be obscure glazed in order to prevent any overlooking of the private rear amenity space of No.47 High Street. Given that the dwelling at this neighbouring site is approximately 20 metres away at the nearest point, there would be no undue harm caused by overshadowing or overbearing impact.

7.5.3 No.8A St Andrews Lane is situated to the north of the proposed dwellings, approximately 20 metres away at the nearest point and is located on higher ground. This distance, as well as the difference in land levels, would be sufficient to prevent any undue overshadowing, overlooking or overbearing impact. The first floor bedroom window of the proposed two storey dwelling would create a slight degree of overlooking to the rear of the garden of No.8A but this would be partially obscured by boundary screening and would not be significant enough to warrant a refusal of planning permission.

7.5.4 No.3 St Andrews Close would be located nearest to unit 2. The single storey element of the proposed dwelling would sit on the footprint of the existing bungalow and therefore would cause no more harm than existing. Therefore it would not result in any undue overshadowing or overbearing impact. A first floor window is proposed in the north east elevation of unit 2. This would serve a dressing room, which is not classed as a habitable room, and therefore would not cause any undue overlooking.

7.5.5 Therefore, subject to a condition for the first floor south western elevation of unit 1, to be obscure glazed, no undue harm would be caused to neighbouring amenity.

7.6 Parking/impact on highway safety

- 7.6.1 Members refused the previous application because the access points were considered unacceptable and were considered to be detrimental to users of the highway. This application has re-positioned the access points in order to address the previous refusal reason.
- 7.6.2 There are five existing garages. According to the application details, only two of these are in use with the other three vacant. No information has been forthcoming to contradict this statement. Four parking spaces are proposed, two for each dwelling. Therefore this would result in the loss of one parking space in St Andres Close, if all garages were in use. The loss of one space would not significantly increase the competition for off-road parking and as such would not justify a reason for refusal. The number of proposed spaces for each dwelling is considered acceptable and would comply with Policy 6 of the Rural North Oundle and Thrapston Plan which states that an average maximum residential parking standard of 2 spaces per dwelling will apply.
- 7.6.3 The Local Highway Authority has no objection to the proposal subject to their standard conditions being applied. Drawing number 101 P6 shows that two spaces could be provided for each dwelling and they could accommodate the necessary pedestrian visibility splays.
- 7.6.4 Neighbours commented on the previous application that the turning head would be obstructed by vehicles parking in it as a result of the proposal. The turning head does not fall within the application site as it is adopted highway. Therefore it does not form part of this application. As addressed at 7.6.2 above, the proposal would not lead to an increase in competition for parking spaces and would therefore not impact upon the turning head.
- 7.6.5 Neighbours commented on the previous application that the proposal would lead to the loss of open space in front of the garages and would therefore remove turning space for emergency vehicles. This was not a reason for refusal on the previous application and therefore does not raise any concerns.

8 Other issues

- 8.1 The details of the boundary screening which have been submitted do not clearly identify where the boundary screening is to be located and as such a condition is recommended for details to be agreed by the Local Planning Authority prior to the commencement of development.
- 8.2 Crime and Disorder - This application does not raise any significant issues
- 8.3 Access for Disabled – This building would not be subject to any public access and therefore does not raise any significant issues.

9 Recommendation

- 9.1 That the application be GRANTED subject to the following conditions:

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. Notwithstanding the submitted details, details and samples of all the external roofing and

facing materials to be used on the works hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The works will be carried out in accordance with the approved details.

Reason: To ensure the protection of the integrity of the Listed Building.

3. Prior to the commencement of development, a scheme to prevent the unregulated discharge of surface water from the access hereby approved to the public highway shall have been submitted to and approved in writing by the local planning authority. These measures shall be implemented before the development hereby permitted is brought into use.

Reason: In the interest of highway safety.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order amending that order with or without modification), no extensions or other alterations under Classes A to F shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenity of the area.

5. Notwithstanding the submitted details, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation of the building hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development.

6. The parking area hereby approved shall be provided, prior to the occupation of the dwellings hereby approved, and shall be permanently retained for the parking of vehicles of residents/occupiers of the approved dwelling and shall not be used for any other purpose. The parking areas shall thereafter be retained in perpetuity.

Reason: In the interests of highway safety.

7. Notwithstanding conditions 2, 3 and 6 the development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 10 November 2011, 16 November 2011 and 1 December 2011, drawing numbers: 1629 02B Existing plans and elevations, Site location plan at a scale of 1:1250, 001 P1 Existing block plan, 101 P6 Proposed block plan, 110 P2 Unit 1 proposed plans, 120 P2 Unit 2 proposed plans, 300 P1 Proposed street elevation, 310 P1 Unit 1 proposed elevations and 320 P1 Unit 2 proposed elevations, 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.

8. Prior to the first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2.4 metres by 2.4 metres shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.6 metres above access/footway level.

Reason: In the interests of highway safety.

9. Prior to the first use or occupation of the development hereby permitted the means of vehicular access hereby permitted shall be paved with a hard bound surface for a minimum of 5 metres from the highway boundary and retained as such.

Reason: In the interests of highway safety.

10. No gates, barrier or means of enclosure shall be erected within 5.5 metres of the

highway boundary. Any such feature erected beyond that distance shall be hung to open inwards away from the highway.

Reason: In the interests of highway safety.

