

APPLICATIONS FOR DETERMINATION

DEVELOPMENT CONTROL COMMITTEE - 18 January 2012

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Committee Report

Committee Date : 18 January 2012

Printed: 6 January 2012

Case Officer **Anna Lee**

EN/10/01753/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
23 September 2010	2 November 2010	1 February 2011	Raunds Saxon	Raunds

Applicant **RPC Group PLC - Mr R Tomson**

Agent **Pegasus Planning Group - Mr G Lees**

Location R P C Containers Ltd Grove Street Raunds Wellingborough
Northamptonshire NN9 6ED

Proposal **Outline: Residential development of up to fifty eight (58) dwellings and three storey office with associated landscaping and open space (all matters reserved).**

The application is brought forward for determination by Development Control Committee because it is a major proposal.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to the completion of a legal agreement to secure S106 contributions being delegated to the Head of Planning Services, in consultation with Chairman and Ward Members, and subject to conditions.

2 The Proposal

2.1 This is an outline application for up to 58 dwellings and a three storey office, together with associated access, landscaping and open space. All matters are reserved. The proposed office would have a gross internal floor space of 255m². A main access road is proposed off Grove Street to provide access to the site and this would be located in a similar position as the existing access off Brook Street.

2.2 The application is based on an illustrative layout plan which includes an area of public open space incorporating a children's play area, the retention of an existing belt of trees along the northern frontage with Grove Street, and new tree planting is proposed within the development forming tree lined avenues.

2.3 The illustrative layout plan identified proposals to stop-up the public footpath UG19 to the west of the site which is under-used and to divert a northern section of UG18 to the east into the site to create a more desirable route into the town centre for existing and future residents. In addition, an 'Ecological Management/Maintenance Area' is proposed for the land to the south adjoining the application site. This area of land falls outside of the application site, but is under the control of the applicant.

2.4 The precise mix of housing is a matter for consideration at the reserved matters. However, the submitted Design and Access Statement indicates that there would be a mix of terraced, semi-detached and detached houses and apartments ranging from 2 to 4 bedrooms. The submitted illustrative layout indicates the block of flats would be sited in southeast corner of the site.

3.0 The Site and the Surroundings

- 3.1 The development would be located on the southern side of Raunds town centre on a site area measuring 1.94ha.
- 3.2 The site comprises of offices and factory belonging to RPC and was previously used as warehouse and office premises. RPC has relocated to a site in Rushden off the A45 and the buildings are now vacant. The site contains a number of industrial buildings and large areas of hardstanding, most of which are positioned towards the centre and rear of the site. The office buildings are mainly situated at the front and can be seen from Brook Street.
- 3.3 There is a row of established trees on the Grove Street boundary of the site. The Globe public house adjoins the site to the west together with existing housing to the west and east. The town centre of Raunds lies close to the application site to the north east.
- 3.4 The site is surrounded by public footpaths, with UG18 on the east side and UG19 on the west side also falling partly within the site. UG18 extends from the back of the site to adjoin other public rights of way UG20 and UG21 to the southeast side.
- 3.5 The ground levels rises in the north to south direction, from approximately 47.58 metres adjacent to Grove Street to 52.68 metres on the southern boundary.
- 3.6 To the south of the site is an area of land containing woodland. This land is part of a Scheduled Ancient Monument (SAM) part of which encroaches on to the application site. Beyond this lies open agricultural land and the Darsdale Farm site.

4.0 Policy Considerations

- 4.1 National Planning Policy
 - PPS1 – Delivering Sustainable Development
 - PPS3 – Housing
 - PPS4 – Planning for Sustainable Economic Growth
 - PPS5 – Planning and the Historic Environment
 - PPS7 – Planning for Rural Areas
 - PPS9 – Biodiversity and Geological Conservation
 - PPS10 – Waste Management
 - PPG13 – Transport
 - PPG17 – Planning for Open Space, Sport and Recreation
 - PPS22 – Renewable Energy
 - PPS23 – Planning and Pollution Control
 - PPG24 – Planning and Noise
 - PPS25 – Flood Risk

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 2012 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 (Northamptonshire)
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), 2008

Policy 1 – Strengthening the network of settlements
Policy 6 – Infrastructure Delivery and Developer Contributions
Policy 7 – Delivering Housing
Policy 8 – Delivering Economic Prosperity
Policy 9 – Distribution and Location of Development
Policy 10 – Distribution of Housing
Policy 11 – Distribution of Jobs
Policy 13 – General Sustainable Development Principles
Policy 14 – Energy Efficiency and Sustainable Construction
Policy 15 – Sustainable Housing Provision
Policy 16 – Sustainable Urban Extensions

4.4 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

4.5 Supplementary Planning Guidance:

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

4.6 Supplementary Planning Document:

Developer Contributions, 2006
Design SPD, March 2009

4.7 Other Documents:

Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008
Raunds Preferred Options (RPO)
Raunds Masterplan, March 2011
Manual for Streets

5.0 Relevant Background and Planning History

5.1 The Council received this planning application in November 2010, and the scheme has been revised on three occasions to include a reduction in dwelling numbers (reduced from the initial proposal of 75, to 68, then 58), inclusion of a three storey office, amendments to layout, alterations to the public footpaths, and submission of a revised Transport Assessment (TA) and viability assessment.

5.2 The Council has also received an application for development on land to the south, known as the Darsdale Farm. This application is for residential development and other infrastructure works, ref: EN/07/02238/OUT and is currently pending consideration.

5.3 There is no other planning history for this site or sites within the immediate surrounding directly relevant to the determination of this application.

6.0 Consultations and Representations

- 6.1 Raunds Town Council: The application was discussed at the Town Council's meeting on 13 December 2011, where it was resolved that they have no objection to the proposal. There have been discussions with the Town Council about the open space maintenance contributions, where the Town Council has concerns that the maintenance sums calculated by the Developer Contributions SPD would not cover their maintenance costs, should they decide to take up the maintenance for this site. Full details are provided and discussed from paragraph 7.3.5.
- 6.2 ENC Policy Team – No objection. The site is identified for mixed use development and the development of Class B1 office uses is emphasised as a priority in both the NNCSS and Raunds Masterplan. The application now acknowledges this, through the reduction in the number of dwellings by 10 and by replacing this element with a small office development. Accordingly the Policy Team has no objection, provided that suitable conditions or other appropriate mechanisms are applied, in order to ensure timely delivery of the office element of the site.
- 6.3 ENC Housing Strategy Manager: Is content with the information contained within the submitted viability assessment and therefore has no objection on the basis that 14% affordable housing would be provided, comprising 8 dwellings, 4 of which would be shared ownership and 4 would be social rented.
- 6.4 Advisor from North Northamptonshire Development Company: has considered the submitted viability appraisal and is content with the appraisal.
- 6.5 ENC Economic Development: No comments received.
- 6.6 ENC Design Officer: based on the revised layout submitted in June 2010, the Design Officer is content with the general layout, leaving two matters outstanding:
- The route of footpath from Brook Street – Rather than retaining the existing footpath from Brook Street, the Design Officer considers that the creation of a footpath through the site would be more attractive.
 - Concerns about the scale of the proposed office building and that this would be much taller than the other buildings facing Brook Street.
Since the Design Officer's comments the layout has been amended and additional information has been submitted to address these concerns.
- 6.7 ENC Conservation Officer (trees and landscape): No objection, subject to conditions, (see recommendations in Section 7.13).
- 6.8 ENC Environmental Protection (air quality): An air quality assessment is not required due to the limited number of dwellings and the site's location.
- 6.9 ENC Environmental Protection (contamination): No objection subject to conditions, (see recommendations in paragraph 7.15.1).
- 6.10 ENC Environmental Protection (noise & other environmental nuisance): No objection in principle with regards to noise as the proposed use will have less noise potential than the existing factory use.
- 6.11 NCC Waste Planning: The applicant should demonstrate that how the proposal meets policies CS7 and CS8 of the Northamptonshire Minerals and Waste Development Framework Core Strategy, relating to the efficient use of resources in the both the construction and operational phases. CS8 encourages the integration of waste management facilities in areas of significant new development. A Waste Audit and Waste Management Facilities Strategy should accompany planning applications of this type.

- 6.12 ENC Waste Manager: no comments received to date. Any additional comments received will be added to the committee updates.
- 6.13 NCC Archaeology: no objection, subject to condition. The proposed development will have a detrimental impact upon any archaeological deposits present. This is not an over riding constraint however providing that provision is made for the investigation and recording of any remains and this could be achieved by condition.
- 6.14 English Heritage: The proposal affects part of scheduled monument 11508, Thorpe End Iron Age , Saxon and Mediaeval Settlement. Although part of this monument has been compromised by previous excavation, remains may survive on parts of the development site. A Scheduled Ancient Monuments Consent will be required prior to any works taking place. Planning conditions to secure appropriate archaeological investigation are required.
- 6.15 NCC Highways: has considered the submitted TAs and most recent indicative layout EMS.2044_06-9-B. There is no objection in principle subject to conditions and an informative to advise the applicant that separate consent would be required from the Local Highway Authority.
- 6.16 Anglian Water Services: No objection subject to conditions, (see Section 7.10 below).
- 6.17 Environment Agency: Originally recommended refusal. However their objection has now been removed following additional information in an appendix to the FRA (Revision D). A condition is recommended to require the submission of a surface water drainage scheme.
- 6.18 E-on (Central Networks): No objection but includes informative comments regarding the presence of a substation within close proximity of the development.
- 6.19 Northants Bat Group: No objections.
- 6.20 North Northants Badger Group: No comments.
- 6.21 North Northants Joint Planning Unit (NNJPU): Comments summarised as follows on revised layout:
- Revised layout has been improved.
 - Street design proposed is not special, nor does it relate specifically to Raunds.
 - Would prefer to see the development following the historic building line.
 - Pleased to see the addition of a landmark building on Brook Street/Grove Street.
- 6.22 Natural England: Following the receipt of additional information in the update Ecological Appraisal, no objection subject to conditions.
- 6.23 Northamptonshire Wildlife Trust: No issues remaining concerning bats, reptiles or trees and recommends that the recommendations within the submitted ecology report be implemented. The Trust notes that no development is proposed on the blue edged land but it is important that a detailed management plan is produced for this area and a condition is suggested. Also, native planting should be used in the proposal.
- 6.24 NCC Rights of Way – no objection to the footpath proposals and has requested sums to help cover costs for the footpath stopping-up and diversion orders, and to help with any physical works required. Full details provided in Section 7.9.
- 6.25 NCC (Developer Contributions Project Manager): request contributions towards education, fire and rescue resources and a condition to ensure that fire hydrants are incorporated into the scheme and provided prior to the occupation of the dwellings.

- 6.26 Northamptonshire Primary Care Trust (PCT): has requested contributions to fund improvements to both GP practices in Raunds – matter discussed in paragraph 7.3.10.
- 6.27 Northamptonshire Crime Prevention Officer (Northamptonshire Police): Makes general comments including:
- In relation to the security of the dwellings and personal safety, it is accepted that the newly proposed route to the town centre would be more ideal. This can be a more attractive and safer route.
 - It is agreed that UG19 should be closed.
 - Dwelling boundary treatments and that butting the public open space area needs to be conditioned.
 - Lighting of all communal areas including footpaths should also be conditioned.
- 6.28 Ramblers Association: no objection raised to the most recent layout. Ramblers welcome the proposed pedestrian link to the public footpath UG18, the previous proposal to include a link from UG19 to Streathers Court, and the intended link to the Darsdale Farm Development, should the site be developed.
- 6.29 Sport England: No objection and comments summarised as follows:
- The development should also seek to address any deficiencies in existing sports facilities for the town of Raunds.
 - Consideration should be given to other needs generated for the full range of other outdoor sport and active recreation facilities, such as Multi Use Games Areas and a synthetic pitch. Also greens and youth recreation facilities in addition to the proposals for cycling and walking.
 - Consideration should be given to the requirements for indoor facilities and an associated contribution.
- 6.30 Neighbours: 4 representations received from local residents (5 Warwick Close, 11 Grove Street, 3 The Turrets, 41 High Street) and the comments are summarised below:
- Development of this site would set a precedent for further development along the southern edge of Raunds;
 - The development would be cramped;
 - Raunds does not have the retail and community facilities to support new development; these need to be provided before housing is built;
 - Traffic and impact on highway safety – traffic would exit onto Grove Street where the land rises and traffic speeds are fast. Conditions are particularly dangerous in winter weather as vehicles can slide down the slope;
 - Wall trees and shrubs at the frontage of RPS should be retained as they form part of the character of Raunds;
 - Insufficient parking;
 - Prefer to see some of the houses repositioned away from the boundary fence to protect the privacy of the occupier of 3 Thorpe Street;
 - Effect on residential amenity of the occupiers in the existing surrounding properties;
 - Support the proposal for more new housing development for Raunds and the number of young families within the community.
- 6.31 SSR Planning have commented in broad support of the application. They act on behalf of Taylor Wimpey whose undetermined application for Darsdale Farm abuts the site. Comments include:
- The south of Raunds is the most appropriate location for development because of its proximity to existing services and facilities

- Concern is expressed about the deliverability of the scheme: no house builder is involved and site requires clearance and possibly remediation. This, together with required developer contributions may have an adverse impact on viability.

7 Evaluation

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

7.2 Principle of Development

7.2.1 National Planning Policies - The proposal, for the redevelopment of a brownfield site within the existing urban area of Raunds should be considered against relevant national, development plan and locally derived policies. Accordingly, below provides an assessment of whether the proposed development scheme would be acceptable in principle.

7.2.2 The RPC site proposal would need to be considered against a range of national generic planning policies. In terms of the principle of development, PPS1, PPS3 and PPS4 form the key national policies that need to be taken into account.

7.2.3 PPS1 sets out the overall approach to managing development. Through PPS1, plans should be drawn up with community involvement and present a shared vision and strategy of how the area should develop to achieve more sustainable patterns of development - a "plan-led" system (paragraphs 7-8).

7.2.4 PPS1 also contains overarching policies for delivering sustainable development. PPS1 stresses the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. In particular, it emphasises that mixed use developments should be promoted for locations that allow the creation of linkages between different uses and thereby create more vibrant places (paragraph 27(ii)).

7.2.5 PPS3 advises that the priority for residential development (paragraph 41) is for new residential development to take place on previously developed land within existing urban areas. Also, the policy sets a national target that at least 60 per cent of new housing should be provided on previously developed land (paragraph 41); however, it does not automatically presume that land that is previously-developed is necessarily suitable for housing development, nor that the entire curtilage should be developed.

7.2.6 PPS3 paragraph 69 contains the main development management criteria against which the proposal should be assessed. Critically, paragraph 69 requires that the proposed development is in line with the spatial vision for the area and does not undermine wider policy objectives.

7.2.7 PPS4 Policy EC10 states that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development and applications that secure sustainable economic growth should be treated favourably.

7.2.8 Local Policies - The adopted North Northamptonshire Core Spatial Strategy (NNCSS) is the main document which forms part of the Local Development Plan and sets out the specific spatial vision and policies for Raunds. The NNCSS (Table 1) emphasises regeneration as a key strategy to bolster Raunds' wider service role. More significantly, Policy 1 emphasises that development in the town "will be supported by the regeneration of Raunds town centre". Furthermore, Policy 9 of the NNCSS states that priority will be given to the reuse of suitable previously developed land and buildings within the urban areas. Regeneration therefore forms the critical element in assessing any redevelopment scheme within Raunds.

7.2.9 Objective Four of the NNCSS provides for a town centre focus, and that opportunities to maximise and enhance the provision of leisure, retail and cultural facilities are taken.

7.2.10 The Raunds Area Preferred Options (RAPO) was prepared during autumn 2006 and published for consultation on 30 January 2007. Critically, the RAPO document contained specific draft spatial proposals for redeveloping the RPC Containers site, in the event that the company was to relocate (paragraph 5.25). The preferred option for the re-use of the site was for a mix of town centre uses, such as business, leisure and community facilities, as well as some housing (paragraph 5.25 and 5.27).

7.2.11

The RAPO also identified a set of overall aims for the regeneration of Raunds, including attracting more diverse businesses to the area and improving the visual appearance of the town, in particular the gateways from Stanwick and the town centre (paragraph 5.29). The preferred option was to ensure that development adheres to these aims and to ensure that the town centre remains viable and serves the local needs of existing and new residents (paragraph 5.34).

7.2.12

The preparation of the Raunds Area Plan was suspended in November 2008 and it was decided to discontinue this work in October 2009 and, instead, to produce a "Four Towns Plan" site allocations DPD for the south of the District. Accordingly, the need to review and update specific local aspirations for Raunds became essential and the Raunds Masterplan project came forward during 2010, (also, in part, in response to competing proposals (planning applications) for rival urban extensions to Raunds). The Raunds Masterplan forms part of the evidence base to support the emerging Four Towns Plan.

7.2.13

The Raunds Masterplan contains a broad range of objectives (paragraph 3.4), including

- HO2- balancing employment and housing growth;
- HO4 - focusing the benefits from new development on the town centre;
- ER2 - diversifying the employment offer in the town; and
- ER7- improving areas around the Co-Op and Market Square to act as 'anchors' for the town centre

7.2.14

The consultation process identified a clear aspiration to establish the town of Raunds as a sustainable development in its entirety including the promotion of town centre uses and activities, such as employment, shops and services (paragraph 4.9).

7.2.15

A further key finding from the consultation process is the need to promote small business opportunities within and around the town, i.e. at appropriate town centre locations (paragraph 4.12). The outcome of these economic and retail findings was a specific principle, to develop the RPC site to improve the Co-Op end of Brook Street (paragraph 4.14).

7.2.16

The masterplanning process led to a range of specific development proposals for Raunds. Critically, specific priorities for the redevelopment of the RPC site are set out in the Masterplan document, notably that a mix of employment (office and/ or small workshop units) and residential should be encouraged on the north end of the site to integrate it into the town centre retail area (paragraphs 5.7, 6.3 and 6.6).

7.2.17

Whilst the Masterplan takes a "town centre first approach". Paragraph 6.3 of the document, referring to the key recommendations for the RPC site states "the RPC site presents the best opportunity for residential dwellings on brownfield sites, as part of a

mixed-use scheme with some employment." Paragraph 6.6 of the document, furthermore, talks about a strategy to reduce out commuting from Raunds and reiterates that " it is important that an element of employment is retained on the RPC site".

7.2.18

The Raunds Masterplan was finalised and endorsed by the Council in March 2011. In respect of the RPC sites, the Masterplan specifies a key recommendation that: "It is important that an element of employment is retained on the RPC site" (paragraph 6.6). A motion was agreed at Development Control Committee on 2 March 2011 which sets out the Council's position in respect of the importance of the Raunds Masterplan and agreed the Raunds Masterplan as a key consideration in the determination of development schemes.

7.2.19

To summarise, Policy 1 of the NNCSS defines the spatial vision for Raunds; critically, the priority outcome is the regeneration of the town centre and the proposal meets this. The RPC site forms a major brownfield development opportunity within Raunds and Objective Four of the NNCSS indicates that the Council should seek to maximise and enhance the provision of leisure, retail and cultural facilities in the town centre. Also, concerns have been raised by local residents that Raunds does not have the facilities to support new development. Based on this information and the fact that the Raunds Masterplan identified a need to retain an element of employment use on this site, it was considered that a scheme comprised wholly of residential development on this site would not be acceptable. However, the application has since been revised to include an office unit. Despite the proposal is only for a single office unit, it nevertheless introduces a mixed use element to the site. As the proposed office would generate some employment, it would be reasonable to conclude that the proposal would be generally in conformity with the Masterplan, and both national and local planning policies. A residential and office scheme would also help to support the existing services within the Town Centre.