11. Before the development hereby permitted is brought into use, the first floor bedroom window located in the south west elevation of the building shall be provided with obscure glazing in such a manner as would eliminate any overlooking of the adjacent premises.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the south west elevations of units 1 and 2 or the south east elevation of unit 1 without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties.

Informatives

1. No works may commence within the existing highway without the express written permission of the Highway Authority. This planning permission does not give or infer such consent. However, such consent may be forthcoming subject to the completion of a suitable licence or Agreement under the Highways Act 1980. Any works within the highway shall comply with Northamptonshire County Council Specifications.
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. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS5, East Midlands Regional Plan Policies 2, 3 and 13b, the North Northamptonshire Core Spatial Strategy 2008 policies 1, 7, 9, 10, 13 and 14, Local Highway Authority Standing Advice and the Rural North Oundle and Thrapston Plan Policies 1, 2, 6 and 8. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, the visual impact, the impact on neighbouring amenity, the impact on highway safety and the impact on the adjacent conservation area. The application has been approved as:
 1. The principle of development is acceptable and in accordance with national and local policy.
 2. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.
 3. The proposal would not have a significant impact on the amenities of neighbouring occupiers subject to the imposition of relevant planning conditions.
 4. The proposal would not result in a detrimental impact to highway safety subject to the addition of relevant conditions.

5. The proposal would not result in any harm to the character or setting of the adjacent conservation area.

Committee Report

Committee Date : 21 December 2011

Printed: 7 December 2011

Case Officer **Mr Rhys Bradshaw**

EN/11/01871/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
15 November 2011	23 November 2011	18 January 2012	Rushden Hayden	Rushden

Applicant **Mr Barry Essig**

Agent **Mrs Anna Jardine - Blueprint Architectural Design**

Location Land Adjacent To The Croft Alexandra Road Rushden Northamptonshire

Proposal **Outline: Residential development of four houses (all matters reserved except access) Resubmission 11/01061/OUT**

This application is reported to the Development Control Committee because applications for dwellings in the open countryside fall outside the Council's Scheme of Delegation.

1 Summary of Recommendation

1.1 That permission is REFUSED.

2. The Proposal

2.1 This planning application seeks outline planning permission for the erection of two pairs of semi detached dwellings.

2.2 All matters are reserved for future consideration except the access; however, an indicative layout shows the proposed dwellings sited in the garden area of the existing house, on the same alignment. The same drawing states that the eaves level would be 2.5m and the ridge level, 5.5m

3 The Site and Surroundings

3.1 The site forms the garden to "The Croft", which sits immediately to the east. It is situated on the eastern side of the A6 and is therefore outside the built form of the town and classed as open countryside.

3.2 The wider site, which is also accessed by Alexandra Road, contains a number of uses including High Hayden Farm, a plant nursery, builders yard, scrap yard and at least three other houses.

4 Policy Considerations

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

- 4.2 Regional Spatial Strategy for the East Midlands (RSS8)
 - 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 MKSM SRS Northamptonshire 1
 - Policy MKSM SRS Northamptonshire 2

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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- 4.3 North Northamptonshire Core Spatial Strategy
 - 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

- 4.4 Three Towns Plan Preferred Options Document

5 Relevant Planning History

- 5.1 EN/11/01061/OUT - Outline: Residential development of four houses (all matters reserved) Refused 19/10/11

6 Consultations and Representations

- 6.1 Neighbours: No comments received at the time of drafting this report. Any comments will be reported to the Development Control committee via the update sheet.
- 6.2 Rushden Town Council: No comments received at the time of drafting this report. Any comments will be reported to the Development Control committee via the update sheet.
- 6.3 NCC Highways: No comments received at the time of drafting this report. Any comments will be reported to the Development Control committee via the update sheet.
- 6.4 ENC Environmental Protection: When the site was inspected there were a number of vehicles parked on the land. These vehicles may be associated with a used car retail business believed to be operating from The Croft. There is no information readily available on how long this business has been operating or whether any maintenance or repairs are carried in association with it.

With any previously used land there is the possibility that contamination may be present. PPS23 states that land quality is a material planning consideration especially on previously used land or land which will have a sensitive end use such as residential. It is interesting to note from the planning application form that the applicant has indicated that residential use is not 'A proposed use that would be particularly vulnerable to the presence of contamination?'. This is quite contrary to guidance stated in PPS 23.

The applicant has not submitted an environmental assessment in support of the planning application and the design and access statement lacks detail in this respect. However, it is considered that measures can be secured through the use of planning conditions to ensure the development can be safely delivered. Therefore, providing conditions are placed on the planning permission to investigate and remediate contamination as necessary we have no objection to the planning permission being granted. However, it must be remembered the developer is ultimately responsible for ensuring that development is safe and suitable for the purpose for which it is intended.

6.5 ENC Planning Policy: Objection

The matter of whether the proposed development of four dwellings to the west of The Croft, Alexandra Road would be acceptable in principle rests upon the defined status of this land. Emerging national planning policy (NPPF) specifies a "presumption in favour of sustainable development", which applies where plans are inconclusive or outdated. In this case, the passage of time (15 years) since the adoption of the relevant "site specific" DPD (i.e. the Local Plan) has seen the application site separated from the Rushden urban area by the A6 Bypass.

The Regional Plan, with its reference to "urban fringe" presents a material consideration in this case. However, given that the application site is separated from the urban area by the A6 Bypass, it is not considered that the site could be classified as anything other than "open countryside". Accordingly, therefore, residential development on land to the west of The Croft is not considered to be acceptable, in principle.

6.6 Site Notice posted: no comments received.

7 Evaluation

7.1 The key considerations that are relevant to the determination of this application are: the principle of the proposed development; impact on the character of the area; highway issues, residential amenity, impact on ecology and any other material considerations.

7.1.1 Members will remember considering an almost identical application at their meeting on 19th October 2011. The Committee did not accept the Officer recommendation that the principle was not acceptable and only refused the application on highway grounds. For consistency, Officers retain their professional view that the principle of development in this location is unacceptable for the reasons outlined below but are mindful that Members may take a different view. Similarly, Officers also recommended that the application be refused on the grounds of the impact on the character of the immediate area, and remain of this view.

7.2 Principle

7.2.1 Any proposal would need to be considered against national standards set out in PPS1 regarding design, as well as the development principles within PPS3. While the proposal could potentially enable: "The delivery of housing in rural areas...providing high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages" (PPS3, paragraph 3), no justification

has been submitted in support of the application as to how this might be achieved.

- 7.2.2 PPS7 states that local planning authorities should “strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans” (paragraph 9(ii)). While the application site is within the vicinity of Rushden, it is separated from the existing urban area by the A6 Bypass. On this basis, it is considered that the principle of new residential development would be fundamentally contrary to national planning policy.
- 7.2.3 These national planning policies are currently under review. The Department for Communities and Local Government (CLG) proposes the replacement of Planning Policy Statements (PPSs) and Planning Policy Guidance Notes (PPGs) with a single concise National Planning Policy Framework (NPPF). The draft NPPF (July 2011) includes a “presumption in favour of sustainable development” (paragraphs 13-18).
- 7.2.4 Recent Government policy announcements represent significant considerations in assessing whether the application proposal is acceptable in principle. The Treasury “Plan for Growth” (23 March 2011) was followed by the Department for Communities and Local Government (CLG) presumption in favour of sustainable development; also incorporated in the draft NPPF. The presumption in favour of sustainable development emphasises the need to provide “an increased supply of housing”, and states that “the default answer to development is 'yes', except where this would compromise the key sustainable development principles”.
- 7.2.5 The CLG presumption 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”. For Rushden and its surrounding hinterlands, the adopted development plan consists of the East Midlands Regional Plan (anticipated to be abolished during 2012), North Northamptonshire Core Spatial Strategy (adopted June 2008; now under review) and East Northamptonshire District Local Plan (adopted November 1996).
- 7.2.6 In this case, the adopted CSS represents the principal DPD, while the adopted East Northamptonshire District Local Plan (now 15 years old) remains the “site specific” DPD for Rushden. The CSS identifies Rushden as a “secondary focal point[s] for development...” (Policy 1), while the Local Plan shows the application site as situated beyond the (then proposed) Rushden Bypass. It is considered that the implementation of the Bypass has greatly increased the separation of the application site from the existing urban area since the Local Plan was adopted.
- 7.2.7 Conformity with East Midlands Regional Plan (adopted March 2009)
Regional Strategies, despite the Government’s stated intention to abolish these, remain a statutory element of the overall spatial planning framework. The East Midlands Regional Plan sets out a range of relevant policies that need to be considered in determining the application.
- 7.2.8 Policy 1 (Regional Core Objectives) represents a relevant determinant. The applicant has not submitted any planning policy justification for his proposal, although some elements of the Regional Plan might be presented in support of this particular scheme. Policy 1(c) specifies a core objective: “To protect and enhance the environmental quality of urban and rural settlements...through promoting:...enhancement of the ‘urban fringe’”.
- 7.2.9 The application site is surrounded by a range of uses. To the north is agricultural land, probably forming part of High Hayden Farm. However, on other sides, the site is near to other residential development (at least three houses) and an area (2.6ha) containing a builders merchant, scrap yard and the storage of vehicles. In this sense, it could be argued that the site represents an “urban fringe” location, rather than open countryside.

A further policy argument may also be made, that the development could present an opportunity to strengthen “linkages between settlements [in this case, Rushden] and their hinterlands” (Policy 3(d)).

7.2.10 By contrast, Policy 11 and the Milton Keynes and South Midlands (MKSM) Sub-Regional Strategy (Northamptonshire 1) provide an overall spatial strategy for defined “small towns” such as Rushden. Policy 11 defines the roles of small towns, including “safeguarding of...rural hinterlands from encroachment by larger centres”. The proposed scheme would clearly be contrary to this aspect of the Regional Plan, given that it would form new residential development within Rushden’s rural hinterland. Overall, it is accepted that the application site could, arguably, be described as “urban fringe”, given the nature of its surrounding area. However, the site is firmly separated from the urban area by the A6 Bypass and, as such, should also be considered as forming part of Rushden’s hinterland. In this case, the reference to safeguarding the rural hinterland from urban encroachment should apply (Policy 11).

7.2.11 Compliance with the adopted development plan – North Northamptonshire Core Spatial Strategy (adopted June 2008)

The current CSS defines the local detail by which most decisions are made and, therefore, should be considered to be the principal development plan document (DPD) for Rushden. CSS Policy 1 defines Rushden as a secondary focal point for development within the urban core.

7.2.12 As explained above, however, the application site is separated from the Rushden urban area by the A6 Bypass. In this sense, it is considered to fall within the “remaining rural area” as described by Policy 1. This states that “development will take place on sites within village boundaries”. Given that the site is now physically separated from any established settlement (despite its geographical proximity to Rushden), in practice it could only be considered as “open countryside”.