7.2.20

Furthermore, the Planning Policy Team have the following opinion:

7.2.21

"The revised application now makes provision for a new office development adjacent to the town centre; i.e. an appropriate town centre use, as defined by current national policy (PPS4). The Masterplan provides some support to the implementation of the adopted CSS, by setting out more detailed, site specific, policy recommendations. It recognises the critical importance of the RPC site as the most significant brownfield (previously developed) site within the town and its potential to deliver housing, employment and improvements to the area around the Co-Op, and act as an 'anchor' for the town centre (objective ER7/ principle ERE).

7.2.22

Given the viability issues raised by Bidwells (on behalf of the applicants), it is accepted that the majority of any development scheme for the RPC site would consist of housing. Neither the adopted CSS or the Raunds Masterplan quantifies a particular mix of uses for the site. Instead, both emphasise regeneration of the town centre as a critical priority. Redevelopment of the RPC site is obviously wholly dependent upon the viability of any proposal. It is accepted that a substantial element of residential development (probably the majority of the scheme) would be essential to achieve this.

7.2.23

Since the initial submission of the RPC application, a number of concessions have been achieved, in respect of design, layout and the specific proposals. While the application scheme is outline only, the Planning Policy position has remained that it is essential that any proposal must contain a mix of uses, including employment.

7.2.24

The applicants previously, through the Bidwells valuation/ viability report (March 2011), argued that only a wholly residential scheme could be viable. Even in this case, the applicants previously argued that in order for the scheme to be viable, the level of S106 contributions could only be limited.

7.2.25

Despite this, the applicants have now reconsidered their proposals and come forward with a scheme that includes office development. The development of Class B1 office uses is emphasised as a priority in both the CSS (policies 8 and 11; tables 4 and 6 respectively) and Raunds Masterplan (paragraph 6.6). The application now acknowledges this, through reducing the site capacity by a further 10 dwellings and replacing this element with a quality office development.

7.2.26

Accordingly, Planning Policy has no object to the development, provided that suitable conditions or other appropriate mechanisms are applied, in order to ensure timely delivery of the office (employment) element of the scheme”.

7.2.27

Further to Planning Policy Team’s comments above, Members are advised to note that during this application, the applicant has argued (and demonstrated via the submitted viability assessment) that the redevelopment of this brown field site to accommodate mainly residential development, proposes various challenges in terms of viability. In summary, following costs incurred from the demolition of all existing on site buildings, S106 contributions and other expenses, the submitted viability assessment shows that the profit margins for this site would not be significant for the developer. As the feasibility of delivering development on this site has been demonstrated to be a challenge financially, it has become difficult for Officers to insist on the inclusion of further mixed uses within this development. Therefore, Members are advised that the feasibility of promoting redevelopment of this site is also an important material planning consideration in the determination of this application. This, together with any other benefits from the proposal will need to be balanced and weighed against the low level of mixed use development which would be gained from the proposal. Members may agree, following consideration of the other issues set out in this report, that the benefits of this proposal would appear to outweigh the harm.

7.2.28

Furthermore, Members are advised of the Ministerial Statement issued following the budget in March 2011 which puts sustainable development as a Government priority key to rebuilding the economy. - This is a material planning consideration in the determination of planning applications. Annexe A into the Ministerial Statement states that planning has a role to play in rebuilding the economy by promoting sustainable economic growth and jobs. The statement goes on to say that "The answer to development and growth should wherever possible be "yes" except where this would compromise the key sustainable development principles set out in national policy." Overall, therefore, the statement sets a presumption in favour of sustainable development and promotion of economic growth.

7.2.29

Effect on Housing Land Supply – As Members would be aware, the Council would need to demonstrate a five year housing land supply. The RPC site is included within the trajectory as an unallocated brown field site, contributing by 50 dwellings towards the Council's housing land supply figures.

7.2.30

Implications of Other Development Proposals in Raunds – Whilst the Council has received applications for major development proposals in other area of Raunds, namely, on the site known as Darsdale Farm (ref: EN/07/02238/OUT) situated approximately 150 metres southwest of the RPC site and at land north of Brick Kiln Road (11/01748/OUT & 11/01747/OUT), these applications are for significant urban extensions, affect greenfield land and have different issues to the RPC application. Therefore, Officers are of the opinion that the RPC application would not set a precedent for the other development, nor would it need to be considered together with the other applications.

7.2.31

Therefore, the principle of the development would be acceptable subject to the issues set out below.

7.3 Developer S106 Contributions

7.3.1 Contributions in accordance with the requirements set in the Developer Contributions SPD would normally be required, unless the applicant could demonstrate that the development would not be viable with the contributions. This is normally done through the submission of a viability appraisal/assessment. Furthermore, Policy 6 of the NNCSS states that "the level and timing of strategic infrastructure will vary dependent on location, scale and financial viability of the development".

7.3.2 During the very early stages of the application, the applicant contended that the development would not be viable with the requested contributions and submitted a viability assessment in support of their argument. This assessment was examined and challenged by the Council's viability assessment specialists (namely a specialist at the North Northamptonshire Development Company (NNDC) and the Council's Housing Strategy Manager). Further to this, the applicant has made a more acceptable offer to the council in terms of contributions.

7.3.3 The range of infrastructure needs arising from a proposal of this size as required by the Council's Developer Contributions SPD and external consultees and the contributions agreed by the applicant are set out in the table in Appendix 1 below. The table lists the requirements, the applicant's offer under each heading and the comments of the relevant consultees. It is clear from analysis of the table that, with the exception of affordable housing, open space maintenance contributions requested by the Town Council and healthcare, the infrastructure requirements have been satisfactorily met.

7.3.4 Affordable housing - Policy 15 of the NNCSS sets a target of 40% affordable housing to deliver sustainable communities and the application proposes 15% affordable housing provision (8 dwellings). As the applicant has justified this level of provision via the submission of a viability assessment, the Housing Strategy Manager has confirmed that she is satisfied with this level of provision in addition to the proposed tenure mix of 50% shared ownership and 50% social rented. As there is no evidence to disprove the viability information provided in support of the application. In these circumstances, it would be unwise to refuse planning permission on the grounds that the level of affordable housing would be insufficient. To do so, in the absence of counter evidence may result in an award of costs against the Council in a subsequent appeal.

- 7.3.5 Open Space Maintenance Contributions and Raunds Town Council - The application proposes to create on site, a children's play area measuring 400m² and provide 2180m² of informal public open space. Based on formulas used in the Developer Contributions SPD, a development of 58 dwellings on this site would give rise to a total open space provision of 3339m², broken down to 2366m² adult/informal open space and 973m² of children's play space. Maintenance payments would be expected in the form of a commuted sum for a ten year period, index linked. For the children's play area (LAP), the maintenance figure would be £2,874 per annum for 10 years and the wider open space maintenance would be £527 per annum for 10 years. Due to a shortfall between the proposed and required open space provision, a payment of £22,100 is also required in lieu for off-site provision.
- 7.3.6 Raunds Town Council discussed this application at their Town Council meeting on 13 December 2011. At this meeting, it was felt that the contributions calculated using the 2006 Developer Contributions SPD would be insufficient. The Town Council has submitted calculations to demonstrate that the expected annual maintenance costs for the play area to be £3,060. This is £186 above the cost calculated by the SPD. The play area maintenance contribution of £3,060 suggested by the Town Council has been accepted by the applicant.
- 7.3.7 In respect of the maintenance contributions for the wider open space area, the Town Council consider that the SPD calculated sum of £527 per annum would not be sufficient to cover costs for grass cutting and litter picking. The Town Council has expressed concerns that the costs for maintenance would be greater for this site due to topography of the land and estimates that the grass would need to be mowed 19 times a year and litter picked once a week. To help cover costs, the Town Council estimates that £7,300 per annum would be required and this is £6,773 in excess of that set by the SPD. From the information submitted by the Town Council, it would appear that the £527 calculated per annum would be sufficient to cover annual grass cutting costs, as this is estimated at £375.65. In terms of litter picking, the estimation for this is £6,853. In your Officers' opinion, this is an extremely high figure and would be unreasonable to request for a development of this scale. The Council would need to assess the requested contribution against the Community Infrastructure Levy (CIL) Regulations and Officers are not convinced that this request would meet the Regulations for the reasons given.
- 7.3.8 Whilst concerns have been raised by the Town Council about the cost for litter picking for this site, a total sum of £3,587 per annum would be available for the maintenance of the on-site open space areas (including both the play area and wider open space). Overall, this sum would reasonably cover open space maintenance costs for this site. Recognising that the Town Council may not be prepared to adopt the open space areas, relevant clauses could be inserted in the S106 agreement to require the developer to set a management company to maintain the site. This is a standard procedure.
- 7.3.9 Initially, the proposal was to transfer the Ecological Management/Maintenance area to the Town Council. However, due to the various S106 contributions and viability issues, the applicant cannot afford to provide the Town Council with maintenance contributions for this area of land. The agent, correctly points out that the transfer of this land is not strictly necessary to make the development acceptable, and was only included in the proposals as an added benefit. Therefore, contributions would not be requested for this element of the proposal.
- 7.3.10 Health Care - The NHS PCT requested sums towards the improvement of the two GP practices in Raunds, The Cotton's Medical Centre (£9,720) and Marshall's Road Surgery (£22,390). The applicant has accepted the £9,720 to improve The Cotton's Medical Centre to be compliant with the CIL Regulations. However, they have queried

the sum request for Marshall's Road Surgery. The PCT has since provided a breakdown of the estimated costs and this includes the request of £5,000 towards the provision of an automated check-in facility and £17,390 towards replacement flooring and ventilation to the surgery room. The requested automated check-in facility would meet the CIL Regulations, as the PCT has demonstrated that this facility would be required due to the increase in patient numbers. However, the requested replacement flooring and ventilation would not meet the Regulations as these are maintenance costs and the PCT has not been able to provide a reasonable justification on how the development would lead to these costs. The applicant has accepted a contribution sum of £5,000 towards the provision of the automated check-in facility. This, in addition to the £9,720 towards the improvement of Cotton's Medical Centre would provide a total healthcare contribution of £14,720.

7.4 Density and Housing Mix

7.4.1 PPS3 recommended a minimum density of 30 dwellings per hectare and this minimum density was deleted in June 2010 to allow local authorities flexibility to set density ranges that suit local needs. The average density for 58 dwellings on this site is approximately 30 dwellings per hectare and would be in accordance with the former recommendations of PPS3. In considering whether the development is dense, or not, this depends on how the development manifests itself and is discussed in more detail in Section 7.5 below, under 'design and layout'.

7.4.2 Saved Policy H4 of the Local Plan indicates that on residential developments of 10 dwellings or more a variety of dwelling types and styles will be required. The indicative mix of terraced, semi-detached and detached houses and apartments ranging from 2 to 4 bedrooms would appear acceptable. Precise housing mix details is for consideration at the reserved matters.

7.5 Visual Impact, Design and Layout

7.5.1 The site is elevated from the carriageway of Grove Street, and as such, any new buildings are likely to be prominent in views from both the town centre and across the open countryside to the south where the land falls away towards Chelveston Road. The land to the rear sloping downwards from the site is a designated Scheduled Ancient Monument (SAM). This land is in the same ownership as the RPC site and the applicant's intention is to retain this land as an 'Ecological Management and Enhancement Area' to serve the site. This area of land would form a buffer between the proposed housing development and the agricultural land to the south.

7.5.2 As the site is already developed with large factory buildings and two storey office development, the visual impact generally of residential development on the site would not have any greater impact on the surrounding landscape. The key public viewpoints are from the town centre and the public footpath to the east (UG18). The effect of the development on the public footpaths are discussed in Section 7.9. The Design Officer previously raised concerns about the height of a three storey office building in the corner of the site facing Brook Street and that this would be much taller than the other buildings. Since these comments, a visual street scene montage has been submitted to demonstrate that the proposed three storey office block would not be much taller than the existing two-storey buildings facing the street, providing it is designed with a low roof and eaves.

7.5.3 The application is outline with all matters reserved. Full details of the layout of the development and design of the dwellings would be considered in the reserved matters. However, the Council must consider whether it has been sufficiently demonstrated that a development of the proposed scale and nature could be adequately accommodated on this site.

- 7.5.4 The application is accompanied by a Design and Access Statement (D&AS) and an Illustrative Layout Plan both of these have been revised following negotiation with officers and receipt of consultee comments about the design of the proposed layout.
- 7.5.5 The submitted illustrative layout shows the retention of an existing belt of trees along the northern frontage with Grove Street and the provision of tree lined avenues connecting Brook Street and the town centre with the open space area. Also, the details show a housing layout comprising of streets and lanes, including shared driveways and rear parking courts, with variation in the type of road surface materials.
- 7.5.6 The public open space would be situated in the southwest corner of the site and in the revised layout appears more useable and appears to be relatively well enclosed on the sides with the southern edge being defined by the slope at the edge of the site. The open space is well overlooked by dwellings to form a safe space for users.
- 7.5.7 The dwelling heights range from two to 2.5 storeys, and by being mainly two-storeys would be in-keeping with the height of the surrounding area. At this height and with the dwellings, office and parking areas being reasonably spaced and separated away by the road and open space areas, it has been demonstrated that a development of up to 58 dwellings on this site would not appear too cramped. It is acknowledged that there is a significant change in level from the existing street to the application site. Indicative level proposals have been supplied to demonstrate that the development can be accommodated despite the differences in levels. Furthermore, levels could be controlled at the reserved matters.
- 7.5.8 The submitted visual montage illustrates a rather standard, brick built, design for the office building. Notwithstanding this, there is scope for the creation of a more modern and innovative office building for this location that would also complement the surrounding landmark buildings i.e. the Town Hall and full details of the design of this building is for consideration at the reserved matters.
- 7.5.9 This site is considered to represent a significant opportunity for Raunds because of its location at the interface with the town centre, and the potential regeneration benefits it could bring. Overall, the submitted information demonstrates that the proposal would deliver visual benefits for the town centre, as well as potentially create an attractive residential and office scheme within the centre of Raunds.

7.6 Residential Amenity

- 7.6.1 The submitted Illustrative Design Framework indicates that the development would not result in undue harm to occupiers of the wider surrounding properties in terms of overlooking, overshadowing or overbearing impact. The nearest residential development is in Thorpe Street and Warwick Road to the east of the proposal and Grove Street to the west.
- 7.6.2 The nearest properties in Thorpe Street (nos 3 and 4) are set at a significantly lower level than the application site. The revised illustrative layout now shows that the nearest dwellings on the application site are 20 metres away. Cross sections through the site and indicative level details also demonstrates that the existing dwellings would not be adversely affected as a result of the layout by overlooking or overbearing. Similarly, no residential amenity issue will arise to existing properties fronting Grove Street, The Turrets, Streathers Court, and at Warwick Close. A minimum back to side distance of at least 11 metres, and a minimum front to back distance of approximately 20 metres, could be achieved between the proposed development and these existing neighbouring dwellings. In particular, in terms of the impact on the properties in Warwick Close to the east of the site, the distances between existing factory buildings and the neighbouring properties is much greater and therefore housing development on this could have less of an overbearing impact on the neighbouring properties. This is of

course subject to careful consideration of the layout and finish floor level of the dwellings and office at the reserved matters.

7.6.3 There would be no Issues of noise, air quality and dust as the removal of the commercial use from the site would reduce this type of impact. However, conditions are recommended to require a scheme to be submitted to help minimise dust and noise during the demolition of the existing factory buildings and construction of the development.

7.6.4 Overall, a significant impact upon residential amenity would not be likely to arise from this development and it is not considered appropriate to refuse planning permission on this basis.

7.7 Means of Access, Impact on Highway Network and Other Highway Matters

7.7.1. The application proposes the retention of the access to the Globe public house car park and factory access. It is proposed to remodel the site levels to change the gradient to achieve the maximum 1:40 recommended by NCC. This would improve the visibility from that which is currently achievable. The visibility is currently acceptable in both directions of the access and is particularly good when leaving the site to travel to the right.

7.7.2 The application is supported by a Transport Assessment based on a maximum of 90 dwellings on the site and has been revised in July 2011 to set a maximum quantum of 68 dwellings. No further assessment was requested by the Local Highway Authority for the most recent amendment of 58 dwellings and 255m² office development, given the reduction in dwelling numbers and the scale of the office development.

7.7.3 The TA assesses the likely level of traffic generation from the proposed use and compares this with that generated from the existing factory use of the site. The factory use when fully operational, included a three shift pattern and deliveries to and from the site by HGVs. The residential use would remove the HGV traffic from the site and the TA concludes that the level of trips generated from the site could be accommodated within the local road network.

7.7.4 The trips distribution has been calculated using the 2001 Census information relating to journeys to work. The main direction of travel would be towards the A45 either via Stanwick or to the north via London Road. The Stanwick route provides the shortest route to the A6 and would probably be the preferred option and this links to the regional and national routes further afield.

7.7.5 In terms of the impact of the development on other junctions within Raunds, the TA includes an analysis of the following five junctions, using forecast flows for 2021 for the Am and PM peak periods.

1. Grove Road/Thorpe Street/Brook Street,
2. London Road/Chelveston Road/Wellington Road,
3. B663/London Road/Brick Kiln Road,
4. A45/B663 and
5. A45/West Street

Traffic modelling predicts that junctions 1 and 2 will operate well within capacity. In terms of the prediction for the other junctions modelled at 2021, the impact is predicted to be negligible.

7.7.6 The Local Highways Authority initially objected to the application on the basis of insufficient information in the submitted TA. However, following the submission of a revised TAs and an amended illustrative site layout plan, the objection was removed. The highway officer has recommended that conditions be imposed to require (1) details

of the access points for pedestrians and vehicles be submitted for approval, (2) that a formal stopping-up order be applied for the public footpath UG18 with off-site improvement works being undertaken and (3) the submission of a detailed travel plan. These conditions have been recommended.

7.7.7 The Highway Authority has also requested that some form of boundary treatment be provided to prevent a 'through-route' being created between the office and dwellings. The amended illustrative plan identifies the provision of a '2 metre high retaining wall with 1.8 metre high railing'. Whilst this would be sufficient to separate traffic, Officers have concerns about the height and visual impact of this fencing. Therefore, further a condition is recommended to require alternative boundary treatment to be provided.

7.7.8 Parking – The submitted illustrative layout plan demonstrates that an average provision of two off-road parking spaces could be provided per dwelling. This is shown on the illustrative layout in the form of the provision of one garage per dwelling with a parking space located in front. In addition, a parking court with up to 10 parking spaces could be provided to serve the proposed office. This level of parking provision would be sufficient given, the site is located in the town centre and is accessible by choice of other transport modes (albeit that these be limited).

7.7.9 Full details of the access, road and parking layout are for consideration at the reserved matters stage. Overall, in this outline application, it has been satisfactorily demonstrated that a development of up to 58 dwellings together with an associated office can be accommodated on this site without resulting in an adverse effect on the local highway.