7.2.13 In this event, therefore, CSS Policy 9 provides further detail regarding the overall spatial strategy for development. Policy 9 states that: “New building development in the open countryside outside the Sustainable Urban Extensions will be strictly controlled”. In practice, this criterion functions as a presumption against development outside of established settlements; i.e. in “open countryside” locations.

7.3 Impact on the character of the area.

7.3.1 The detailed design and siting of the proposed dwellings cannot be assessed fully at this outline stage; however, four dwellings in this location would have a detrimental visual impact on the plot itself and on the rural character of the wider site. “The Croft” and the adjoining dwelling “Sunny View” are set in relatively large curtilages with space about the buildings, as is “Spenwood” to the south. This application would introduce residential development on garden land, increasing the density and creating a more suburban feel.

7.4 Highway Issues

7.4.1 Under the previous application, the highway authority advised that alterations were required to the existing access track in order to accommodate the intensification of use. These works had not been proposed and could not be secured by a condition because the access track lay outside the application site. Members therefore resolved to refuse the application on these grounds.

7.4.2 The current application demonstrates that the necessary alterations can be made as the applicant has secured the agreement of the Rushden Permanent Allotment and Small Holding Society to allow the access to be widened.

7.5 Residential Amenity

7.5.1 The impact on residential amenity cannot be considered fully at the outline stage where all matters are reserved for subsequent approval; however, no significant issues are likely to result in this respect based upon the submitted indicative layout and scale parameters.

8 Other issues

8.1 Crime and Disorder - this application does not raise any significant issues.

8.2 Access for Disabled – this is an issue that will be assessed by building regulations.

8.3 Drainage – A neighbour previously raised the issue of drainage; however this is a matter to be controlled by building regulations. The site does not lie within flood zones as defined by the Environment Agency.

9 Recommendation

9.1 That the application be REFUSED for the following reasons:

10 Conditions/Reasons -

1. The proposed development, by introducing dwellings on garden land, would double the number of residential properties in the immediate vicinity, creating a more suburban character. As such, the proposal would have a detrimental impact on the rural character of the wider site around Alexandra Road, which is characterised by dwellings set in relatively large curtilages. The application is therefore contrary to Policy 13(h) of the North Northamptonshire Core Spatial Strategy.
2. The site is separated from the built up part of Rushden by the A6 bypass and is therefore situated in the open countryside where there is a presumption against residential development unrelated to agriculture or forestry. Insufficient evidence has been provided of any exceptional circumstances which to justify the proposal. The application fails to comply with Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy and the advice contained within PPS7 - Sustainable Development in Rural Areas.

Informatives

1. The drawings to which this decision relates are as follows: 11-038-01D and 11-038-03D received by the Local Planning Authority on 23 November 2011

Committee Report

Committee Date : 21 December 2011

Printed: 8 December 2011

Case Officer **Carolyn Tait**

EN/11/01904/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
18 November 2011	18 November 2011	13 January 2012	Lower Nene	Warmington

Applicant **Mr & Mrs Simon Bowering**

Agent **Mr Andrew Freer**

Location 22 School Lane Warmington Peterborough Northamptonshire PE8 6TA

Proposal **Two storey extension to front of house**

This application is brought before Development Control Committee at the request of the Local Ward Member.

1 Summary of Recommendation

1.1 That permission be REFUSED.

2. The Proposal

2.1 This is a resubmission of a previous refusal (EN/11/00246/FUL) for a two storey front extension.

2.2 It would measure approximately 6.4 metres in height by 4.2 metres in width. It would extend out from the front of the existing dwelling by approximately 1 metre.

2.3 It would be constructed from materials to match the existing dwelling as well as the addition of cedar boarding.

2.4 It would accommodate a new enlarged bedroom and a front porch.

2.5 The differences between this application and the previously refused application are that the ridge height has been reduced by approximately 0.6 metres, the materials to be used would be to match the existing dwelling (other than the cedar cladding) and the overall size and form.

2.6 The applicant has provided information to explain the specific family circumstances which require the extension. In addition to this the applicant has stated that the house was originally chosen because of its close proximity to the local school. The house is also located opposite the applicant's mother in law who needs support. Four generations of the applicant's family have now lived in this road so there are close

family ties to the village.

- 2.7 This is the only place that the property could be extended to accommodate the applicant's requirements. The property can not be extended to the rear as there is an existing single storey extension, and to extend on top of it would cause harm to neighbouring amenity. The property can not be extended to the side as it would overshadow a neighbouring bedroom window. The possibility of extended the existing box room was discussed with the applicant's agent. However, this is not possible as it would not produce the space that is required and would be impractical to furnish. The existing purlins and supporting sleeper walls would need to be removed and would effectively mean rebuilding the rear roof section to incorporate the landing dormer. It would have to be constructed above the existing conservatory and would be difficult and costly.