7.8 Travel Plan, Public Transport and Cycle Network

7.8.1 The application is supported by a Framework Travel Plan (FTP). This document aims to reduce the levels of single occupancy car trips to and from the site and the promotion of alternative modes of transport including walking, cycling, use of public transport and car sharing.

7.8.2 The site is close to several existing pedestrian routes to the town centre and the countryside to the south. Although there are no segregated cycle routes to the town centre the local area is suitable for cycling on-road.

7.8.3 A Travel Plan Co-ordinator (TPC) would oversee the production of detailed Travel Plans for the site and ensure that these are implemented. The TPC would be responsible for liaising with residents, disseminating travel information relevant to the site in addition to continuously reviewing the transport needs of the residents. The Travel Plans would be reviewed annually and updated as appropriate.

7.8.4 The site is well located in relation to the town centre and is close to the X34 bus route, the nearest stop being adjacent to the Co-op supermarket on Grove Street.

7.8.5 Links are provided within the site to the public footpath network close to the site and provides good access for walkers and cyclists.

7.8.6 Policy 13 of the Core Strategy requires a 20% modal shift from housing development over 200 units and 5% elsewhere. The Highways Officer has an aspiration to achieve a 20% modal shift from this proposal. The applicant has referred to a 7% modal shift which is considered to be acceptable. The reason for this are that the proposal will reduce the number of HGVs through the town centre which overall will be an environmental benefit arising from the scheme. It is therefore considered that the suggested modal shift would be acceptable notwithstanding the Highway Officer's comments.

7.9 Effect on Public Rights of Ways

7.9.1 The existing public footpath UG18 to the east of the site is presently very narrow, steep in places and unfriendly to use due to overshadowing from the existing factory buildings. The revised illustrative layout shows proposals to close the northern section of the footpath and to divert UG18 into the development site. This proposal would create a safer, more user friendly route into the town centre and would be more desirable to use. The remaining section of UG18 to the east and southeast of the site would be retained. The proposal would improve the environment of the remaining footpath as there is scope for the dwellings to be positioned further away from the footpath than the existing factory buildings and this would give a sense of space between the footpath and proposed dwellings. Furthermore, the submitted layout plan shows that the dwellings could be layout out to provide surveillance for the remainder of the footpath.

7.9.2 Footpath UG19 is access from the front of the application site, with part of the footpath falling within the site. Whilst this is recorded as a footpath, the northern end of the footpath is restricted in terms of access and does not appear accessible or to be in use. Therefore, the preferred solution would be to close this footpath. NCC Public Rights of Way previously suggested that a new connection point be formed from UG19 to the end of Streather Court. However, after having realising the physical constraints of the existing footpath and the fact that it would not be desirable to retain a footpath enclosed by close boarded fencing on both sides from a crime and safety perspective, they have not objected to the proposal to stop-up UG19. Furthermore, it is questionable as to whether it would be necessary to create a connection point from the site to Streathers Court as such an connection would not make access to the town centre or the west side of Brooks Street any easier for the future and existing residents.

7.9.3 In accordance with the request of NCC, the applicant has agreed to a sum of £7,000 help cover the costs for the necessary stopping-up and diversion orders, and full details can be found in Appendix 1. In addition, for UG18 the NCC highway officer has requested a condition to confirm closure of this public right of way and for the associated off-site works to be carried out. In terms of UG19, as this does not fall on land under the control of the NCC, the highway officer has requested that an appropriate sum be agreed within the S106 to secure costs required by the NCC for the carrying out of any physical works associated with the closure of this footpath. The amount is to be confirmed with the NCC and agreed with the applicant and will be reported in the committee updates.

7.9.4 The submitted illustrative plan identifies a potential footway link from the site to Darsdale Farm. Also, the agent has submitted a plan to show that it may be possible to continue the public right of way UG18 through the development site to Darsdale Farm. However, due to the physical constraints of the land to the south (where it is particular steep), it is questionable whether this proposal would be feasible and whether NCC would consider the adoption of such a link.

7.10 Flood Risk and Drainage

7.10.1.

The application lies primarily within Flood Zone 1 which is defined by PPS25 as having a low probability of flooding. PPS25 requires evidence to be submitted to demonstrate that flood risk has been taken into account. The application is accompanied by a FRA.

7.10.2

The site covers an area of 2.4 hectares and currently 71% of the site is covered by impermeable surfaces. If the site was to be developed, the permeable area would reduce to 50% of the site.

7.10.3

There are two potential sources of flood risk which affect the site; surface water run off from roofs and impermeable surfaces and the Hog Dyke which runs some 110m to the north of the site and which has no flood defences.

7.10.4

The proposed drainage strategy provides attenuation up to and including 1 in 100 year flood event standard, plus 30% for climate change in accordance with PPS25. The site is brownfield and has an existing drainage system which discharges to the public sewer.

7.10.5

The strategy includes the provision of a SUD system in the form of a swale located within the site close to the eastern boundary. The majority of onsite storage will be provided by oversized pipes located within the roads and parking areas with the balancing pond proving treatment prior to discharging into the culverted watercourse.

7.10.6

The Environment Agency has removed its original objection to the application following the receipt of further information as an addendum to the FRA. The Agency recommend that a condition be attached to any permission relating to the submission of details for the provision, implementation and future maintenance of a surface water drainage scheme in accordance with the FRA.

7.10.7

Anglian Water has commented that it owns assets near to the site.

7.10.8

Raunds Sewage Treatment works has capacity to take the foul sewage flows from the site at the present time.

7.10.9

Improvement works are required to the manhole in Grove Street. The drainage strategy should include for this and Anglian Water recommend that a condition is included to cover this point should the application be approved. Conditions suggested relate to the submission and approval of surface water and foul drainage strategies to be implemented prior to any occupation of dwellings on the site.

7.10.10

In conclusion Anglian Water has no objection to the development subject to conditions and an informative statement.

7.11 Ecological Issues

7.11.1

The advice in PPS9 is that planning decisions should be based on up to date information about the environmental characteristics of the area and should aim to maintain, enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.

7.11.2

Policy 5 (Green Infrastructure) of the NNCSS builds on the above and states that a “net gain in green infrastructure will be sought through the protection and enhancement of assets and the creation of new multi functional areas of green space that promote recreation and tourism, public access, green education, biodiversity, water management...”.

7.11.3

An Ecological Assessment accompanies the planning application. A study of habitats and dominant plant and animal species, including the presence of protected species on the site has been undertaken on the site.

7.11.4

The Ecological surveys found no record of badgers, or reptile species within the site. The report concludes that the grassland within the application boundary is not suitable for reptiles however the adjoining site comprises woodland, longer grass and scrubby vegetation may provide an attractive habitat for reptiles such as grass snakes.

7.11.5

A single bat roost was observed in one of the existing buildings on the site which is proposed for demolition. Some limited bat activity was observed on the boundaries of the site during nocturnal surveys. Some of the trees which are covered in ivy may have some potential to support roosting bat species. The Ecological appraisal states that ivy would be removed by hand to check for bat roosts as part of the treatment of the site should permission be granted. Similarly, a condition to secure a bat methodology and mitigation strategy would be required if the application were to be approved.

7.11.6

In terms of protected species there would be no significant impacts subject to the safeguards and recommendations set out within the Ecological Assessment. It is considered that the scheme would achieve ecological gains over the existing situation and improve the existing biodiversity of the local area.

7.11.7A Management Strategy has been submitted in support of the application for the 'Ecological Management and Maintenance Area'. This relates to the future management and maintenance of the ecological area edged in blue to the south of the application site. A number of interventions are proposed to ensure that the land is attractive for existing and new species of flora and fauna. The interventions include the removal of scrub vegetation, the thinning of immature saplings from within the broad-leaved woodland to allow more light to penetrate and to keep the hardstanding area clear of vegetation growth to provide a habitat for reptiles. Grass within this area is to be enriched with wildflower planting and mown two to three times a year. The Management Strategy proposes the introduction of bird, bat or insect boxes in suitable locations.

7.11.8

Natural England confirms that they have no objections to the proposal subject to work being carried out to avoid the bird breeding season March to August. Natural England also suggest a condition to require the submission of a method statement to mitigate any adverse impact on bats.

7.11.9

The Northamptonshire Wildlife Trust has commented that no issues remain in terms of bats, trees and reptiles as a result of the revised Ecological report (Rev C), but would want to see the land edged in blue to the south of the application site made subject to a condition requiring the submission of an ecological management plan. In addition, the Wildlife Trust supports the use of native planting on the site.

7.11.10

The proposal is therefore considered to accord with Policy 5 of the NNCSS as it provides for the enhancement of biodiversity and compensates adequately for the loss of any landscape features by the use of native planting within landscaped areas.

7.12 Archaeology and Cultural Heritage

7.12.1

Policy 13 of the Core Spatial Strategy seeks to raise design standards and protect assets to ensure that development is sustainable. Development proposals should take account of archaeological interests by ensuring that archaeological investigation to establish the need for mitigation or excavation strategy is carried out before planning permission is granted. Where applications are to be granted planning permission, appropriate conditions should be included covering recording of archaeological remains. This is consistent with advice contained in PPS5: Planning for the Historic Environment.

7.12.2

The application was accompanied by an Archaeological Desk Based Assessment which indicated that the site has seen a considerable development activity during the 20th century when the factory was built on the site. and in large areas there is little or no potential for archaeological survival.

7.12.3

The site is adjacent to Thorpe End Scheduled Ancient Monument (SAM); a small part of the SAM designation falls within the application site boundary, although this is built over by hard surfacing and buildings. The remainder of the SAM lies to the south of the site on a scarp slope containing woodland and scrub and continues to the fields beyond the site.

7.12.4

The majority of the application site is undesignated and covered by buildings and hardstandings. The development history suggests extensive 18th and 19th century building on the site which was later replaced by the current structures when the site was redeveloped in the mid 20th Century. The assessment indicates that a SAM application will be necessary for the Scheduled Area. There is some potential for the survival of pockets of archaeological material on the site but these are not considered to be significant remains for the purposes of PPS5.

7.12.5

NCC Archaeology Officer has commented that the proposed development will have a detrimental impact upon any archaeological deposits present. This is not an over riding constraint however, provided that provision is made for the investigation and recording of any remains. Should the application be found to be acceptable then this could be made subject to a standard condition. The application complies with PPS5.

7.13 Trees

7.13.1

The application proposes to remove a small area of trees located in the northeast corner of the site, in order to allow a frontage to be created for the proposed office on the corner of Brook Street and Grove Street. The Conservation Officer has no objection to the removal of these trees, due to their poor quality.

7.13.2

The site is bordered by a row of trees along the northern boundary to Grove Street and mainly along the east boundary to The Turrets and Warwick Close. The remainder of the site is mostly occupied by buildings and hardstanding. Root protection areas have been clearly identified on the revised layout plan and the conservation officer has recommended various arboricultural conditions to help ensure the retention of these trees. In addition, in order to ensure that appropriate levels of landscaping and appropriate planting would be provided, the officer has suggested conditions to request

the submission of full landscaping and management strategy details. These conditions would ensure that appropriate landscaping would be provided for the development, and therefore, are recommended.

7.14 Community Safety

7.14.1

The community safety issues in respect of the footpaths has been discussed in Section 7.9 and Northamptonshire Police supports the footpath proposals. As discussed paragraph, the submitted illustrative layout demonstrates that the play area would be overlooked.

7.14.2

Providing conditions, in accordance with the recommendations made by the Crime Prevention Officer are imposed, to require the submission of boundary treatment details, details for the treatment of the play area, lighting details, and to ensure the security of the dwellings and their gardens, then there would be no significant crime and disorder issues from this proposal.

7.15 Environmental Impact - Air Quality, Contamination and Noise

7.15.1

A Phase 1 desk based contamination study has been submitted in support of the application. This has identified a number of potential sources of land contamination from the industrial use of the site as a boot and shoe factory and later for the manufacture of plastic products. The report recommends that an intrusive investigation of the site is required prior to the design of any remediation for contamination found on the site. The Council's Environmental Protection Officer has no objections to the proposal subject to conditions to control the nature of any intrusive works and any subsequent remediation measures.

7.15.2

An air quality assessment is not required due to the limited number of dwellings proposed and the location of the site. In terms of noise, there is no objection as the proposed use has a lower potential to generate noisy activity than the existing factory use. The conditions recommended in paragraph 7.6.3 would help to control noise and dust during the construction and demolition of the buildings.

7.16 Waste Management

7.16.1

The control of waste is a factor during the construction phase and also when development is completed. The arrangements for the reuse of materials and the disposal of waste during construction can be controlled satisfactorily through an agreed Construction Environmental Management Plan, which can be made subject to a planning condition should the application be granted planning permission.

7.16.2

Details of the arrangements for provision of adequate bin stores and recycling can be conditioned to ensure that this information is provided at the reserved matters and subsequently implemented to ensure sustainability and satisfy Policy 13 of the Core Strategy. In particular, for blocks of flats a single point of refuse collection should be provided in an appropriate location close to the building and accessible from the public highway.

7.17 Sustainable Design and Construction

7.17.1

Policy 14 of the North Northamptonshire Core Spatial Strategy (NNCSS) requires that development proposals should incorporate techniques for energy efficiency and sustainable construction, provide for waste recycling, water efficiency and water recycling and meet at least 10% of the demand for energy on site renewably.

7.17.2

A Sustainable Design and Energy Statement (DS&ES) accompanies the application. This follows the checklist set out in the Sustainable Design SPD adopted by the Council in March 2009. It points out that the proposal uses a brownfield site and is well located in relation to the town centre such that it is accessible by foot and by cycle. The site is served by a regular half-hourly bus service to Rushden, Wellingborough and Northampton with a bus stop nearby on Grove Street. The stop for the two-hourly bus to Kettering is a five minute walk away in The Square.

7.17.3

More specifically the DS&ES makes reference to the layout which includes for open space with good surveillance from the surrounding dwellings which are arranged in perimeter blocks to create well defined public realm and private spaces within the site. This is further reinforced by the boundary treatment proposed. The arrangement of the dwellings to take account of passive solar gain is also mentioned in the DS&ES: the details would be demonstrated at the reserved matters stage should planning permission be granted. Further details to cover sustainable construction could be dealt with by the recommended conditions, to ensure that the development meets the requirements of the NNCSS.

8 Other Matters

8.1 Whilst Northamptonshire County Council's request for contributions towards the fire service are acknowledged, the Council'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, if the application were to be found acceptable, a condition could be included requiring the developers to install fire hydrants within the development.

8.2 Sport England has made reference to the Open Space Sport and Recreation Study 2006 which advises that the District is relatively well provided for in terms of sport and recreation facilities. Whilst some small locational deficiencies have been identified, and Sport England mention the need arising for indoor sports provision this is not covered within the Developer Contributions SPD, so it is not appropriate to require a contribution towards this at the present time or to make good any identified sport or recreation deficiencies.

9 Conclusion

9.1 A key objective in the North Northamptonshire Core Spatial Strategy is the regeneration of Raunds Town Centre. The RPC site lies adjacent to the town centre and has been identified as a site for a mix of commercial and residential uses to bolster the town centre. The proposed development would help to regenerate the town centre and deliver significant environmental benefits.

9.2 The submitted application proposes a limited amount of mixed use development and the level of proposed affordable housing is significantly lower than what the council would expect. However, should Members decide to accept this level of affordable housing provision and level of mixed use development, this would be an appropriate approach given the current economic climate and associated site viability issues.

- 9.3 An adequate level of developer contributions has been proposed in all other respect and would allow the development to be sustainable.
- 9.4 Finally, all other planning issues have been considered and could be addressed by the recommended planning conditions.

10 Recommendation

- 10.1 That planning permission be GRANTED subject to the completion of a legal agreement to secure S106 contributions being delegated to the Head of Planning Services, in consultation with Chairman and Ward Members, and subject to the following conditions:

11 Conditions/Reasons -

1. Approval of the details of the access, siting, scale and appearance of the dwellings and office 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 commencement of the development hereby permitted, details of timing of the construction of the three storey office shall be submitted to and approved in writing by the Local Planning Authority. The three storey office shall thereafter be constructed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that an employment/commercial use is provided on this site, in accordance with the objectives of PPS4, the adopted North Northamptonshire Core Spatial Strategy and the Raunds Masterplan.
5. In accordance with the submitted details, the dwellings hereby permitted shall consist mainly of two storeys and shall not exceed two and a half storeys in height, and the office shall be limited to three storeys in height.
Reason: In the interest of visual amenity and to ensure the dwelling would not detract from the street scene given the gradient of the land.
6. The details to be submitted for approval in writing by the Local Planning Authority at the reserved matters shall include drawings showing the finished floor levels of the building in relation to the existing and proposed levels of the site and the surrounding land. The buildings shall there after 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. Notwithstanding the submitted details, a Tree Protection Plan for the onsite and neighbouring trees shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be in accordance with BS5837:2005. The development shall thereafter be carried out in accordance with the submitted details, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the protection of trees on site.
8. Notwithstanding the submitted details, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This statement shall be in accordance with BS5837: 2005. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the protection of trees on site.
9. The details to be submitted for approval in writing by the Local Planning Authority relating to condition 1 above shall include a comprehensive landscaping scheme for the site. The scheme shall follow the principles set out on the submitted illustrative layout (drawing number: EMS.2044_06-9-B) and shall include an implementation schedule. Landscaping shall thereafter be provided in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a reasonable standard of development and visual amenity for the area.
10. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.
11. Prior to the commencement of development, a Landscape Management Plan for the development site and area identified as 'Area for ecological enhancement/management' on the submitted illustrative layout (drawing number: EMS.2044_06-9-B) shall be submitted to and approved in writing by the Local Planning Authority. Details of the body/bodies responsible for the ongoing implementation of the said Landscape Management Plan shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Landscape management shall be carried out in accordance with the Landscape Management Plan so approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason : In order to ensure the long-term maintenance of the onsite open space in the interests of its visual appearance and the amenity of its users.
12. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the local planning authority dispenses with any such requirements in writing:
- a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a conceptual model of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority without delay upon completion.

b) 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 Local Planning Authority. This must be conducted in accordance with 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.

13. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority. 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.

14. 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 Local Planning Authority.

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

15. On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. 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.

16. If, during development, contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority.

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

17. Prior to the commencement of any demolition work or other development on the site a method statement for the control of dust and noise during demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried 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.

18. Works which cause noise to be audible outside the site boundary must not take place outside the times of 7:30am-17:30pm Monday to Friday, 08:00am-13:00pm on Saturdays and at no time on Sundays or bank holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure noisy operations are not undertaken during noise sensitive times, in the interests of the residential amenity of the existing nearby dwellings.

19. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and recording which has been

submitted to and approved in writing by the Local Planning Authority. Archaeological investigation and recording shall thereafter be carried out in the accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

20. Notwithstanding the details showing on drawing number: EMS.2044_06-9-B, precise details of each vehicle and pedestrian access point for the development shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority prior to commencement of development. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

21. In accordance with the submitted details, a formal stopping-up order shall be initiated to the section of the dedicated Public Right of Way UG18 (as identified on drawing number: EMS.2044_06-9-B) with off-site improvement works being undertaken. Details of the off-site improvement works and timescales for carrying out these works shall be submitted to and agreed in writing by the Local Planning Authority, prior to commencement of development. The off-site improvement works shall be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development, community safety and that an adequate form of pedestrian access is provided to the site.