3 The Site and Surroundings

- 3.1 The application site accommodates a semi-detached dormer bungalow. Bungalows are located on the same side of the street as the proposal. On the opposite side of the street there are two storey properties.
- 3.2 To the east and west of the application site is residential development which is similar in its character and appearance to the existing dwelling. There is residential development to the north and south of the site too, however, it differs in character and appearance from the existing dwelling at the application site.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1– Sustainable Development

- 4.2 East Midlands Regional Plan
Policy 2 – Promoting Better Design

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. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

- 4.3 North Northamptonshire Core Spatial Strategy
Policy 13 General Sustainable Development Principles

- 4.4 Other Documents
Residential Extensions and Alterations Design Guide

5 Relevant Planning History

- 5.1 05/01410/FUL Single storey rear extension. PERMITTED.
- 5.2 11/00246/FUL Two storey extension to front of house. REFUSED. This application proposed a two storey front extension to be constructed from cedar board cladding, oak pillars and concrete tiles. It was proposed to measure 7 metres in height by 4.5 metres in width by 5.5 metres in depth. It was refused because:
'The proposed two storey front extension by reason of its height, siting and design would result in an incongruous feature that would not be subordinate to the original

dwelling. It would therefore have a detrimental visual impact on the character and appearance of the street scene and the existing dwelling. As such the proposal would be contrary to Policy 13(h) of the North Northamptonshire Core Spatial Strategy and the Councils Supplementary Planning Guidance – Residential Extensions and Alterations Design Guide'. The current application, which is the subject of this report has tried to address the concerns that the Council had with the previous application.

6 Consultations and Representations

- 6.1 Neighbours: No comments have been received at the time of writing this report. The consultation expiry date is 17 December 2011, and therefore any comments received will be reported on the update sheet.
- 6.2 Parish Council: No comments have been received at the time of writing this report. The consultation expiry date is 17 December 2011, and therefore any comments received will be reported on the update sheet.
- 6.3 Site notice posted: NA.
- 6.4 Letters of support have been received with the application from Warmington School (where the applicants' daughter attends) and the doctor of the applicants' daughter.

7 Evaluation

- 7.1 The following considerations are relevant to the determination of this application.
- 7.2 Visual impact
 - 7.2.1 The street scene is characterised by dormer bungalows on the same side of the street as the proposal and two storey properties on the opposite side. The proposed two storey extension would be an improvement to what was previously submitted, by reducing its overall bulk and height, but would still be highly visible in the street scene due to its location at the front of the existing dwelling.
 - 7.2.2 The row of bungalows that the application site forms part of are all set back from the highway and have open frontages, with low boundary screening. They are read as a row of bungalows together and were all constructed around the same time. No.18 and No.24 School Lane have a single storey front gable ended extension and No's 22 and 20 (in the middle) have a box dormer window at first floor level. This provides an element of symmetry in the street scene. The proposed two storey extension would therefore create a prominent feature that can not be currently found in the street scene. It would appear incongruous with its surroundings and as such would result in a detrimental visual impact on the character and appearance of the street scene and the surrounding area.
 - 7.2.3 The proposal would be contrary to the Residential Extensions and Alterations Design Guide which states that "particular care should be taken with the design of front extensions as these tend to be the most publicly visible side of the building. By blocking the view and changing the character of the original building, large front extensions often detract from the street scene". The proposal would also conflict with Policy 13h of the North Northamptonshire Core Spatial Strategy which states that "development should be of a high standard of design, architecture and landscaping, respect and enhance the character of its surroundings and be in accordance with the environmental character of the area".

7.2.4 Overall, it is considered that the proposal is an improvement to what has been previously submitted. However, it does not address the previous reason for refusal and as such is considered unacceptable.

7.3 Neighbouring amenity

7.3.1 The nearest properties to the proposal are No.20 School Lane and No.24 School Lane. No.20 School Lane adjoins the host dwelling, but its first floor front window would not fall within a 45 degree angle of the proposed extension and as such there would be no undue overshadowing or overbearing impact. Some of the proposed extension falls within a 25 degree line from the neighbouring ground floor window. However, as this property is located to the east, they would only be affected by slight overshadowing in the evening and this would not be sufficient to warrant a reason for refusal.

7.3.2 No.24 School Lane is located approximately 4 metres away from the proposal at the nearest point. However, the extension does not fall within a 45 degree angle when measured from the neighbouring property. Therefore, there would be no undue overshadowing or overbearing impact. There is a side window to this neighbouring property. However, the proposed extension would be no closer to this window than the existing arrangement and would therefore not cause any undue overshadowing or overbearing impact.

7.3.3 The proposed first floor window would be located far enough away from any neighbouring properties to cause any harm by overlooking.

7.3.4 All other nearby properties are located far enough away not to be impacted upon to any significant extent.

8 Other issues

8.1 The property would retain adequate off-road parking given its resultant size.

8.2 Adequate private amenity space would remain.

8.3 Crime and Disorder - This application does not raise any significant issues

8.4 Access for Disabled – This building would not be subject to any public access and therefore does not raise any significant issues.

8.5 Personal circumstances very rarely outweigh material planning considerations. Therefore, Members should balance out the personal circumstances of the applicant against the visual impact. Paragraph 29 of The Planning Inspectorate Good Practice Advice Note 07 states that “in most cases, the personal circumstances of the appellant are not a planning consideration”.

9 Recommendation

9.1 That permission be REFUSED for the following reason:

10 Conditions/Reasons -

1. The proposed two storey front extension by reason of its height, form, siting and design would result in an incongruous feature that would not be subordinate to the original dwelling. It would therefore have a detrimental visual impact on the character and

appearance of the street scene and the existing dwelling. As such the proposal would be contrary to Policy 13h of the North Northamptonshire Core Spatial Strategy and the Councils Supplementary Planning Guidance 'Residential Extensions and Alterations Design Guide' October 1998.

Informatives

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

Plans received by the Local Planning Authority on 18 November 2011, drawing numbers: SB/01 Existing plans, SB/02 Proposed plans, SB/04 Elevations and section, SB/05 Approach views, SB/06 Existing elevations and Site Location Plan at a scale of 1:1250.

Committee Report

Printed: 7 December 2011

Case Officer **Amie Baxter**

EN/11/01863/NCC

Date received	Date valid	Overall Expiry	Ward	Parish
11 November 2011	11 November 2011	2 December 2011	Higham Ferrers	Lancaster

Newton Bromswold

Applicant **Biogen (UK) Ltd**

Agent **Northamptonshire County Council**

Location **Westwood A D Plant Bedford Road Rushden Northamptonshire NN10 0SQ**

Proposal **Variation of condition 5 of planning permission 08/00002/WAS to allow public and bank holiday working**

This is a 'County Matter' application as it is for a waste proposal and it therefore falls to be determined by Northamptonshire County Council. This council has been consulted by Northamptonshire County Council.

1. Summary of Recommendation

1.1 That Northamptonshire County Council be advised that East Northamptonshire do not object to the proposal.

2 Background

2.1 ENC was consulted on the original application for an Anaerobic Digestion (AD) plant. ENC objected to the proposal on the following three counts:

- No justification for siting the facility within a rural area
- Insufficient information was submitted in respect of odour, noise and dust and without it; a proper assessment could not be made.
- The proposed development would result in an unacceptable increase in traffic and also turning movements at a dangerous point on a main route close to a bend, which would be harmful to highway safety and contrary to Policy T3 in the Northamptonshire Structure Plan.
- There are existing anaerobic digestion plants in the vicinity of the site and a further proposal for a plant at the former Chelveston Airfield. This Council is therefore concerned about the cumulative effects of the proposal. On this basis the proposal conflicts with advice contained in paragraph 21 of Planning Policy Statement 10.

2.2 NCC however resolved to grant permission for the AD plant.

- 2.3 The Officers report to Development Control Committee (for the consultation from NCC on the original AD plant application) is appended to this report for information.

2. The Proposal

- 2.1 This application proposes to vary Condition 5 of the original application to allow the plant to operate on public and bank holidays, between the hours of 07:00 and 16:00. Condition 5 reads as follows:
'Except as otherwise may be agreed in writing by the Waste Planning Authority the operations involving the importation of waste, removal of non-compostable waste and outside movements of wastes on site hereby permitted, shall be restricted to the hours of 07.00 and 19.00 on Mondays to Fridays and 07.00 to 13.00 on Saturdays, with no operations on Sundays, Public, Statutory or Bank Holidays'.
- 2.2 The applicant anticipates that there would be no more than 20 HGV movements per day (10 to and 10 from) at site during public and bank holiday periods.
- 2.3 The working hours on weekdays are to remain the same and Saturdays are to remain the same. No working will take place on Sundays.
- 2.4 Members are reminded of the need to support operations which make a contribution to the regions waste management and renewable energy provision.

3. The Site and Surroundings

- 3.1 The AD plant is operational and is located to the south of Rushden. The site is approximately 400 metres from the A6, which it has direct access to. Avenue Road is located approximately 1.5 miles to the north west of the site and there are a number of dwellings scattered along Bedford Road.
- 3.2 The site accommodates numerous large buildings and tanks, associated with the use. Landscaping helps to obscure more local views of the site.
- 3.3 A sister company to BIOGEN (the applicant) farms the adjacent land.

4. Policy Considerations

- 4.1 Planning Policy Guidance
PPS1 -Sustainable development
PPS7- Sustainable Development in Rural Areas
PPS10- Planning for Sustainable Waste Management
PPG13- Transport
PPS22- Renewable Energy
PPS23- Planning and Pollution Control
PPS24- Noise
- 4.2 RSS8 -Regional Spatial Strategy (incorporating Milton Keynes-South Midlands Sub-Regional Strategy)
Policy 1- Regional Core Objectives
Policy 6- Regional Priorities for Development in Rural Areas
Policy 38- Regional Priorities for Waste Management
Policy 41- Regional Priorities for Renewable Energy
- 4.3 North Northamptonshire Core Spatial Strategy
Policy 9- Distribution and Location of Development
Policy 11- Distribution of Jobs
Policy 13- General Sustainable Development Principles

Policy 14- Energy Efficiency and Sustainable Construction

- 4.4 NCC Control and Management of Development DPD
Policy CMD1- Development Criteria for Waste Management Facilities
Policy CMD2- Development Criteria for Waste Disposal

- 4.5 Three Towns Preferred Options Document

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

5. Relevant Planning History

- 5.1 08/00056/CRA. Construction of anaerobic digestion plant for the processing of food chain waste into biofertiliser and renewable energy. Objection.

6 Consultations and Representations

- 6.1 As this is a County matter application, consultations are carried out by the County Council. However, the following internal consultation has been made:

- 6.2 Environmental Health: No objection.

7 Evaluation

- 7.1 The principle of the AD plant has already been established and the plant is in operation. Therefore, the issues to consider as part of this consultation are as follows:

- 7.2 Traffic

- 7.2.1 The site has good access to the A6 and currently accepts 30 trips by HGV's per day (10 in and 10 out). Given the easy access to the A6 rural roads are seldom used to travel to or from the site.