22. Prior to commencement of the development hereby permitted, there shall be submitted to and approved in writing by the Local Planning Authority a scheme for the development of a Travel Plan for all elements of the site's development. The Travel Plan 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 residential development and implementation of that Travel Plan. The scheme shall identify the mechanism by which the Travel Plan proposals are to be delivered, the targets and the timing of delivery.

Reason: To ensure sustainable transport initiatives are pursued.

23. This permission does not confer consent to the 2 metre high wall with 1.8 metre high railing shown on drawing number: EMS.2044_06-9-B. Prior to commencement of development, details of boundary treatment to be provided between the office and the dwellings shall be submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall thereafter be provided and retained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

24. No development shall commence a drainage strategy with mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include phasing for the provision of mains foul water drainage on and off site. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

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

25. The proposed development shall not begin until a detailed scheme for the provision, implementation, ownership and maintenance of the surface water drainage for this site, in accordance with the submitted Flood Risk Assessment undertaken by EWE Associates Ltd (ref: 2010/582 dated December 2010 Revision D) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details prior to the first occupation of the development.

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

26. Development shall proceed in accordance with the recommendations and mitigation measures detailed in the submitted Ecology Appraisal (Revision C dated 15 December 2010) received by the Local Planning Authority on 21 December 2010, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the proposed development on local wildlife and to ensure the development accords with PPS9.

27. No demolition works shall commence until details of a scheme for the mitigation of bats shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

Reason: In order to safeguard protected species which may inhabit the site.

28. Prior to the commencement of the development hereby permitted, details of the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that satisfactory provision of fire hydrants is provided for the development.

29. The landscaping details to be submitted for approval in writing by the Local Planning Authority relating to condition 1 above, shall include details of boundary treatment details for all boundaries of the site, individual dwellings and public open space area.

Reason: In the interest of preventing crime, anti-social behaviour and reducing the fear of crime, in accordance with Policy 13 of the adopted North Northamptonshire Core Spatial Strategy and in the interest of residential amenity.

30. Details of a scheme of lighting for the development hereby approved, shall be submitted to and approved in writing by the local planning authority, prior to the commencement of development. This shall include full details of the type of lighting, number, exact location and level and type of illumination. The scheme shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of preventing crime, anti-social behaviour and reducing the fear of crime, in accordance with Policy 13 of the adopted North Northamptonshire Core Spatial Strategy and in the interest of residential amenity.

31. Details of the arrangements for provision of public bins, bin stores for the flats, and other street furniture, shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of development. 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 interests of amenity and ensuring an appropriate standard of development.

32. A scheme ensuring the security of the dwellings and their garden areas shall be 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: In the interest of preventing crime, anti-social behaviour and reducing the fear of crime, in accordance with Policy 13 of the adopted North Northamptonshire Core Spatial Strategy.

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

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

34. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Prior to the commencement of development, details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and be approved in writing by the Local Planning Authority. The details so approved shall be implemented in accordance with the approved timetable and retained as operational thereafter, 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.

35. Notwithstanding the submitted details and prior to the commencement of development hereby permitted, details of provisions for waste reduction and recycling, water efficiency and recycling and techniques of sustainable construction to be used for the construction of the buildings hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development 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.

36. This permission relates to the following drawings: drawings received by the Local Planning Authority on 21 November 2011, drawing numbers: EMS.2044_06-9-B, EMS.2044_06-10, EMS.2044_10-1A, EMS.2044.101; EMS.2044_09-1B, received on 16 March 2011; and drawing numbers: EMS.2044_03-1B and S2777/01, received on 23 September 2010.

Reason: In order to clarify this permission.

Informatives

1. Report and Valuation by Bidwell dated 8 March 2011, received 11 March 2011.

Report and Valuation by Bidwell dated April 2011, received 26 April 2011.

Report and Valuation by Bidwell dated 18 November 2011, received 21 November 2011.

Report and Valuation by Bidwell dated 25 November 2011, received 2 December 2011.

Marketing report by Budworth Hardcastle dated 25 August 2010, received 23 September 2010.

Revised application form received 12 August 2011.

Planning Statement by Pegasus dated October 2010, received 2 November 2010.

Flood Risk Assessment Revision D dated December 2010, received 26 January 2011.

Ecological Appraisal Revision C dated 15 December 2010, received 21 December 2010

Management Strategy dated September 2010, received 23 September 2010.

Tree Assessment Report dated September 2010, received 23 September 2010.
Sustainable Design and Construction Statement dated October 2010, received 2 November 2010.

Transport Assessment Revision B, dated July 2011, received 2 August 2011.

Travel Plan dated September 2010, received 23 September 2010.

Design and Access Statement received 12 April 2011; and Addendum to the Design and Access Statement 9 August 2011.

Statement of Community Involvement dated September 2010, received 23 September 2010.

Services Report by Mewies Engineering Consultant dated September 2010

Letter from Mewies Engineering Consultant dated 4 August 2011, received on 8 August 2011.

Letters from Pegasus Planning Group:

Letter dated 11 October 2011, received on 13 October 2011.

Letter dated 18 November 2011, received on 21 November 2011.

Letter dated 2 December 2011, received 5 December 2011.

Letter dated and received on 3 June 2011.

Letter dated 8 March 2011, received 10 March 2011.

2. In approving this application, the relevant planning guidance and policies were identified as: PPS1, PPS3, PPS4, PPS5, PPS7, PPS9, PPS10, PPG13, PPG17, PPS22, PPS23, PPG24, PPS25; Policies 1, 2, 3, 13b, 27, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16 of the North Northamptonshire Core Spatial Strategy 2008; Saved Policies GEN3, H4, RL3 and RL4 of the East Northamptonshire Adopted Local Plan 1996; Supplementary Planning Guidance: Parking SPG 2003, Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Developer Contributions SPD; Raunds Preferred Options; Raunds Masterplan 2011; Manual for Streets.

Having regard to these, the representations received and any other material planning considerations, the main issues were identified as principle of development; developer contributions; density; visual impact; residential amenity; highway impact; effect on public rights of way; flood risk and drainage; ecology; archaeology and heritage; trees; community safety; contamination and other environmental impact; waste management; and sustainable design and construction.

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. An acceptable level of developer contributions would be provided.
3. The proposal would not be too dense.
4. The proposal would not harm visual amenity or the character and appearance of the 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.
7. The proposal would not have an adverse effect on a public right of way or have significant access issues.
8. There would be no significant flood risk or drainage issues.
9. The proposal would have no significant impact on ecology.
10. The proposal is unlikely to have an adverse effect on archaeology or any other heritage asset.
11. The proposal would not result in an unacceptable loss or harm to trees.
12. The proposal would have no significant community safety issues.
13. The proposal would have no significant contamination or other environmental issues.
14. There would be no significant issues in terms of waste management.
15. The proposal would meet the sustainable construction and energy efficiency standards.

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>
4. The applicant is advised that works within the existing public highway and Public Rights of Way may not commence without the written permission of the Local Highway Authority and this planning permission does not give or infer such permission.
5. The applicant is advised that this consent does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required relating to protected species (as described in Part IV B of the Circular).

6. -----
APPENDIX 1 : Developer Contributions

Committee Report

Committee Date : 18 January 2012

Printed: 4 January 2012

Case Officer **Amie Baxter**

EN/11/01298/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
15 August 2011	22 August 2011	21 November 2011	Oundle	Oundle

Applicant **Ms Theresa Farrelly**

Location 74 Benefield Road Oundle Northamptonshire PE8 4EZ

Proposal **Demolition of 74a Benefield Road, Oundle for the erection of 26 residential dwellings, garages and associated works.**

This application is brought before the Development Control Committee in accordance with the scheme of delegation due to the proposal being for over 10 dwellings and because of previous Member interest in the site.

1. Summary of Recommendation

1.1 The application be APPROVED subject to conditions and the completion of a S106 agreement.

2. The Proposal

2.1 This is a full application for the demolition of the existing dwelling known as 74a Benefield Road and the erection of 26 dwellings.

2.2 The proposed housing mix, including 30% affordable housing provision (8 units in total) is as follows:

- 7 x 1 bed apartments (4 of which would be affordable units)
- 2 x 2 bed FOG's (flats over garages)
- 4 x 2 bed dwellings (2 of which would be affordable units)
- 7 x 3 bed dwellings (2 of which would be affordable units)
- 4 x 4 bed dwellings
- 3 x 5 bed dwellings

2.3 13 of the 26 dwellings proposed are to be 1 or 2 bedroom homes.

2.4 The houses would be mixed in height. House types H and G would be 2.5 storey, A, D, E, J, K and F would be 2 storey and B and B2 would be 1.5 storey.

2.5 Residential development has been granted reserved matters approval on the land to the rear of this site and these dwellings are now substantially complete. This proposed development would essentially be phase 2 of the site and would complete the development. Planning permission has previously been refused three times for 14 dwellings on the application site (ref 07/02288/FUL, 08/02131/FUL and EN/09/00532). The most recent of these applications was also dismissed at appeal. The reasons are set out 5.1 below.

3. The Site and Surroundings

3.1 To the site frontage there is a verge and a number of small trees.

- 3.2 To the west of the site lie modern dwellings at Wakerley Close which have a unified design and character and surround an area of open space, creating a semi-formal square. The dwellings at the entrance to Wakerley Close have 1 ½ storeys and the other dwellings have 2 storeys.
- 3.3 Herons Wood Close is on the opposite side of the road; a new development of 2 and 2.5 storey stone-built houses.
- 3.4 East of the site are the private rear gardens of 2 storey dwellings fronting both Clifton Drive and Pexley Court. There is a ditch along the eastern boundary.
- 3.5 Along the southern site boundary the which has recently been developed for housing by the applicant. This development is known as Lytham Park.
- 3.6 The site is not within or abutting Oundle Conservation Area and there are no listed buildings nearby. Some of the trees on the site are protected by a Tree Preservation Order and a public footpath runs along the western site boundary.
- 3.7 The site slopes down gradually from west to east.
- 3.8 The size of the site is 0.44 Ha.

4. Policy Considerations

- 4.1 Planning Policy Guidance
 - PPS1 -Sustainable development
 - PPS3 -Housing
 - PPG13- Transport
 - PPG17 -Sport and Recreation
 - PPS23 -Contamination
 - PPS25 -Development and Flood Risk
- 4.2 Regional planning documents
 - RSS8 -Regional Spatial Strategy (incorporating Milton Keynes-South Midlands Sub-Regional Strategy)
 - Policy 2- Promoting Better Design
 - Policy 3- Distribution of New Development
 - Policy 13b- Housing Provision (Northamptonshire)
 - Policy 14- Regional Priorities for Affordable Housing
 - Policy 48- Regional Car Parking Standards
- 4.3 North Northamptonshire Core Spatial Strategy
 - Policy 6 – Infrastructure Delivery and Developer Contributions
 - 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 East Northamptonshire District Local Plan

All previously saved policies in the local plan have now been superseded by the Rural North, Oundle and Thrapston Plan which was adopted in July 2011.
- 4.5 Rural North Oundle and Thrapston Plan, July 2011.
 - Policy 2 – Windfall Development in Settlements
 - Policy 8 – Parking

Policy 11 – Housing Mix
Policy 19 – Affordable Housing Targets
Policy 20 – Affordable Housing Requirements

- 4.6 Supplementary Planning Guidance
Developer Contributions
Planning Out Crime Adopted February 2004
Parking Adopted March 2003
Biodiversity SPG

5. Relevant Planning History

- 5.1 There have been a number of previous planning permissions and refusals on this site relating to the previous use of the site as a builders' yard. These are no longer relevant. There have however been a number of more recent applications for residential development and these are set out below.

5.1.2 EN/01/00560/OUT: Residential development. Appeal dismissed 04/09/2002

5.2.3 EN/02/00022/FUL: Dwellinghouse, garage building and vehicular access.
Approved 06/03/2002

5.2.4 EN/06/00295/FUL: Residential development comprising twenty four dwellings and associated works. Refused on 19/04/2006

5.2.5 EN/07/02288/FUL: 14 dwellings. Refused on 04/03/2008

5.2.6 EN/08/02131/FUL :14 dwellings. Refused on 04/02/2009

5.2.7 EN//09/00532/FUL: 14 dwellings. Refused by the Development Control Committee on 02.07.2009 for the following reasons:

- The number of dwellings appears to have been artificially restricted in an attempt to ensure that the size of the scheme falls below the thresholds set out in the SPD in respect of developer contributions, which requires the provision of contributions towards social and community infrastructure, in particular affordable housing and public open space, due to the omission of land which clearly forms part of the development site and due to the density of the scheme. The proposal would therefore be contrary to Policies GEN3 and RL3 in the East Northamptonshire District Local Plan, the SPD in respect of developer contributions, Policy 6 in the North Northamptonshire Core Spatial Strategy and Policy 14 of RSS8
- The proposed scheme would be harmful to the residential amenity of the occupiers of 72A Benefield Road by virtue of overlooking which would be contrary to Policy 13 in the North Northamptonshire Core Spatial Strategy and Policy 2 of RSS8
- An inadequate mix of dwellings is provided, which does not meet the need for Oundle, as identified in the Housing market Assessment, and therefore the proposal would be contrary to Policy H4 in the East Northamptonshire District Local Plan, Policy 15 in the North Northamptonshire Core Spatial Strategy, Policy 11 in the Rural North Oundle and Thrapston Plan (submission document) and advice in PPS3.

5.2.8 The application was then taken to appeal but the appeal was dismissed. Although the inspector dismissed the appeal, she agreed with the appellant that the proposed development would not be detrimental to the residential amenity of Number 72a Benefield Road, the proposal made adequate provision for the additional educational needs likely to be generated by the development and that the proposal would be below the threshold for the provision of affordable housing and open space. However, the Inspector agreed with the council that the proposal failed to contribute to the creation of a mixed community, in terms of the proposed mix in dwelling sizes.

5.2.9 The applicant has noted the comments of the Inspector and has since engaged in discussions with the Councils' Housing Strategy Manager in order to amend the proposal to meet the housing need for smaller units in Oundle. It is also now proposed that the existing dwelling at 74a be demolished to make way for an additional number of dwellings.

5.3 On the adjacent land the following planning history is also relevant:

5.3.1 EN/04/01731/OUT: Residential development (all matters reserved).

Approved 09/05/2005

5.3.2 EN/06/00296/FUL: New access road for residential development.

Approved 29/03/2006

5.3.3 EN/06/00297/REM: 49 houses. Refused 19/04/2006

5.3.4 EN/02393/REM: 21 dwellings granted permission 26/07/2007

5.3.5 EN/01205/REM 24 dwellings granted permission 23/08/2007

5.3.6 EN/01705/REM 3 dwellings granted permission 15/11/2007

6 Consultations and Representations

6.1 39 letters have been received, and are summarised below

Access, Traffic and Parking

- The proposal will increase traffic travelling to and from the site and on-street parking. There have already been two major accidents on Benefield Road this year and the increase in traffic to the site can only make this issue worse.
- There is no formal crossing on Benefield Road.
- Inadequate parking provision. Most families have two or more cars.
- The access is near to the brow of a hill and cars travel along the road at great speed, despite the 30mph speed restriction.

Density, Need and Housing Mix

- Lack of open green space, especially as some of the plots would not have a garden.
- Overdevelopment of the site. Proposed density is out of character with the surrounding area.
- There is no need for the proposed flats.
- The last homes to be sold on the existing Bovis site were the smallest properties, proving that there is no demand for small dwellings in Oundle.
- The proposed housing mix is unacceptable. Too much emphasis is placed on affordable housing.
- The development would place further demand on local infrastructure, services and facilities.
- The council have always tried to resist a high density and there is no reason why they should change their stance this time around.
- It is discriminatory to assume that people living in affordable units do not want or need a garden.

Design and Layout

- The design of the proposed dwellings does not fit well with the design of the surrounding dwellings, including those recently built by Bovis on the adjacent site.
- Plots 31-37 (flats) would appear disproportionately large within the streetscene along Benefield Road.
- Alley-way style footpaths alongside plots 38-45 is contrary to Secured by Design principles.
- Even the developer feels that the proposed development is inappropriate as they have appealed against the councils decision to try to impose it.
- No consideration has been made as to the drainage and the gully to the north of the site

- The area on the eastern side could become a segregated community, rather than one of mix and integration that the government desires.

Other Issues

- The existing dwelling at 74a should not be demolished. It is less than 10 years old and has no structural defects and as such, its demolition would be contrary to policy 1 of the local plan.
- The site is a windfall site and would be contrary to the principles set out in the local plan.

6.2 Oundle Town Council:- No objections to the proposed development but would like to express their concerns over the lack of play space and their preference that 40% affordable housing is achieved. Also, the materials used should be to match those used in the neighbouring development.

6.3 NCC (Highways): No objection to the proposed development subject to the following amendments:

- The estate street should be included within the red line
- The pedestrian visibility splay for plots 42-46 is inadequate and needs to be amended.
- The pedestrian visibility splay for plot 25 falls outside the red line boundary. This should be conditioned, along with all other accesses.
- Reversing and turning vehicles from the access of plot 25 would conflict with the carriageway feature.
- The vehicle crossings within the future highway, if adopted, do not coincide with the vehicle crossings for this layout and some are too wide to be acceptable.
- The vehicle crossings for the plots on the northern side of the access road should be clearly shown on revised plans.

All of the points above are minor but are still required and each point could be conditioned. Additionally, the standard conditions relating to surfacing, drainage, gradient, gates, pedestrian visibility and widths should be imposed.

6.4 Ramblers – Object to the proposed development because there would be no footpath link between the site and the existing footpath to the southern extremity of the site, as suggested in previous applications. Concerns are also raised about a lack of parking and the failure to provide a safe crossing to the north side of Benefield Road.

6.5 Crime Prevention Officer – No objection to proposed development and notes that all doors and windows are to be to British Standards for security. Lighting details also need to be supplied and the CPO questions whether the number of parking bays is sufficient to accommodate occupiers and visitors. Fencing details are also required. Further advice has been sought regarding the possibility of a link to the public footpath.

6.6 NCC Education – the scheme generates a need for the following contributions towards education:

6.6.1 Primary School Contribution

- 1 bed unit = £0
 - 2 bed unit = £364 x 4 units = £1,456.00
 - 3 bed unit = £2,493 x 4 units = £9,972.00
 - 4 bed+ unit = £5,570 x 5 units = £27,850.00
- Total = £41,183.00

The County Council is in a position to offer a discount of two-thirds on the education contribution of this development for all social rented properties, provided that there is evidence to demonstrate that the new residents come from Oundle.

6.6.2 Secondary and Sixth Form Contribution

- 1 bed unit = £0
- 2 bed unit = £414 x 4 = £1,656
- 3 bed unit = £1,791 x 4 = £7,164
- 4 bed unit = £3,191 x 5 = £15,955

Plus, affordable, social rented reduction contribution:

- $(2 \times £414) / 3 = £276.00$
 - $(2 \times £1,791) / 3 = £1,194.00$
- Total £26,245

6.6.3 The total contribution towards education would be £67,428, plus a contribution of £4,082.00 towards libraries.

6.7 Housing Strategy – Supports the proposed development. The Housing Officer has confirmed that she is satisfied with the 30% affordable housing proposed as part of this application. This view is on the basis that there are a number of other sites in 'the pipeline' currently for Oundle which will provide a reasonable supply of new affordable housing for the town. In addition, there are a number of other factors as follows:

- * The proposal would provide Oundle with a very specific mix of smaller units as requested by the Housing Officer.
- * There is a healthy level of affordable housing on a neighbouring site.

Provision at a level of 40% would only result in an additional 2 affordable units. If this development was in an area where there is very little affordable housing coming forward (such as a village) then a higher percentage may be worthwhile, but in this case the Housing Officer is satisfied that 30% is sufficient.

The Housing Officer also makes comment about the internal arrangement of some of the units (to which amendments have now been made).

6.8 Environment Agency- No objection subject to the use of a condition requiring the submission of a scheme which includes details of phasing and future management and maintenance arrangements, for the provision of mains foul water drainage.

6.9 NCC Waste- Prior to any development taking place, the applicant needs to demonstrate how it meets Policy CS7 and CS8 of the Northamptonshire Minerals and Waste Development Framework (MWDF) Core Strategy. Conditions are suggested.

6.10 ENC Environmental Health: No objection but suggests conditions requiring a dust management scheme and another limiting the hours of construction to prevent noise nuisance. A contamination assessment is also required by condition.

6.11 Natural England- No objection to the proposal, provided a condition is used which requires the submission of a detailed mitigation and monitoring strategy for bats.

6.12 ENC Conservation Officer (Trees)- No objection subject to conditions requiring a tree protection plan and arboricultural method statement.

7 Evaluation

7.1 The main considerations in the determination of this application are the principle of development, visual impact, impact on neighbouring amenities, highway matters, flood risk, affordable housing; provision of open space, and other contributions.

7.1.1 This site and the site to the rear have a complicated planning history. A previous scheme for 24 dwellings on this site was refused. Three more recent schemes for 14 dwellings were also refused for the following reasons:

- The number of dwellings appeared to have been artificially reduced to avoid contributions to social and community infrastructure.
- An inadequate mix of dwellings.
- Impact on residential amenity.

7.1.2 Following the dismissal of the previous application at appeal, the applicant has amended the proposal. The proposed scheme now includes a varied mix of dwelling sizes and 8 affordable units. Further regard has also been paid to the impact on neighbouring amenity, both within and surrounding the site.

7.2 Principle of Development

7.2.1 This site is located within the built up area of Oundle, and planning permission has already been granted for residential development on this site and the land to the rear. The principle of residential development is therefore acceptable subject to other considerations.

7.3 Density and Mix

7.3.1 The density of the scheme would be 59 dwellings per hectare, the neighbouring development is at the following densities.

- 1-53 Wakerley Close: 41 dwellings per hectare
- 1-5 Pexley Court: 15 dwellings per hectare
- 19-28 Clifton Drive: 13 dwellings per hectare

7.3.2 The proposed density appears high in comparison to neighbouring developments. However, the scheme includes a number of apartments which will artificially increase the density. Furthermore, the submitted plans demonstrate that, whilst the density is higher than may be expected, the layout of the site would include space between most of the dwellings and open areas with landscaping. The development would not therefore, appear overly cramped.

7.3.3 The applicant has amended the scheme following the comments of the Inspector as part of the previous appeal (which was dismissed) and as a mixed housing provision is required by Policy 11 of the Rural North Oundle and Thrapston Plan submission document to meet the needs of the HMA and to satisfy the requirements of Policy 15 in the North Northamptonshire Core Spatial Strategy. The previously proposed mix was as follows:

3 x 2 bed units
 4 x 3 bed units
 2 x 4 bed units
 5 x 5 bed units

The mix of units has been revised since the previous refusals on this site by reducing the number of 5 bed dwellings and introducing 1 and 2 bed units.

7.4 Affordable Housing Provision

7.4.1 The submitted scheme proposes that 8 of the 26 dwellings proposed (30%) would be affordable units. The councils Housing Officer is satisfied with the proposed provision of affordable units and notes the inclusion of 13 dwellings which are one or two bed.

7.5 Visual Impact of Development

7.5.1 A previous scheme in 2008 (08/02131/FUL) for 14 dwellings was refused because of the impact that the design of the scheme would have had on Benefield Road and because it was considered that the design of the scheme lacked cohesiveness. The current proposal addresses these issues, as did the most recently refused scheme in 2009 (09/00532/FUL).

7.5.2 The development proposes a mix of dwelling styles fronting onto Benefield Road. Plot 30 would be a 2.5 storey detached dwelling, plots 38 to 40 would form a short terrace of three, two storey dwellings and plots 31-37 (seven, one bed apartments) would be arranged to appear as a terraced corner feature with staggering ridge heights. The affordable units and apartments would be integrated into the development without being obviously distinguishable in design terms.

7.5.3 The dwellings which would be positioned further into the site would also vary in height, scale and design, adding to the interest and character of the resultant streetscene.

7.5.4 There is sufficient spacing between each of the dwellings (or blocks of) to prevent massing or a cramped appearance, in order to follow the character of the surrounding development. There is more cohesiveness than the previous scheme; it does not have the arbitrary juxtaposition of heights of dwellings that the previous scheme had.

7.5.5 The dwellings are to be constructed from artificial stone and the following mix of materials are proposed:

- Bradstone Traditional Cotswold
- Bradstone Traditional Southwold
- Sandtoft Cassius Clay Antique Slate
- Sandtoft Cassius Clay Tuscan

These are similar to the materials which have been approved for the site to the rear. A condition is recommended to ensure that samples are constructed on site, prior to the commencement of development.

7.5.5 The prominent plots, along Benefield Road, should be constructed from natural stone, rather than the Bradstone suggested, in order to enhance the street scene. A condition is recommended to ensure this.

7.6 Impact on neighbouring amenities : dwellings to the east

7.6.1 To the east of this site lie a number of two storey houses fronting Pexley Court; other than numbers 1 and 2 Pexley Court these properties present their side (rather than rear) elevations to the application site. All existing properties are separated from the application site by an existing hedgerow.

7.6.2 The proposed dwelling at plot 41 would be 1.5 storey and would be positioned 7 metres away from the existing dwelling at 72 Benefield Road. The distance is sufficient to ensure that the proposal would not be harmful to residential amenity by virtue of overlooking and overbearing effect.

7.6.3 The proposed dwelling at Plot 42 would be two storey but would be positioned 21 metres away from 72 Benefield Road and 18 metres away from 1 Pexley Court. This distance is considered sufficient enough to prevent any overbearing or overshadowing. Given the positioning of the proposed dwellings and the relationship that would result, there would be limited opportunity for overlooking.

7.6.4 The proposed scheme would relate well to the recently constructed dwellings on the site to the rear (south) in terms of residential amenity. A distance of 23 metres would remain between the rear elevations of numbers 1 and 2 Lytham Park and the proposed dwellings on plots 42 -45.

7.7 Impact on neighbouring amenities : dwellings to the west

7.7.1 To the west of the application site lie the rear elevations and private rear gardens of dwellings in Wakerley Close, all of which are two-storey houses. There is a public right of way running adjacent to the site boundary in this location and this, as well as an existing hedgerow, separates the existing from the proposed properties. Therefore given that there would be a distance of at least 22 metres between opposing elevations (further in most cases) and due to the presence of the public footpath there is sufficient separation distance to ensure there would not be an unacceptable loss of privacy.

7.7.2 There would be no loss of light to the existing dwellings.

7.8 Highway matters

7.8.1 The access road through the site was laid as part of the previously approved development to the rear of the site, now known as Lytham Park. The access was built to adoptable standards and with the development proposed as part of this application in mind.

7.8.2 The Highway Authority does not object to the proposed development, subject to the imposition of standard conditions, and suggest some alteration to the layout of some individual driveways. The suggested amendments have been made to the satisfaction of the Highways Authority, therefore, no condition is needed.

7.8.3 Most of the 26 dwellings proposed would have two or more parking spaces and all others, including the proposed apartments would have at least one parking space. The applicants have recently amended the plans to include two visitor parking spaces. The parking provision is considered adequate for a development of this type, in this location.

7.9 Flood risk

7.9.1 As the site is within Flood Zone 1 and is less than 1 Ha there is no requirement for a Flood Risk Assessment to be submitted. A flood risk assessment was however submitted in support of the outline application for the adjacent site and a condition was imposed requiring details of surface water run off to be submitted to and agreed with the Local Planning Authority. There is a ditch running to the rear of the dwellings in Pexley Close. Residents have concerns about this and it would be appropriate to impose a condition on this application requiring details of surface water drainage to be submitted to and approved by the Local Planning Authority.

7.10 Provision of public open space

7.10.1 The Council's adopted Supplementary Planning Guidance requires public open space to be provided on all new residential developments of more than 15 dwellings or sites of 0.42 Ha or larger. The Council's standards are based on guidance published by the National Playing Fields Association (NPFA) and require 2.43 hectares of open space per 1000 population. The submitted scheme is for 26 dwellings. No open space would be provided as part of the proposed scheme.

7.10.2 The SPD indicates that often it might be more appropriate to provide a commuted sum towards public open space (POS). The amount specified is £1700 per dwelling. As the site to the rear already includes an area of open space with play equipment, a further area within the Lytham Park development would appear to be inappropriate and the provision of a commuted sum towards off site public open space would better meet the needs of young residents locally.

7.10.3 There was an overprovision of POS with the development at Lytham Park where an area measuring 1272sqm was required but 1950 sqm was provided (678sqm over). Therefore, when calculating the POS required for the current development, the overprovision must be deducted from the area required as part of this application. A shortfall of 810sqm of POS would remain and this equates to a shortfall in provision for 14 of the proposed dwellings. The calculation to work out the required commuted sum towards POS would be 14 dwellings x £1700 per dwelling, which equals £23,800.

7.10.4 This contribution would be paid to upgrade the existing facilities at the neighbouring area of public open space at Wakerley Close. The developer has agreed that a commuted sum is reasonable.

7.11 Education and Library Contributions

7.11.1 The threshold for contributions towards education is 10 dwellings or 0.28 Ha. NCC have requested a contribution of £4,082 towards libraries and the following contributions towards education:

Primary Education

- 1 bed unit = £0
 - 2 bed unit = £364 x 4 units = £1,456.00
 - 3 bed unit = £2,493 x 4 units = £9,972.00
 - 4 bed+ unit = £5,570 x 5 units = £27,850.00
- Total: £41,183.00

Sixth Form Education

- 1 bed unit = £0
- 2 bed unit = £414
- 3 bed unit = £1,791
- 4 bed unit = £3,191

Therefore the secondary and sixth form contribution equates to:

- 4 x £414 = £1,656
- 4 x £1,791 = £7,164
- 5 x £3,191 = £15,955

Affordable, social rented reduced contribution:

- $(2 \times £414) / 3 = £276.00$
 - $(2 \times £1,791) / 3 = £1,194.00$
- Total: £26,245

Total Schools Contribution = £67,428

7.11.2 The applicant has acknowledged this requirement and is willing to enter into a Section 106 agreement to secure the delivery of this contribution.

8 Other Issues

8.1 Crime and Disorder – the Crime Prevention Officer is happy subject to the imposition of a condition in respect of boundary treatment.

- 8.2 Access for Disabled -there are no public buildings proposed within this application; disabled access to residential properties can be adequately controlled under the Building Regulations.
- 8.3 No link to public footpath- There is an existing public footpath along the western boundary of the application site which continues south alongside the existing dwellings in Lytham Park. In previous schemes, there has been a pedestrian link incorporated into the layout of the site but this has been omitted from the proposed scheme this time around. The Ramblers Association have subsequently objected. The possibility of a including a pedestrian link has been explored but, in conclusion, it would not be worthwhile insisting on having a link. This is because a link to the public footpath would mean creating an alley way between two of the proposed dwellings on the western side of the access road and an alleyway would be undesirable for security and personal safety reasons. Also, access from the site to the existing public footpath (along Benefield Road) is simple at present and therefore, a link within the site would be needless.
- 8.4 Demolition of the existing dwelling at 74a Benefield Road- Whilst the existing dwelling does not appear to have any structural defects, on balance, the loss of this dwelling would create the potential for a higher number of dwellings to be provided, thus making more efficient use of land, to the benefit of the housing provision available to residents wishing to live in Oundle.

9 Recommendation

- 9.1 The application be APPROVED, subject to conditions and the completion of a S106 agreement.

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. Prior to the commencement of development, a schedule and samples of all external materials to be used within the development including facing, roofing and fenestration shall have been submitted to and approved in writing by the local planning authority. sample panel of the proposed elevation materials shall be constructed on site for the perusal of a representative from the local planning authority. The development shall thereafter be carried out in accordance with the approved details. The elevations of Plots 30-40 shall be carried out using natural stone, unless otherwise agreed in writing by the local planning authority.
Reason: To achieve a satisfactory elevational appearance for the development.
3. No development shall take place until there has been submitted to and be 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, 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.
4. 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 damage 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.

5. Notwithstanding the submitted details and before commencement of development hereby permitted, a sustainable strategy satisfying the requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy shall be submitted to and be agreed in writing by the Local Planning Authority and the development shall be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

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

6. No development shall take place on the development hereby approved until a detailed mitigation and monitoring strategy for bats (in relation to the existing dwelling at 76a Benefield Road which is to be demolished) has been submitted to and approved in writing by the local planning authority.

Reason: In the interest of protecting a protected species.

7. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design and type of boundary treatment to be erected or retained. The approved boundary treatment shall be completed before first occupation of the dwelling to which it relates.

Reason: To ensure an acceptable form of development.

8. Before any work is commenced on the development the subject of this permission, details of the slab levels of the proposed buildings in relation to the adjacent dwellings and the public highway 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 ensure a satisfactory form of development.

9. Prior to the commencement of development, a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of the wheel washing facilities for the site during the construction phase. The construction phase shall thereafter be carried out in accordance with the approved scheme

Reason: To ensure the orderly development of the site in the interests of the amenity of nearby residential occupiers.

10. Prior to the commencement of development, details of all proposed surfacing materials, means of drainage to prevent the discharge of water to the public highway shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.

Reason: In the interests of highway safety.

11. Prior to the commencement of development a method statement that includes details of measures to minimise dust during construction works shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the residential amenity of the existing nearby dwellings.

12. Prior to the commencement of development, details of all proposed surfacing materials, means of drainage to prevent the discharge of water to the public highway shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.

Reason: In the interests of highway safety.

13. Notwithstanding the submitted details, pedestrian visibility splays of 2.4m x 2.4m shall be provided on both sides of all individual vehicular access to each dwelling hereby approved. The areas of land between the required sight lines and the carriageway shall be cleared, levelled and retained at a height not exceeding 0.6 metres above the carriageway and driveway levels.

Reason: In the interest of highway safety.

14. 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.

15. Details of all external lighting shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The external lighting shall be installed in accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted.

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

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

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

17. All works which cause any noise that is audible at the boundary of the site, or at any such other place as may be agreed with the Local Planning Authority, shall be carried out only between the hours of 7:30am and 5:30pm Monday to Fridays, 8:00am and 1:00pm on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interest of residential and local amenity.

18. No development shall take place on the residential development hereby approved before a schedule of demolition has been submitted to and approved in writing by the local planning authority. The demolition shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of residential amenity.

19. Notwithstanding the submitted details, a Tree Protection Plan for the onsite trees shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall be in accordance with BS5837:2005. The development shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of trees on the site and within the neighbouring garden.

20. Notwithstanding the submitted details, an Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. This statement shall be in accordance with BS5837:2005. The development shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of trees on the site and within the neighbouring garden.

21. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a conceptual model of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

b) 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.

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

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

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

23. No building works which comprise the erection of a building required to be served by water services shall commence until details of a scheme, including phasing and future management and maintenance arrangements, for the provision of mains foul water drainage has been submitted to and approved in writing by the local planning authority. The works shall be implemented prior to the occupation of any buildings within the relevant phases of the development.

Reason: To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure, irrespective of the provisions of Sections 94,98 and 106 of the Water Industry Act 1991.

24. The works hereby permitted shall be carried out strictly in accordance with the approved plans (OUND2/02/200 Rev B, OUND2/02/205, OUND2/02/210, OUND2/02/215, OUND2/02/216, OUND2/02/220, OUND2/02/230, OUND2/02/200, SD5/1, SD5/2, OUND2/1BAPT/TYP E A PL 01, OUND2/1BAPT/TYP E A PL 02 Rev B1, OUND2/AF05/TYP E B PL 01, OUND2/AF05/TYP E B2PL 01, OUND2/A208/TYP E C PL 01, OUND2/A305/TYP E D PL 01, OUND2/A431/TYP E E PL 01, OUND2/A457/TYP E F PL 01, OUND2/A551/TYP E G PL 01, OUND2/C5002TYP E H PL 01, OUND2/S351/TYP E J PL 01, OUND2/S241/TYP E K PL 01, AGT2 Elevs rev B, AGT2 Plans rev A, OUND/05/650 Rev A, OUND/1/102, OUND-03-118

OUND-03-119, received on 01.08.2001, 15.08.2011, 11.10.2011 AND 06.12.11) 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, PPG13, PPG17, PPS23, PPS25 Policies 2, 3, 13B, 14 and 48 of the East Midlands Regional Plan, North Northamptonshire Core Spatial Strategy 2008 policies 6, 9, 10, 13, 14 and 15, Rural North, Oundle and Thrapston Plan policies 2, 8, 11, 19 and 20, Design SPD, Highway Authority Standing Advice, Developer Contributions SPG, planning Out CrimeSPG, Parking SPG. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenity, the design and visual impact, impact on trees, housing density, noise and the highway implications. The application has been approved as:
 - The principle of the development is acceptable and is consistent with the development plan.
 - The proposal comprises the development of suitable site within an existing residential area, close to existing facilities.
 - The proposal would not have an unacceptable impact on the local highway.
 - The development would not harm the visual amenity or character of the area.
 - The proposal would not have a significant impact on the amenities of neighbouring occupiers.
2. Please note that an application to discharge the above conditions may be required. Please ensure that you allow sufficient time for your application to be determined prior to implementing your permission. An approximate timescale of 8 weeks is required. For full details please visit <http://www.east-northamptonshire.gov.uk/conditions>

Committee Report

Committee Date : 18 January 2012

Printed: 6 January 2012

Case Officer **Amie Baxter**

EN/11/01213/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
4 August 2011	5 September 2011	31 October 2011	Rushden Hayden	Rushden

Applicant **Mr Andy Griffiths**

Agent **Mr Chris Rogers**

Location Leigh House Portland Road Rushden Northamptonshire NN10 0DJ

Proposal **Demolition of existing commercial premises and construction of 5 No 2 bed 2 storey houses.**

This application has been brought before the Development Control Committee due to an objection from Rushden Town Council.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes demolition of an existing disused commercial premises and construction of 5, 2 bed roomed dwellings on the site, together with associated parking and access. Three of the proposed dwellings (those fronting Portland Road) would be two storey and two (to the rear of the site) would be 1.5 storey.

3 The Site and Surroundings

3.1 The application site is situated along the northern side of Portland Road, near to the junction with Kings Road. The area is made up of a mix of both residential and commercial buildings. There is a modern block of flats to the east of the site and a large commercial building to the west, which is split into smaller units. Otherwise, the site is surrounded by traditional Victorian terraced dwellings, with small front gardens, bay fronted windows and heavy chimneys and detailing. The northern boundary of the site backs onto the rear gardens of dwellings along Queen Street.