- 7.2.2 It is anticipated that the number of trips to and from the site on public holidays would be less than during the week, at no more than 20 HGV trips per day, dispersed between the hours of 07:00 and 19:00.

- 7.2.3 Biogen was granted a temporary trial permission (issued by the County Council) in March 2011 to accept waste over the extended bank holidays in April and May 2011. During these periods, the site accepted an average of eight deliveries each day (16 trips). Although the trip number could be up to 20 per day during some busier periods, the applicant states that the average number of trips is not likely to differ from the average noted during the trial period.

- 7.2.4 The trial operation appears to have demonstrated that the plant could operate successfully through public and bank holidays without resulting in traffic issues or harm to highway safety.

- 7.2.5 It is also beneficial to note that, by allowing the plant to remain operational through bank holiday and public holiday period's, a backlog of local waste is less likely to form. The waste generated by local businesses could be transported to the site at a more regular and dispersed rate, rather than it having to be stored elsewhere over the holiday or the need for a concentration of trips soon after the holiday period has ended to compensate. This could have a positive effect on the surrounding highway network.

- 7.2.6 Officers do not therefore object to the proposed development on highway grounds.

NCC must themselves be satisfied that the proposed development would not be detrimental to the highway network or highway safety.

7.3 Noise and Odour

7.3.1 NCC concluded previously that the impact of the existing plant would be acceptable in terms of the impact of noise and odour. Therefore, the point to consider with this application is whether the operation of the plant on bank holidays or other public holidays would result in an additional negative impact to surrounding occupiers.

7.3.2 There are no residential properties in close proximity to the site and whilst ENC has received a small number of complaints regarding odour, the onus is on the Environment Agency to manage the plant and mitigate any odour issues. Also, digestate is only spread twice a year and it is not likely that the spreading would coincide with a holiday. Therefore, the proposal would make little difference to the current situation in terms of noise and odour.

7.3.3 As the current operation has not proven to be particularly problematic, including throughout the trial period mentioned above, it would be unreasonable to object to the proposed variation of condition on the grounds of impact on residential amenity.

8 Other Issues

8.1 None relevant to this proposal

9 Conditions/Reasons -

Informatives

1. That Northamptonshire County Council be advised that East Northamptonshire Council do not object to the proposed variation of condition application.

Committee Report

Committee Date : 21 December 2011

Printed: 8 December 2011

Case Officer **Amie Baxter**

EN/11/01938/NCC

Date received	Date valid	Overall Expiry	Ward	Parish
24 November 2011	24 November 2011	15 December 2011	Higham Ferrers	Lancaster Newton Bromswold

Applicant **Northamptonshire County Council**

Location Westwood A D Plant Bedford Road Rushden Northamptonshire NN10 0SQ

Proposal **Variation of condition 2 of application 08/00002/WAS to allow digestate to be applied to local farmland up to five miles distant from the plant rather than limited to the site's host agricultural unit**

This is a 'County Matter' application as it is for a waste proposal and it therefore falls to be determined by Northamptonshire County Council. This council has been consulted by Northamptonshire County Council.

1. Summary of Recommendation

- 1.1 That Northamptonshire County Council be advised that East Northamptonshire do not object to the proposal but wish to make comment on the cumulative impact of the development in terms of odour that the application is assessed against EIA regulations if necessary.

2 Background

- 2.1 ENC was consulted on the original application for an Anaerobic Digestion (AD) plant. ENC objected to the proposal on the following three counts:
- No justification for siting the facility within a rural area
 - The proposal would have a harmful effect on the landscape
 - Insufficient information was submitted in respect of odour, noise and dust and without it; a proper assessment could not be made.
- 2.2 NCC however resolved to grant permission for the AD plant.

3. The Proposal

- 3.1 This application proposes to vary Condition 2 of the original application to increase the allowance on the total annual waste throughput and to allow digestate to be spread on

local farmland up to 5 miles away from the AD plant, rather than being limited to the sites host agricultural unit. Condition 2 reads as follows:

‘The development hereby permitted shall not exceed a total annual throughput of 45,000 tonnes per annum and waste materials to be processed shall not exceed 41,000 tonnes per annum...’

- 3.2 The plant was originally designed to process 41,000 tonnes of food waste and 4,000 tonnes of crops. The applicant wishes to increase the waste throughput to 49,000 tonnes and replace the allocation for crop waste with additional food waste. The justification given for this increase is because of an increase in customer demand (including business from a local authority) and in addition, advances in technology would allow the applicant to process a higher volume of food waste with the existing machinery on site.
- 3.3 The applicant anticipates that there would be no more than 3 additional HGV deliveries per day (6 trips) as a result of this increase in waste volume.
- 3.4 The increase in tonnage would require an additional full time local employee.
- 3.5 Members are reminded of the need to support operations which make a contribution to the regions waste management and renewable energy provision.

4. The Site and Surroundings

- 4.1 The AD plant is operational and is located to the south of Rushden. The site is approximately 400 metres from the A6, which it has direct access to. Avenue Road is located approximately 1.5 miles to the north west of the site and there are a number of dwellings scattered along Bedford Road.
- 4.2 The site accommodates numerous large buildings and tanks, associated with the use. Landscaping helps to obscure more local views of the site.
- 4.3 A sister company to BIOGEN (the applicant) farms the adjacent land.

5. Policy Considerations

- 5.1 Planning Policy Guidance
 - PPS1 -Sustainable development
 - PPS7- Sustainable Development in Rural Areas
 - PPS10- Planning for Sustainable Waste Management
 - PPG13- Transport
 - PPS22- Renewable Energy
 - PPS23- Planning and Pollution Control
 - PPS24- Noise
- 5.2 RSS8 -Regional Spatial Strategy (incorporating Milton Keynes-South Midlands Sub-Regional Strategy)
 - Policy 1- Regional Core Objectives
 - Policy 6- Regional Priorities for Development in Rural Areas
 - Policy 38- Regional Priorities for Waste Management
 - Policy 41- Regional Priorities for Renewable Energy

- 5.3 North Northamptonshire Core Spatial Strategy
 - Policy 9- Distribution and Location of Development
 - Policy 11- Distribution of Jobs
 - Policy 13- General Sustainable Development Principles
 - Policy 14- Energy Efficiency and Sustainable Construction
- 5.4 NCC Control and Management of Development DPD
 - Policy CMD1- Development Criteria for Waste Management Facilities
 - Policy CMD2- Development Criteria for Waste Disposal
- 5.5 Three Towns Preferred Options Document
- 5.6 Supplementary Planning Guidance
 - Planning Out Crime Adopted February 2004
 - Parking Adopted March 2003

6. Relevant Planning History

- 6.1 08/00056/CRA. Construction of anaerobic digestion plant for the processing of food chain waste into biofertiliser and renewable energy. Objection.

7 Consultations and Representations

- 7.1 As this is a County matter application, consultations are carried out by the County Council. However, the following internal consultation has been made:
- 7.2 Environmental Health: Chelveston Renewable Energy Park has received permission from the Environment Agency to spread digestate on land adjoining the spread area of this current application for Biogen. The two processes would be less than 3 miles apart. Singularly, they may not have a detrimental impact but jointly, the type and duration of the smell may become unacceptable. Therefore, it is essential that procedures are put in place to ensure that residents do not become surrounded by a perpetual malodour.

8 Evaluation

- 8.1 The principle of the AD plant has already been established and the plant is in operation. Therefore, the issues to consider as part of this consultation are as follows:
- 8.2 Noise and Odour
 - 8.2.1 NCC concluded previously that the impact of the existing plant would be acceptable in terms of the impact of noise and odour. Therefore, the point to consider with this application is whether the wider spread of digestate would be detrimental in terms of odour and whether the increase in throughput would be harmful to neighbouring residential amenity.
 - 8.2.2 The ENC Environmental Health Officer has not objected to the proposal but notes that another similar permission has been granted for the Chelveston Renewable Energy Plant which is close to the Westwood Plant. The Environment Agency are the licensing body for such digestate spreading and the onus is on them to ensure the site is managed to prevent any odour issues. Also, management at the Westwood Plant make the nearest residents aware when digestate is to be spread by sending out leaflets, including an emergency number if odour becomes an issue. Digestate is likely to be spread twice a year.
 - 8.2.3 Whilst singularly, the proposal at Westwood may not present an issue, the ENC

Environmental Health Officer suggests that the cumulative impact of digestate spreading from both sites could be detrimental in terms of odour.

8.2.4 No information has been provided with this application which clarifies the land to be used for digestate spreading from the Westwood plant. If the Westwood digestate is to be spread towards Bedford then the cumulative impact of the two sites is likely to be low. However, if fields close to Rushden, Newton Bromswold and Chelveston are used, then there is the potential that the cumulative odour, with that of the Chelveston Renewable Energy Park digestate, would become a significant issue.

8.2.5 When considering this application, NCC need to assess the cumulative impact of both developments and, if necessary, restrict the areas which are to be used for digestate spreading to prevent a concentration of odour. Procedures should be put in place to ensure that local residents are not surrounded by a perpetual malodour

8.2.6 Officers do not consider that an objection to the proposed variation of condition, on the grounds of impact on residential amenity, is necessary.

8.3 Traffic

8.3.1 The site has good access to the A6 and currently accepts 30 trips by HGV's per day (15 in and 15 out). Given the easy access to the A6 rural roads are seldom used to travel to or from the site.

8.3.2 It is anticipated that the number of trips to and from the site would increase by 6 per day (3 in and 3 out) as a result of the increase in throughput. These additional trips would not be significant and the overall number of trip rates to and from the site is unlikely to have a harmful impact on the highway network.

8.3.3 NCC must themselves be satisfied that the proposed development would not be detrimental to the highway network or highway safety.

8.4 Environmental Impact Assessment

8.4.1 NCC should have satisfied itself that an EIA assessment is not required, as this increase in throughput would take the scale of the plant even closer to the indicative threshold as noted in Circular 2/99: Environmental Impact Assessment.

The advice in the DETR publication "Environmental Impact Assessment: A Guide to Procedures" is that for installations for the disposal of waste, consideration should be given to the size, noise impacts, emissions and the potential traffic generation. It indicates that EIA is more likely to be required for developments with a site area of 20 Ha or more. The guidance also states that EIA is more likely to be required where new capacity is created to hold more than 50,000 tonnes per year. The throughput of the site will be 49,000 tonnes and is close to this figure.

9 Other Issues

9.1 None relevant to this proposal

10 Conditions/Reasons -

1. That Northamptonshire County Council be advised that East Northamptonshire Council do not object to the proposed variation of condition application, provided that procedures are put in place to ensure that local residents are not surrounded by a perpetual malodour and that consideration is given to the cumulative impact of both proposals and that the

application is assessed against EIA regulations if necessary.