3.2 The application site currently accommodates a disused commercial warehouse (known as Leigh House) and measures 0.67 of a hectare. The warehouse covers most of the site and there is no vehicle access laid out at present.

4 Policy Considerations

4.1 National Planning Policy Guidance:
PPS1– Sustainable Development
PPS3 – Housing
PPG13 – Transport
PPS23 – Planning and Pollution Control

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 2012 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, June 2008:

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

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

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 None relevant to this application.

6 Consultations and Representations

- 6.1 Neighbours: two letters were received from the occupants at no.84 Portland Road and no.86 Portland Road and the comments/concerns are summarised below:

- No concerns highlighted over the principle of development.
- Portland Road has double yellow lines on one side which only leaves the other side of the road for parking. Also, a number of the businesses along Portland Road do not allow parking outside their premises. Therefore, the on-street parking provision is poor.
- Has the proposed development considered the current parking problem and provided parking spaces for the tenants of the new dwellings?
- Portland Road is not quiet and is often used as a 'rat-run'.

- 6.2 Rushden Town Council: Object on the grounds that:

- The scheme would overdevelop the site
- Access for vehicles is inadequate and not practical
- Design of the dwellings is poor
- Lack of outside amenity space, in relation to size of dwellings.

- 6.3 Crime Prevention Officer (Northamptonshire Police): No objection in principle, subject to the following comments:
- The boundary fence along the south west elevation, adjacent to the public right of way, should not be close boarded as suggested as this is a good canvas for graffiti. A more substantial, 1.8 metre high, hit and miss type fence would be appropriate and details of all other boundary treatments should be requested by condition.
 - Details of all external lighting should be submitted or requested by condition.
 - Ideally full Secured by Design accreditation should be sought.
 - Plot 4 should have some active windows in the side elevation.
 - The drive should be gated to deter unauthorised persons casually going into the rear of the properties as there is little natural surveillance. The gate should be positioned close to the north western corner of the dwelling at Plot one and should be wrought iron in design, or similar.
- 6.4 NCC Highways Authority: The scheme which was submitted initially did not comply with the NCC Standing Advice Document where the proposed private drive was too narrow. However, the applicant has now amended the scheme to provide a driveway which is 4.5 metres wide for the first 10 metres in length and therefore the Highways Officer no longer objects. Pedestrian visibility splays of at least 2.4 x 2.4 shall be provided on each side of the access and this should be ensured by way of a condition.
- 6.5 Environmental Protection Officer (contamination): no objection, subject to further information being sought from the applicant, or conditions imposed to investigate and remediate contamination.
- 6.6 ENC Environmental Protection Officer (noise): No objection but recommends that the following conditions be imposed to help minimise/mitigate the impacts of the development:
- (i) The glazing provided in bedrooms must have a minimum specification of 17dB Rtra in order to achieve a good standard of living
 - (ii) The glazing provided in living areas must have a minimum specification of 23Db Rtra in order to achieve a reasonable standard of living.
 - (iii) Any additional ventilation methods installed must not compromise the acoustic performance of the glazing in any manner.
- 6.7 Ramblers Association: Supports the proposal as it would improve the amenity and safety of path users.

7 Evaluation

7.1

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

7.2 Principle of Development

7.2.1 The application proposes redevelopment of a vacant brownfield site and the site falls within the confines of a built settlement, located close to existing local services and public transport facilities. Furthermore, the site lies close to the town centre and is surrounded by existing residential development and therefore, residential would be an acceptable use for this site, subject to fulfilling other material planning considerations (as set out below).

7.3 Visual Impact

7.3.1 The application has two elements in terms of form and layout. A terraced-style frontage development of 3, 2 storey dwellings is proposed to face Portland Road and 2, 1.5 storey semi-detached dwellings are proposed to the rear of the site with a parking courtyard and private garden areas to the centre of the site. Access to the site would be formed along the south boundary giving access to the rear of the proposed dwellings.

- 7.3.2 The existing dwellings along Portland Road are traditional terraced dwellings, with the exception of the flat complex to the east. The flats are of a very simple and modern design which do not contribute well to the street scene. The applicants have therefore taken the design lead from the traditional terraced properties and have made efforts to incorporate elements of those existing dwellings into the design of the proposed.
- 7.3.3 Heavy chimneys are a notable characteristic of the existing terrace dwellings, as are bay fronted windows and strong stone headers and cills. Small garden walls adjacent to the pavement are also common.
- 7.3.4 The three proposed dwellings fronting onto Portland Road incorporate all of the features noted above and, subject to the use of appropriate materials, would strengthen the existing character of the area and make a positive contribution to the street scene. The positioning of the dwellings facing Portland Road would also reinforce the pattern of the surrounding development by allowing for a small front garden area.
- 7.3.5 The two dwellings proposed for the rear of the site would not be highly visible within the streetscene and so, do not necessarily need to follow the design lead so closely.
- 7.3.6 The design of the semi's would be simple, with dormer windows along the west elevation and brick detailing to add character. Dormers are not a common feature of other properties in the area but, as these two dwellings would be hidden from view, the dormers would not be detrimental.
- 7.3.7 The scale of both the terraced and semi-detached dwellings is appropriate and in line with the surrounding dwellings and other buildings, so as not to appear overly dominating.
- 7.3.8 A condition is recommended to ensure that samples of the proposed materials are submitted for agreement prior to the commencement of development.
- 7.3.9 Overall, subject to the use of appropriate external materials in the construction of the proposed buildings, no visual harm would result from the proposal.

7.4 Density and Layout

7.4.1 The site area is 0.068 of a hectare and the housing density for the proposed 5 dwellings would work out at 75 dwellings per hectare. Whilst this figure seems high, consideration should not always be focussed on the housing density figure, but how the development would manifest itself on the ground.

7.4.2 The layout of the site would not appear overly cramped and reasonable sized garden areas would be provided. The garden area for each plot measure as follows:

Plot 1-31.5 sqm

Plot 2- 42.1 sqm

Plot 3- 39.1 sqm

Plot 4- 29.5 sqm

Plot 5- 29.9 sqm

The garden sizes provided would be commensurate with the size of the dwellings proposed and each garden area presents a useable and adequately private space and helps to separate the properties and give a sense of space.

- 7.4.3 In accordance with the advice contained in PPS1 and PPS3, the proposal would make efficient use of urban land and a development of 5 dwellings would be not too cramped for this site. Therefore, the proposal would be difficult to refuse on grounds of density or overdevelopment.

7.5 Neighbouring Amenity

- 7.5.1 The proposed two storey dwellings would be positioned in-line with the existing dwellings along Portland Road and would have similar footprints with no projecting elements. Therefore, there would be no impact on surrounding dwellings in terms of overshadowing or overbearing impact from these dwellings.
- 7.5.2 Also, there would be a distance of at least 17 metres between the opposing front elevations of existing dwellings on the southern side of Portland Road which would prevent overlooking in this respect. There would be no windows in the side elevations of the two storey dwellings.
- 7.5.3 The proposed semi-detached dwellings would have a ridge height of 7 metres, with eaves measuring 5 metres above ground on the eastern side and 4 metres on the western side. The semi's would back onto a car parking area serving the block of flats to the east and given that the roof would slope away from the block of flats, an unacceptable level of overshadowing to ground floor windows in the flats would not occur. There are no windows proposed for the west elevation of the semi's so overlooking would not become an issue.
- 7.5.4 Turning to the impact on residential amenity within the site, a distance of at least 9 metres would remain between the side elevation of Plot 4 and the rear elevation of Plots 2 and 3 which would prevent an overbearing impact on each property. There are to be no windows in the south elevation of Plot 4 so as to prevent any overlooking.
- 7.5.5 There would be a degree of overlooking of gardens for each of the properties but this is to be expected in a development of this kind, in such a built up area.
- 7.5.6 In order to safeguard the amenity of the future occupiers of the dwellings and ensure the dwellings would not be unacceptably altered in the future, it is recommended that class A, B, C, D and E permitted development rights (relating to extensions, roof alterations, porches and outbuildings) be withdrawn from the properties.
- 7.5.7 All other neighbouring properties are far enough away to not be adversely affected.
- 7.5.8 Issues of noise and quality of life for prospective occupiers can be controlled by the conditions suggested by the Environmental Protection Officer and therefore a condition is recommended.

7.6 Highway Impact

- 7.6.1 It is proposed to create a new access off Portland Road, to a rear parking courtyard. The vehicular and pedestrian visibility splays requested by the highway officer are achievable and could be secured by way of a condition.
- 7.6.2 Overall, the highway officer has no objection to the proposed means of access, providing the development is constructed in accordance with the most recently submitted drawings. In addition, in order to ensure that the access is constructed to NCC standards, conditions are also recommended to require: (1) means of drainage be provided to prevent the unregulated discharge of surface water onto the highway, (2) maximum 1 in 15 gradient be achieved, (3) the vehicular access be surfaced with hard bound material for the first 5.0 metres, (4) details of surfacing for the car parking area be provided, and (5) that no gates be provided within the first 5.0 metres of the proposed access.

7.6.3 5 off-road parking spaces are proposed to serve the dwellings, totalling one space per dwelling. This would mean that the site is self-sufficient in parking terms. Given that the site lies within 5-10 minutes walking distance of the town centre and the availability of on-street parking within proximity of the site, it would be difficult to refuse the application on grounds of parking.

7.6.4 The concerns of local residents and the Town Council with regard to parking and highway safety issues in the local area are noted. However, the highway safety impact of this proposal has been assessed by the local highway authority and in the opinion of the local highway authority, there are no highway issues from this proposal that could not be dealt with by way of planning conditions.

7.7 Land Contamination

7.7.1 The Environmental Protection Officer advises that the application site has, for a number of years, been used as printing and binding factory, and this process could lead to contamination being present that may pose a significant risk to the future occupiers of the site. This is due to the fact that the application proposes a sensitive use which involves the construction of residential properties together with outdoor gardens for each of the properties.

7.7.2 The officer advises: "Section 2.42 of PPS23 puts the onus on the applicant to supply information in support of the planning application and states: 'Where contamination is known or suspected or the proposed use would be particularly vulnerable, local planning authorities should require the applicant to provide with the application such information as necessary to determine whether the proposed development can proceed'. PPS23 specifically states that a desk based study with walk-over survey is necessary to develop the conceptual site model of the source of the contamination, pathways and vulnerable receptors. This has not been done

7.7.3 The Environment Protection Officer notes that limited environmental information has been provided in support of the current application. However, the officer is satisfied that providing conditions are imposed to investigate and remediate contamination, this would address the concerns about potential contamination at the site and would reduce any risks associated with the contamination. Therefore, conditions are recommended accordingly.

8 Other Issues

8.1 Waste and recycling storage – Storage areas are proposed within the rear garden of the properties and would provide adequate storage for the proposed dwellings.

8.2 Crime and disorder – The Crime Prevention Design Officer has suggested that a gate be installed approximately 10 metres back from the public highway, in order to secure the site as anti-social behaviour is and could be a continuing issue in this area. It is suggested that the gate is made from wrought iron railing and is a minimum of 1.8 metres in height. A gate could be accommodated without restricting the access and a condition is therefore recommended to ensure that one is installed.

9 Conclusion

9.1 In recommending approval to this application, the relevant planning guidance and policies were identified as: PPS1, PPS3, PPG13, PPS23; Policies 1, 2, 3, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 9, 10, 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008; and Three Towns Preferred Options Document. 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 crime and disorder. The application has been recommended for approval as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national and regional 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. There would be no significant land contamination issues.
6. The proposal would meet the sustainable construction and energy efficiency standards.
7. Waste and recycling storage can be reasonably provided for the dwellings.
8. The proposal would have no significant crime and disorder issues.

10 Recommendation

10.1 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. No development shall commence until samples of the materials to be used in the construction of external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be carried out and in accordance with the approved details.
Reason: In the interests of visual amenity.
3. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design and type of boundary treatment to be erected or retained. The boundary treatment along the western boundary shall be a 1.8 metre high hit and miss fencing. The approved internal boundary treatment shall be completed before first occupation of the dwelling to which it relates.
Reason: To ensure an acceptable form of development.
4. No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. All hard and soft landscaping works shall be carried out in accordance with the scheme as may be agreed and the works shall be carried out prior to the occupation of any dwelling. If within a period of five years from the date of planting, any trees or plants or any replacement planting is removed, uprooted, destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective) replacement trees and plants of the same species and size as that originally planted shall be planted in the next planting season, in the same place, unless the local planning authority gives its written consent to any variation.
Reason: To ensure a satisfactory form of development.

5. No development shall commence until a scheme for offsite highway improvement works comprising of:
- a) Hard surface materials to form vehicle access points and parking areas.
 - b) Provision of pedestrian splays of 2.4m x 2.4m shall be provided on each side of the vehicular access. These measurements are taken along and to the rear of the highway boundary within the curtilage of the site. The areas of land forward of these splays shall be reduced to and maintained at a height not exceeding 0.6m above carriageway level.
 - c) Means of drainage to prevent the discharge of surface water onto the highway.
 - d) Maximum gradient shall be 1:15 from the highway boundary.
 - e) Street lighting.
 - f) The access shall be a minimum width of 4.5 metres for the first 10 metres back from the highway.
 - g) No gates shall be provided within the first 5 metres of the proposed access road (measured from the back of the highway)

The development shall be completed in accordance with the approved details and prior to the occupation of the first dwelling house.

Reason: To ensure a satisfactory development and in the interests of highway safety.

6. Before any work is commenced on the development the subject of this permission, details of the slab levels of the proposed buildings in relation to the adjacent dwellings and the public highway 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 ensure a satisfactory form of development.

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 any class of Part 1 to Part 4 inclusive of Schedule 2 to that Order without the prior written approval of the local planning authority.

Reason: To protect the trees within the spinney in the interests of amenity.

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

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

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

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

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

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

10. Notwithstanding the submitted details, all bedroom windows hereby permitted shall be glazed using a minimum specification of 17db Rtra and all living areas must be glazed using a minimum specification of 23db Rtra and maintained and retained in this manner in perpetuity, unless otherwise agreed in writing by the local planning authority. Any additional ventilation methods installed must not compromise the acoustic performance of the glazing in any manner.

Reason: To achieve a reasonable standard of living.

11. Notwithstanding the submitted information, an electronically operated security gate shall be installed along the access road into the site in a manner which would prevent access to members of the public. The gate shall be a minimum of 1.8 metres high and details as to the positioning and design shall have been submitted to and approved in writing by the local planning authority, prior to the commencement of development. The gates shall then be installed in accordance with the approved details and maintained and retained in perpetuity, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of preventing crime and disorder.

12. The development hereby permitted shall be carried out strictly in accordance with the approved plans: AJA2275PA300, AJA2275PA200, AJA2275PA001, AJA2275PA100, received by the Local Planning Authority on 05/09/11, 04/08/11 and 24/11/11 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, PPS3, PPG13, PPS23; Policies 1, 2, 3, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 9, 10, 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008; and Three Towns Preferred Options Document. 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 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 and regional 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. There would be no significant land contamination issues.
 6. The proposal would meet the sustainable construction and energy efficiency standards.
 7. Waste and recycling storage can be reasonably provided for the dwellings.
 8. The proposal would have no significant crime and disorder issues.
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 : 18 January 2012

Printed: 6 January 2012

Case Officer **Carolyn Tait**

EN/11/01526/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
22 September 2011	29 September 2011	24 November 2011	Higham Ferrers	Lancaster

Applicant **The Duchy Of Lancaster**

Agent **Smiths Gore Peterborough - Justine Bailey**

Location Land Adjacent 93 Kimbolton Road Higham Ferrers Northamptonshire

Proposal **Outline: Residential development of up to two dwellings**

This application is brought before Development Control Committee as it proposes up to two new dwellings in the open countryside.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 This is an outline application for the erection of up to two dwellings. All matters are reserved for consideration at a later stage.

2.2 The illustrative layout and scale parameters propose either one detached dwelling measuring a maximum height of 8.3 metres in height by 14.5 metres in width by 14 metres in depth (with a detached double garage), or two semi-detached dwellings measuring a maximum of 8.3 metres in height by 22.5 metres in width (including a single garage attached to each dwelling, measuring approximately 3 metres in width each) by 9 metres in depth.

3 The Site and Surroundings

3.1 The application site once formed part of an agricultural holding, but no longer appears to be used for agricultural purposes. It is currently laid to lawn. There is an existing vehicular access to the site, which is gated.

3.2 There is residential development located to the west of the site and partially to the north. To the north and east of the site is open countryside, which is separated from the site by the A6. There are industrial units located to the south on the opposite side of Chelveston Road.

4 Policy Considerations

4.1 National Planning Policy Guidance
PPS1– Sustainable Development
PPS3 – Housing
PPS7 – Sustainable Development in Rural Areas
PPG24 – Planning and Noise

- 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 2012 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 Supplementary Planning Guidance
 - Parking SPG

- 4.5 Other Documents
 - Three Towns Plan Preferred Options Document
 - Local Highway Authority Standing Advice for Planning Authorities

5 Relevant Planning History

- 5.1 02/00188/FUL Vehicular access. PERMITTED.
- 5.2 03/01221/OUT One residential dwelling with garage. REFUSED. This application was refused for two reasons. The first was that the proposal would have been contrary to policies H5 and AG7 of the East Northamptonshire Local Plan as it would not have been within the built up area of Higham Ferrers and no agricultural justification had been provided for a dwellinghouse in the open countryside. It was also refused as it was contrary to Policy H3 of the East Northamptonshire Local Plan which managed the release of housing. An appeal was submitted against this decision. It was dismissed.
- 5.3 04/00421/OUT Residential development. REFUSED. This application was refused for being contrary to Policy H3 of the East Northamptonshire Local Plan which sought to manage the release of housing. It was also contrary to Policy H5 of the County Structure Plan and H5 and H14 of the East Northamptonshire Local Plan by virtue of the location of the site in open countryside. These policies sought to redirect new residential development into the built up areas and aimed to prevent development in the open countryside.

6 Consultations and Representations

- 6.1 Neighbours: Comments received from No.93 Kimbolton Road can be summarised as:
 - Previous planning and a subsequent appeal were refused by the Inspector as he concluded that the proposal would have had a detrimental effect on the character and appearance of the surrounding area and it would have been in conflict with Local Plan policy 5.

- Paragraph 7.7 of the delegated report states that 'the application site forms an important area of transition between the by-pass with its associated landscaping/noise attenuation measures and the existing built up area of the town...it is considered that it would not contribute to the character and appearance of the local area by advancing the built form of the town towards the bypass.
- The Inspector also noted that nothing had been put before him that indicated that road noise could not be adequately mitigated by design considerations under reserved matters.
- Referring to the noise statement that was submitted as part of the previous application, it suggests that the proposed dwelling fell within NEC B indicating noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection against noise. The figures given actually indicate that the proposed building would fall into NEC C which suggests that planning should not normally be granted and where it is considered that permission should be given, conditions should be imposed to ensure a commensurate level of protection against noise. Since this report was written the bypass adjacent to the land has become even busier and as a result noise levels have increased.
- The Inspector made reference to PPG3 which seeks to ensure that sufficient housing land is provided but priority is given to re-using previously developed land in urban areas in preference to Greenfield sites.
- The site has not been previously developed and is a Greenfield site. Information provided by the Council at the time indicated that sufficient housing was being completed and that this site was not required to achieve the housing targets for the district and was therefore contrary to PPG3.
- Have lived in Higham Ferrers for a number of years and witnessed a number of developments. Are aware that development and planning has to continue within Higham Ferrers.
- Aware that since the previous planning application was refused that PPS3 has been published, however, after reading the document, it appears little has changed to alter the previous decision in 2004 to refuse planning. PPS3 raises some points which are relevant to this application. For example, identifying suitable locations for housing development, making effective use of land and achieving high quality housing. Development should be well integrated with and compliment the neighbouring buildings and the local area, more generally in terms of scale, density, layout and access.
- Little has changed to support the proposed planning of a residential dwelling on the identified land.
- Windows should not overlook the neighbouring house or garden.
- Adequate land should be provided at the front of the dwelling to ensure turning of a vehicle. Turning facilities are essential to ensure that safety is paramount when driving out onto a busy road close to the roundabout.
- The eight houses in the immediate vicinity of the proposed dwelling were all built in the 1950s and have equal plots of land. Although the plot of land currently being considered for planning is similar in size to the others it is not the same and as a result may create a proposal which is out of character with the others.

6.2 Town Council: No objection.

- 6.3 Local Highway Authority: No objection in principle to this proposal subject to standard conditions for the construction of a shared vehicle access being met. However, if you are minded to give approval to this application please impose the following conditions with and permission granted:
- The shared vehicular access shall be a minimum of 4.5 metres wide for the first 10 metres from the highway boundary.
 - Pedestrian visibility splays should be provided.
 - The access should remain ungated.
- 6.4 Environmental Protection Officer: The conclusions drawn by the consultant indicate that around a 23db reduction of noise on those facades facing the A6 or the B645 will be required to ensure that future occupiers are not adversely affected by noise. This can be achieved by the installation of normal thermal double glazing with an RTRA of around 25. However, this glazing will only be effective whilst windows remain closed. Therefore, in order to ensure that the amenity of any future occupiers is protected, the applicant must submit with the full application details of alternative ventilation which will not have an adverse impact on the performance of the glazing. This can be added as a condition at the outline stage to require submission of that info with the full application. I can not see any other obvious environmental issues apparent with this application at the current time.
- 6.5 The Wildlife Trust: No comments received.
- 6.6 Planning Policy Officer: Has verbally agreed that the principle of development is acceptable. A summary of his formal comments will be added to the update sheet prior to the Development Control Committee meeting.
- 6.7 Site notice posted: 14 October 2011 on the gate at the entrance to 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 The site is outside the settlement boundary as defined in the East Northamptonshire Local Plan and the Three Towns Plan, which runs to the east of No.93 Kimbolton Road in a north-south direction. It is however a small piece of land between the settlement boundary and the A6 and does not form part of a larger area of land.
- 7.2.2 Planning permission was refused and dismissed on appeal for a dwelling on the site in 2004. The Inspector stated in his decision letter (APP/G2815/A/04/1142912) (Appendix 1) following the refusal of EN/03/01221/OUT that "Even if it were to be considered outside the built up area, due to its size and relationship to the landscaping for the bypass, I do not consider that it could now reasonably be described as in the open countryside".
- 7.2.3 The Inspector however considered that the built environment of the town was not readily apparent when viewed from the roundabout where Kimbolton Road crosses the A6. He thought that the character of the area only changed once Kimbolton Road had been entered from the east off of the roundabout. The Inspector thought that even if the hedgerow were to be removed the open site would continue in his opinion to provide a visual break in a similar way to the land opposite. Overall, the Inspector considered the site formed a transition between the built form of Higham Ferrers and the open countryside. The Inspector, making reference to Policy H5 of the Local Plan, concluded that the proposal would have been out of keeping with the character and appearance of the surrounding area.

- 7.2.4 Since the Inspector's decision and the previous refusals of planning permission for this site all of the policies which were referred to have been superseded by the North Northamptonshire Core Spatial Strategy. Planning Policy Guidance Note 3 has also been replaced by Planning Policy Statement 3. At the time of the appeal the by-pass was relatively new and it is now well established. The issue which therefore needs to be considered is whether any of these factors justify a different decision being reached.
- 7.2.5 The Core Strategy highlights that North Northamptonshire is expected to accommodate a significant amount of growth. Whilst much of this is to be concentrated within Kettering, Corby and Wellingborough, Policy 1 states that Higham Ferrers will provide a secondary focal point for development within the urban core and Policy 9 states that priority will be given to the re-use of suitable previously developed land and buildings within the urban areas followed by other suitable land in urban areas. Development is thus not precluded on Greenfield sites within the town. Paragraph 3.13 of the North Northamptonshire Core Spatial Strategy states that it is for local documents to define settlement boundaries.
- 7.2.6 Whilst the Three Towns Plan Preferred Options Document did define a settlement boundary only limited weight can be given to this due to it being only an early stage in the plan making process and because it is not to be progressed but is to be replaced by the Four Towns Plan.
- 7.2.7 The appeal decision was only one year after the opening of the bypass. The bypass has now been open for approximately eight years and is therefore well established and forms a clear boundary to the town. It is usually only when such clear physical boundaries do not exist that it is important to ensure that there is a transition between built form and the countryside. It is very clear that the open countryside starts on the opposite side of the by pass to the town. The site cannot be used for agricultural purposes as it has been severed from the former holding by the A6. Having regard to this, the physical presence of the by-pass, the fact that Higham Ferrers is to be a focal point for growth, and that PPS3 also identifies the need to make the best use of urban land(not just previously developed land), in your officers view the principle of residential development on the site would be acceptable subject to other material considerations being addressed.

7.3 Visual impact

- 7.3.1 When the previous appeal was dismissed the Inspector was of the view that development of the site for residential purposes would be harmful to the character and appearance of the area. The Local Plan Policy to which he referred has been replaced by policy 13h in the North Northamptonshire Core Spatial Strategy which is similar and states that 'development should be of a high standard of design, architecture and landscaping and should respect and enhance the character of its surroundings and be in accordance with the environmental character of the area'.
- 7.3.2 Whilst this is an outline application with all matters reserved and thus the layout, scale, appearance and landscaping are not being fully considered fully at this stage Members still need to be satisfied that up to two dwellings could be accommodated on the site without being harmful to the character and appearance of the area
- 7.3.3 The illustrative layout shows a proposal for one detached dwelling or two semi-detached dwellings. The maximum height for the proposal would be approximately 8.3 metres. The maximum width for a detached dwelling would be approximately 14.5 metres with the depth being approximately 14 metres. A double garage would also be incorporated measuring a maximum height of 5.3 metres, a maximum width of 6 metres

and a maximum depth of 6 metres. For two semi-detached dwellings the maximum width would be approximately 22.5 metres (including a garage attached to each dwelling, measuring approximately 3 metres in width each) and the maximum depth would be approximately 9 metres.

7.3.4 The surrounding area is characterised by dwellings in large plots with front and rear gardens. Most of these properties are large detached or semi-detached properties, but differ slightly in their footprint and design.

7.3.5 Whilst scale and layout are matters for consideration at the reserved matters stage, the indicative drawings and scale parameters show that a single detached dwelling or two semi-detached dwellings of the proposed sizes could fit comfortably within the plot and would not appear out of keeping with the built form of the surrounding area. The illustrative plans show a scheme could be accommodated which would have large front and rear gardens, off road parking, and also that the dwellings could be in line with the adjacent property at No.93 Kimbolton Road.

7.3.6 The Indicative drawings also show the design of the dwellings and include hipped roofs, chimney stacks and matching fenestration in keeping with the appearance of the neighbouring property at No.93 Kimbolton Road.

7.4 Neighbouring amenity

7.4.1 The only property likely to be impacted upon by the proposal is No.93 Higham Road. This is located to the west of the site and would be located approximately 3 metres away from the proposal as shown on the indicative drawings. Whilst the dwelling at No.93 has windows located within the eastern elevation to the first and ground floors, these windows are either secondary windows to habitable rooms or serve non-habitable rooms. Therefore there would be no undue overshadowing or overbearing impact as a result of the proposed dwelling/s. Detailed side elevations have not been submitted as this is an outline application only. The illustrative drawings show that the proposed dwelling/s would be located adjacent to No.93 to the east and would have a side to side relationship. Therefore it is possible that a dwelling or dwellings could be designed so that there were no windows facing the east elevation at No.93 Kimbolton Road and therefore not result in any undue overlooking. In addition a condition is recommended to prevent the insertion of any windows in the west elevation to prevent any overlooking.

7.5 Access and highway safety

7.5.1 There is an existing access to the site from Kimbolton Road. Indicative drawings show that this would be utilised to provide access to the proposal. Access is not a matter for consideration at this outline stage, but it is considered that the site is large enough to comply with Highway Authority standards. Conditions are recommended to ensure the submission of appropriate details of the access at the reserved matters application stage. Neighbours suggest that adequate land should be provided at the front of the dwelling/s to provide for vehicle turning space because of the proximity to the roundabout and the busy nature of Kimbolton Road. Further clarification will be sought and reported on the Update Sheet regarding this.

7.5.2 The scale parameters set for the garages would comply with Highway Safety standards and the Illustrative drawings show that sufficient parking could be provided for the proposal.

7.6 Landscaping

7.6.1 There is currently vegetation to the front of the site which would screen the proposal. However, this is outside of the red line and is therefore not controlled by the applicant. Whilst some form of vegetative screening to the front of this site would help to retain a softer appearance and help towards providing a transition between the open countryside, it is not necessary and as such it would not cause any undue harm should the owners of this vegetation decide to remove it at a later date.

7.6.2 Whilst landscaping is not a matter for consideration at this outline stage, the illustrative drawing for the single detached dwelling shows there would be space to accommodate landscaping. The illustrative drawing showing the two semi-detached dwellings shows less space as much of the front of the site is taken up with hard surfacing for the parking and turning. However, some landscaping could still be provided.

7.7 Noise

7.7.1 The site is adjacent to the A6 bypass which is a fast moving busy road. Therefore the issue of noise on the occupiers of the proposed dwelling/s should be taken into consideration. The application is accompanied by a Noise Assessment. The site has been identified by the acoustician as being within Noise Exposure Category B as defined in PPG24 and has stated that the site is suitable for residential development as there is a 2.5 metre mound between the site and the A6 and the A6 has a low noise road surface.

7.7.2 The Council's Environmental Protection Officer has commented that whilst glazing will go some way to preventing harm caused by noisy traffic, when windows are open they would not. Therefore she has recommended that a condition be added to any permission granted requiring the submission of details of alternative ventilation which would not have an adverse impact on the performance of the proposed glazing.

8 Other issues

8.1 The proposal would provide sufficient amenity space.

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

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

9 Recommendation

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

10 Conditions/Reasons -

1. Approval of the details of the siting, layout and appearance of the dwelling, the landscaping of the site and the access to the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before the development is commenced.

Reason: The application is in outline only and the reserved matters referred to will require full consideration by the Local Planning Authority.

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

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

3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: Statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.
4. The details required to be submitted by condition No. 1 shall include the provision of boundary screening to the site. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary screening shall then be provided in accordance with the details so approved before the development is brought into use and shall be retained thereafter in perpetuity, unless otherwise agreed in writing by the local planning authority.
Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.
5. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include drawings showing the slab levels of the building in relation to the existing and proposed levels of the site and the surrounding land. The buildings shall thereafter be constructed in accordance with the details so approved in writing by the local planning authority, unless otherwise agreed in writing by the local planning authority.
Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings and the street scene.
6. Notwithstanding the submitted details, the details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include a scheme of landscaping for the site. The development shall thereafter be implemented strictly in accordance with the approved details in the first planting season following the occupation of the development.
Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.
7. Notwithstanding the submitted details, the details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include pedestrian visibility splays of 2.4 metres x 2.4 metres (2 metres x 2 metres where there is turning space within the site) shall be provided on each side of the vehicular accesses serving the dwellings. The areas of land between the required sight lines and the highway carriageway shall be cleared, levelled and retained at a height not exceeding 0.6 metres above the carriageway and driveway levels.
Reason: In the interest of highway safety.
8. Notwithstanding the submitted details, the details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above, shall include details of the proposed hard surfacing for the vehicular accesses serving each dwelling. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity.
Reason: In the interests of highway safety.
9. Notwithstanding the submitted details, the details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above, shall include a vehicular access to serve the development, which measures a minimum width of 3 metres per single dwelling and 4.5 metres for a multiple access, for the first 10 metres from the highway boundary. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity.
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 should be hung to open inwards away from the highway.
Reason: In the interests of highway safety.
11. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include details and samples of the external roofing and facing materials to be used for the construction of the dwelling/s and garage/s shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved detail, unless otherwise agreed in writing by the local planning authority.
Reason: To achieve a satisfactory appearance for the development.
12. Prior to the commencement of development, details of proposed ventilation, 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.
Reason: In the interests of residential amenity.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification), no windows shall be inserted in the west elevation of the development hereby approved without the prior written approval of the local planning authority.
Reason: To protect the amenity of adjacent occupiers.
14. The details required to be submitted by condition 1 above shall include details of the proposed parking and turning facilities for the development hereby permitted. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity.
Reason: In the interests of highway safety.
15. Notwithstanding the requirements of conditions 4, 5, 6, 7, 8, 9, 10, 11, 12 and 15, the development shall be carried out in accordance with the drawings received by the Local Planning Authority on 22 September 2011 and 31 October 2011, drawing numbers: 1116/1a Site plan, 1116/2b sketch plan A and 1116/3b sketch plan B, 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 planning application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS7, East Midlands Regional Plan policies 2, 3 and 13(b), North Northamptonshire Core Spatial Strategy 2008 policies 1, 7, 9, 10, 13 and 14, The Three Towns Plan Preferred Options Document, Parking SPG and the Local Highway Authority's standing advice for local planning authorities. 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, visual impact, noise and highway matters. The application has been recommended for approval as:
 - The principle of the development is acceptable as the site is considered to be an infill plot within the town of Higham Ferrers.
 - The indicative drawings show that the proposal would not have a negative impact on visual amenity or the character and appearance of the area.

- The indicative drawings show that the proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area, subject to the appropriate positioning of windows.
- There would be no impact on highway safety subject to the addition of relevant planning conditions.
- The proposal would not lead to an increase of congestion or competition for off road parking as sufficient parking spaces have been shown on the indicative drawings.
- A condition for details of ventilation has been added to ensure that no undue harm is caused to residential amenity by reason of noise.

A full report is available at www.east-northamptonshire.gov.uk

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 : 18 January 2012

Printed: 4 January 2012

Case Officer **Mr Rhys Bradshaw**

EN/11/01681/VAR

Date received	Date valid	Overall Expiry	Ward	Parish
17 October 2011	26 October 2011	25 January 2012	Raunds Saxon	Raunds

Applicant **Mr P Hughes**

Agent **Kingswood Design Ltd**

Location **35 Grove Street Raunds Wellingborough Northamptonshire NN9 6DP**

Proposal **Removal of condition 10 (trees) - EN/10/01138/FUL dated 1.9.11 - Residential development of fourteen flats**

This application is reported to the Development Control Committee because the previous application was also determined by this Committee

1 Summary of Recommendation

1.1 That delegated authority be given to the Head of Planning Services in conjunction with the Chair and Ward Member to GRANT permission to remove condition 10 attached to planning permission ref EN/10/01138/FUL subject to no substantive new comments being received before the expiration of the site notices on 24th January 2012 and subject to the imposition of a condition itemising the relevant plan numbers.

2 The Proposal

2.1 The original application (10/01138/FUL) was approved by the Development Control Committee on 1st December 2010 subject to a Section 106 agreement to secure library contributions. This legal agreement has been signed by all parties and the planning permission has been issued. The majority of the pre-commencement conditions have been discharged.

2.2 The application proposed the erection of a building to house 10no. two bedroom and 4no. one bedroom apartments. The building will be two storeys in height with two of the units in the roof space.

2.3 This report considers the application for the removal of the condition 10 of EN/10/01138/FUL, which states:

The landscaping details submitted pursuant to condition 9 of this approval shall include the provision of suitable semi-mature trees adjacent to the western site boundary. The said trees shall be of a type, size and location sufficient to provide a direct visual barrier between first floor windows in the development hereby approved and existing facing windows on adjacent properties at Cole Court. The subsequently approved semi-mature tree planting shall be implemented in accordance with the approved details in the first planting season immediately following the commencement of development, or in accordance with a timetable to be approved in writing by the local planning authority. The semi-mature trees shall thereafter be retained and maintained in accordance with the requirements of condition 9 of this permission.

Reason: In order to reduce mutual overlooking to an acceptable extent.

3 The Site and Surroundings

- 3.1 The application site lies between Grove Street to the south and Smithfield Place to the north (which is separated from the site by a stream and open space area).
- 3.2 A garage courtyard serving apartments at Smith Court lies to the east of the site, with the two storey apartments at Smith Court beyond this.
- 3.3 To the south (on the opposite side of Grove Street) are older-style two-storey terraced properties.
- 3.4 West of the site is a two-storey flatted development at Cole Court.
- 3.5 The site lies wholly within the Raunds settlement envelope and, given its previous uses, appears to constitute previously developed commercial land. It is not within a Conservation Area, nor within the setting of any listed building.
- 3.6 The land level drops somewhat from Grove Street towards the stream at the rear by around 4 metres. At the time of the previous application, the rear portion of the site fell within the Environment Agency's indicative floodplain. Amendments to the flood zones since this date have excluded the site from zone 2 and 3.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
 - PPS1- Sustainable Development
 - PPS3 – Housing
 - PPS23 Contamination
 - PPG25 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 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 39 – Regional Priorities for Energy Reduction and Efficiency
 - Policy 40 – Regional Priorities for Low Carbon Energy Generation
 - Policy 43 – Regional Transport Objectives
 - Policy 45 – Regional Approach to Traffic Growth Reduction
 - Policy 46 – A Regional Approach to Behavioural Change
 - Policy 48 – Regional Car Parking Standards
 - Policy 49 – A Regional Approach to Improving Public Transport Accessibility
 - Policy 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 2012 as this is the closing date for the consultation on the environmental impacts of abolition.

- 4.3 East Northamptonshire Local Plan – saved policies
Gen 3 Planning Obligations
- 4.4 North Northamptonshire Core Spatial Strategy
Policy 1 – Strengthening the Network of Settlements
Policy 6 – Infrastructure Delivery & 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 Efficient and Sustainable Construction
Policy 15 - Sustainable Housing Provision
- 4.5 Supplementary Planning Guidance
Parking; Planning Out Crime; Developer Contributions
- 4.6 Three Towns Plan Preferred Options

5 Relevant planning history

- 5.1 EN/06/00643/FUL - Residential development comprising of ten, one-bedroom and two, two bedroom flats. GRANTED
- 5.2 EN/10/01138/FUL - Erection of a building to house 10no. two bedroom and 4no. one bedroom apartments. GRANTED

6 Consultations and Representations

- 6.1 Raunds Town Council: No objection on the condition that the window is obscured.
- 6.2 ENC Conservation (Trees): No objection.
- 6.3 NCC Archaeology: No objection

6.4 Neighbour comments: 34 Grove Street

No 34 is directly opposite the proposed construction and my ground floor lounge bay window and 2 of my upstairs bedroom windows look out directly over Grove Street and onto the construction. There is no garden or space between my property and the road with the bay window being some 3 feet from the footpath and some 9 feet to the road itself. My windows to the Grove Street elevation will therefore look directly into the windows of the proposed flats opposite. Therefore the inclusion of a screen of 10 trees in the application 10/01138/FL, did give us some measure of compensation for both the loss of privacy and the loss of open green space view that we currently enjoy. Indeed our current view is unrestricted over to Smithfield Place and includes the mature trees alongside the stream in between.

The current case for removing these trees seems to be contained in part 6 of the application form and states “Condition not relevant as no mature trees to be planted, due to overlooking windows being removed” but I can find no evidence or documentation that shows removal of windows from the flats that overlook my property from the original application. The FULL application which was approved clearly shows both lounge and bedroom windows on 2 floors looking out directly across Grove Street towards my home with only the 10 trees in between.

Even if this were the case I would still object on the basis of the screen being some compensation for loss of open space views but as clearly the windows in the proposed flats are still in the plans I ask that this application to remove the trees be refused.

7 Evaluation

7.1 The issues which need to be considered under this application relate solely to the proposed removal of condition 10, which requires the planting of semi mature trees to the western boundary. The principle of the acceptability of the scheme and all other details were established by the granting of planning permission reference EN/10/01138/FUL.

7.2 Visual Impact

7.2.1 On balance, the absence of additional planting along the western boundary would not have such an impact on the appearance of the development in the street scene to warrant the refusal of the application. The purpose of the condition was to reduce the level of mutual overlooking between windows to existing properties on Cole Court and the residential units proposed in the previous application.

7.2.2 All other aspects of the landscaping scheme approved under condition 9 would remain.

7.3 Highways Impact

7.3.1 The proposed removal of condition 10 would not have a detrimental impact on highway safety.

7.4 Impact on Amenity of Neighbours

7.4.1 The concerns raised by the occupier of 34 Grove Street are noted; however, the removal of condition 10 would not impact on the proposed landscaping to the front of the approved building. Condition 10 solely relates to an area between the site and Cole Court. During a Committee site visit, Members requested that the first floor windows on the western elevation to flats 8 and 9 be obscurely glazed. Condition 23 of EN/10/01138/FUL reads:

The first floor west facing bedroom and lounge windows to flats 8 and 9 and the north facing bedroom window to flat 8 shall be obscurely glazed as detailed on approved drawing 122-PL-010 before the development hereby approved is first occupied and retained in that form in perpetuity.

Reason: In the interests of neighbouring amenities.

7.4.2 With condition 23 in place, condition 10 requiring additional planting would be unreasonable as the degree of overlooking between this flats and those on Cole Court would be acceptable with obscurely glazed windows.

7.4.3 The issue of overlooking from the site to properties on the southern side of Grove Street was discussed in the previous report. It was acknowledged that properties on the opposite side of Grove Street would be subject to some new front-to-front overlooking, but not to any extent which would not be expected in an urban context such as this, having regard to the similar relationships between buildings elsewhere along Grove Street.

8.0 Other Matters

8.1 Crime and Disorder – The proposed variation would not have implications for crime and disorder.

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

9 Recommendation

9.1 That condition 10 be removed.

10 Conditions/Reasons -

1. Condition 10 is hereby removed subject to development being carried out strictly in accordance with the following plans:

10915 R2 received by the Local Planning Authority on 18.06.2010, 1122-PL-011 C received by the Local Planning Authority on 18.08.2010 and 1122-PL-010 B and 1122-PL-012 B received by the Local Planning Authority on 17.12.10 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure development proceeds in accordance with the approved plans, in the interest of visual and residential amenity.

Committee Report

Committee Date : 18 January 2012

Printed: 6 January 2012

Case Officer **Anna Lee**

EN/11/01739/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
26 October 2011	2 December 2011	27 January 2012	Stanwick	Stanwick

Applicant **Mrs J Hodgson**

Agent **David Cosby Ltd. - Mr David Cosby**

Location Land And Tracks Between Courtwood And Raunds Road Stanwick
Northamptonshire

Proposal **New vehicle access from Raunds Road, creation of car park and change of use of agricultural land to a playing field, allotment and pocket park, including butterfly mounds, wildlife ponds and storage unit**

The application has been brought to Development Control Committee because the applicant is Stanwick Parish Council. It is important that the application is reported to the January committee, as the Parish Council only has until February 2012 to gain the relevant funding.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to the receipt of amended plans to clarify parking proposals, and subject to conditions.

2. The Proposal

2.1 The application proposes a change of use from agricultural land to a playing field, allotment area comprising of 26 allotments, community orchard and pocket park area, and the creation of a vehicle access from Raunds Road, the provision of a car park for the allotments, together with other associated works.

2.2 In addition, a storage container is proposed to be positioned next to the proposed car park, adjacent to Raunds Road. The container would measure some 6.0 metres in length by 2.4 metres in width and 2.5 metres in height. The Parish Council has advised that the storage container would be used for the storage of tools by the Pocket Park Group.

3 The Site and Surroundings

3.1 The application site is situated on the north eastern outskirts of Stanwick village. The site forms part of a paddock, comprising of grassland and overgrown shrubs, and is situated on the southern side of Raunds Road, connecting Stanwick with Raunds.

3.2 The site is surrounded by residential development to the north, west and south, and fields to the east.

3.3 A public footpath PH11 runs along the east boundary of the site connecting Raunds Road with a residential road to the south (The Avenue).

- 3.4 The land slopes down away from Raunds Road gradually to the south, but generally, land levels within and surrounding the site are relatively consistent.
- 3.5 An old poultry rearing house lies to the south of the site. For clarification, no alterations are proposed to this building or the southern part of the site, as the southern part of the site is not under the ownership of the applicant. The playing field, allotments, community orchard and pocket park proposed in this application would all be situated on land to the north, measuring approximately 3.4 hectares in area.

4 Policy Considerations

- 4.1 National Planning Policy Guidance:
PPS1– Sustainable Development
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPG17 – Planning for Open Space, Sport and Recreation
PPS23 – Planning and Pollution Control

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 2012 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, 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
- Planning Out Crime in Northamptonshire, Feb 2004

4.5 Supplementary Planning Document:

- Design SPD, March 2009

4.6 Other Documents:

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

5 Relevant Planning History

- 5.1 The application is a resubmission following the withdrawal of a very similar application EN/11/00317/FUL. The previous application was withdrawn on 27.04.2011 for a number of reasons, including the investigation for potential contamination.

6 Consultations and Representations

- 6.1 Neighbours: 3 Letters received from residents at Raunds Road (two raising objections and one with concerns). The reasons for objection/comments are summarised below:
- Effect on road safety due to the location of the proposed vehicular entrance and car park;
 - Concerns about speeding vehicles proceeding from Raunds to Stanwick;
 - That traffic calming and/or signage should be introduced to help manage traffic and to alert drivers about the access so that they can react safely to the new arrangements.
- 6.2 Stanwick Parish Council: no objection.
- 6.3 Environmental Protection Officer (noise and light): no objection, subject to a condition to require the submission of lighting details (if any are to be provided), to ensure that there would be no lighting issues from this proposal.
- 6.4 Environmental Protection Officer (contamination): no objection, providing conditions are placed to ensure that the agreed remedial scheme is carried out and that any contamination discovered during the works be appropriately treated.
- 6.5 Conservation Officer (trees): no objection. The Conservation Officer is satisfied with the principle of the development and the submitted landscaping proposals.
- 6.6 Sport England: has no objection and generally supports the provision of an additional playing field which could help to increase participation in sports. In addition, Sport England notes that a local football team has identified a need for additional pitches in the area. However, in comparison with the previous application, Sport England notes that the playing field has been reduced in size, where it can only now accommodate a single mini soccer pitch suitable for Under 9's/10's and considers that the previous scheme would have provided a larger and more usable area. However, they recognise that sport may not be the primary use for the site and overall do not wish to object to the application.
- 6.7 Crime Prevention Officer (Northamptonshire Police):
- "The submitted Design & Access Statement states that two public access points would be provided to the south of the site. These are not shown on the site plan. These should be installed as the existing fence has been damaged to provide access to pedestrians, the fence should however be substantial enough to prevent easy access made for the passage of motorcycles (this may be achieved by dense defensive hedging planted along the wire perimeter boundary).
 - Advice should be sought by police crime prevention officers as to the most appropriate security method to prevent unlawful access to the container placed on site."
- 6.8 Ramblers Association: "We would want to see pedestrian accesses properly provided to the land from Public Footpath PH11 at both the south and north ends".
- 6.9 Environment Agency: "We acknowledge that the playing field and pocket park will remain permeable and that the car park is relatively small in size and will be constructed from hard core, membrane and a gravel surface to allow drainage. Therefore, due to the scale and nature of the proposed development we consider that a Flood Risk Assessment is not required and have no objection to the application."
- 6.10 Natural England: recommends that the application be considered in accordance with their Standing Advice and concludes that a further bat survey would be required for the building/underground structure to the south of the site.

- 6.11 Wildlife Trust: The Wildlife Trust has considered the submitted ecology report and considers the ecological consultant's findings and conclusions to be acceptable. The Trust recommends that all the ecologist's recommendations, as made within Sections 5 and 7 of the report, regarding biodiversity retention, protection and mitigation be implemented and that further survey work be undertaken in respect of Bats.
- 6.12 Local Highway Authority (NCC): no objection, providing the gates are positioned a minimum distance of 5.0 metres from the back of the highway boundary and designed to open in-wards and that visibility splays of 2.4 metres by 43.0 metres be provided on either sides of the proposed access. Also, there are discrepancies between the car parking arrangement shown on the submitted drawings (drawing numbers: 1106/04 and 1106/02D) and would suggest that the applicant clarifies the parking proposals by submitting amended drawings. See section 7.7 below for full comments.
- 6.13 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 PPS7 seeks to prevent the gradual loss of agricultural land and to protect the character and appearance of the open countryside. However, it acknowledges the need to take into account the implications of any loss and the need to balance this against other sustainability criteria. In the case of this proposal, the application site appears to be a paddock which has not been actively used for agriculture and is physically separated away from the fields further to the east which are in active agricultural use. Therefore, the proposal would not result in a significant loss of agricultural land. Furthermore, the existing site is mainly used as an informal open space area and as a passing-place by locals. Whilst the proposal is for a change of use from agriculture, the proposed uses of a pocket park, community orchard, allotments and playing field would be in-keeping with the edge of settlement location of the site and would help to retain an urban-rural transition between the built up part of the settlement and the open countryside beyond. Also, the proposal would create a open space area, comprising of a mixture of different open space uses for the local community, and the proposal would be located in a sustainable location which could be easily accessed by walking, cycling and public transport.

7.2.2 Technically, as the site lies outside of the village boundary, the proposal would be contrary to policies which seek to direct development to sites within settlement boundaries. However, consideration should be given to the fact that the proposed uses would be closely located to the main settlement and the other visual and sustainability benefits outlined above.

7.2.3 PPG17 advises that Local Planning Authorities should maintain an adequate supply of open space and sports and recreational facilities. It recognises that countryside around towns, identified as 'urban fringe areas', provide a valuable resource for the provision of sport and recreation, particularly in situations where there is an absence of land within urban areas to meet provision (paragraph 25). The guidance advises that small scale facilities will be acceptable where they are located in, or adjacent to villages to meet the needs of the local community. However, developments in the open countryside would require special justification (paragraph 26). Therefore, another key consideration is whether the applicant has demonstrated that there is a need for the proposed development.

7.2.4 The site is identified in the Raunds Preferred Options as a 'potential area of search for a Pocket Park'. Though, very limited weight can be given to the Raunds Preferred Options document as it is at a very early stage in the plan-making process and the Council is currently working on the preparation of the Four Towns Plan.

7.2.5 The applicant has provided the following information in the submitted Design and Access Statement to demonstrate that there is a need for the proposal:

- The proposal has gained the support of the Northamptonshire County Council Pocket Park Officer;
- The 2007 Stanwick Parish Plan states that 567 respondents would like to have a pocket park in Stanwick and this site is one of the options;
- Parish consultation in September 2008 had a 30% response rate despite respondents only had 5 days to reply. There were no objections to the Parish Council acquiring the site;
- The Parish Council has 16 names on file of people who would like an allotment in Stanwick. Stanwick currently has no allotments and allotments in nearby towns have long waiting lists;
- There are potential benefits of a pocket park and allotments in terms of health and community spirit; and
- Stanwick Rovers Football Club has identified a need for increased space for training and match purposes that cannot be met by the existing recreation ground. Also, the provision of a playing field has been supported by Sport England.

7.2.6 Therefore, on balance, the applicant has satisfactorily demonstrated that there is justification for the development and the principle of development is acceptable, subject to the issues set out below.

7.3 Visual Impact

7.3.1 As mentioned in paragraph 7.2.1 above, the proposal would be in-keeping with the edge of settlement location and would not significantly alter the open character of the site.

7.3.2 As the proposed container would be positioned within the site approximately 10 metres away from the road, measure only 2.4 metres in height and would be dark green in colour, it would not appear unduly obtrusive from Raunds Road. Providing planting is introduced or maintained to help provide some screening for the proposed container and new parking area, this would help to ensure that the development would be well assimilated into the landscape and conditions have been recommended to require the submission of planting details before commencement of development.

7.3.3 A 1.2 metre high 'post and four rail fence', is proposed to be installed along the north western boundaries of the site to Raunds Road. In the interest of preserving the rural character and appearance of the site, a condition is recommended to require the submission of an alternative form of treatment for approval for the northwest boundary which would create less of a 'hard edge' to the road. Also, a condition is recommended to require the submission of details of any fencing or other boundary treatment for the allotments.

7.3.4 Overall, providing the above conditions are imposed there would be no significant visual harm from this proposal.

7.4 Neighbouring Amenity

7.4.1 The proposal would be separated and located approximately 20 metres away from the residential properties at, Raunds Road, Cumberland Avenue and Wetenhall Road to the north by the main road (Raunds Road). Due to the location and nature of the proposal, there would be no adverse effect on the residential amenity of the nearby occupants. The condition suggested by the Environmental Protection Officer, furthermore, would help to prevent any light disturbance.

7.5 Contamination

7.5.1 The Environmental Protection Officer was previously concerned about the potential for contamination, in particular from the cement bound asbestos originating from the old poultry rearing house. The applicant has since engaged consultants to investigate the site for contamination and a remedial option has been submitted to the Council and agreed by the Environmental Protection Officer. Therefore, providing conditions are imposed to ensure that the remedial scheme is carried out and that any contamination discovered during development is appropriately treated, this would ensure that there would be no significant contamination issues from this proposal.

7.6 Wildlife

7.6.1 The site is surrounded by hedgerows and occasional trees along the northwest and eastern boundaries, and the rest of the site comprises mainly of grassland and overgrown shrubs. The application is accompanied by a Ecology Report. The Wildlife Trust has considered the submitted report and considers the ecological consultant's findings and conclusions to be acceptable. No reptile or amphibians were found during the survey. Whilst the report suggests that common and widespread species of birds probably nest on the site, it is possible for the work to be carried out outside of the bird nesting season, and if vegetation needs to be cleared during the nesting season, then a hand search and a watching brief by an ecologist immediately before clearance would ensure that no nesting birds will be effected. The site is not considered a suitable habitat for the Great Crested Newt as there are no ponds within 500 metres of the site and no newts had been recorded in the local area. In respect of bats, the ecological consultant, Wildlife Trust and Natural England advise that further survey work should be undertaken in respect of bats for the underground structure located to the south of the site prior to determination of the application. However, given that the proposed allotments, orchard, pocket park and playing field would be located on the northern part of the site and would not effect the underground structure to the south of the site, it would be extremely difficult to insist on the submission of a survey.

7.6.2 Overall, providing a condition is imposed to ensure the recommendations made within Sections 5 and 7 of the submitted Ecology Report, regarding biodiversity protection and mitigation be implemented, this would ensure that there would be no significant effect on wildlife.

7.7 Highway Impact

7.7.1 The NCC highway officer has assessed the highway safety impacts of this proposal and is content with the location of the proposed access. In order to ensure that the vehicular access is constructed to NCC standards, conditions are recommended to require (1) the first 5.0 metres of the vehicular access be paved with hard surface materials, (2) the provision of a maximum 1 in 15 access gradient, (3) the gates be positioned 5.0 metres back from the highway boundary and be designed to open-inwards, and (4) the provision of visibility splays measuring 2.4 metres x 43.0 metres on both sides of the vehicular access. Whilst the submitted drawing show visibility splays measuring 2.4 metres x 90.0 metres, visibility splays of 2.4 metres x 43.0 metres is the standard requirement for a 30 mph limit road. In order to help reduce loss of the

existing hedgerow bordering Raunds Road and to encourage further planting within this area, a condition is recommended to reduce the extent of the visibility splays to 2.4 metres by 43.0 metres. Overall, the recommended conditions would help to ensure that the proposed vehicular access would be constructed to NCC standards and allow highway safety to be maintained.

- 7.7.2 Some local residents have concerns about the speed of passing traffic along Raunds Road and would wish to see signage or some form of traffic calming introduced to help manage traffic and to alert drivers about the access so that they can react safely to the new arrangements. The highway officer has considered the need for off-site accommodation works, including the introduction of traffic calming and signage. However, the highway officer is of the opinion that these works would not be necessary given the limited amount of additional traffic that would be generated from the development and the scale of the development.
- 7.7.3 In terms of parking, due to discrepancies between the car parking arrangement shown on the submitted drawings (drawing numbers: 1106/04 and 1106/02D), the applicant has been requested to clarify the parking proposals by submitting amended drawings. Any amended drawings received will be reported in the committee updates.
- 7.7.4 The submitted drawings show that 11 parking spaces would be provided to serve the 26 allotments and the car park would be located close to the vehicular access next to the allotments. The highway officer consider that the proposed number of parking spaces would be adequate, bearing in mind that the promotion of this site would attract mainly local residents who would walk to the site rather than drive. Furthermore, it is unlikely that those visiting the allotments would all be attracted to the site at the same time.
- 7.7.5 Officers are concerned about the lack of official off-road parking proposed for the playing field, community orchard and pocket park. However, it is accepted that the community orchard and pocket park have been proposed to enhance the visual amenity of the land, would be mainly used by local residents, and therefore, would unlikely to generate significant additional amounts of traffic. In terms of the proposed playing field, the Parish Council does not anticipate there to be any formal sport teams playing on the field and therefore do not intend to provide parking for the remaining development. However, should the need for off-road parking arise in the future, this could be met by the existing nearby on-street parking and the Parish Council could review the need for providing additional off-road parking in the future.
- 7.7.6 In terms of access and parking for maintenance vehicles, the submitted Design and Access Statement confirms that the vehicular access and parking facilities would be used by maintenance vehicles mowing the playing field and emergency vehicles.
- 7.7.7 Overall, officers are of the opinion that the proposal would be difficult to refuse on grounds of parking and Members would need to be satisfied with the proposed parking arrangements.

7.8 Effect on Public Rights of Way and Public Access

- 7.8.1 There would be no adverse impact on the public rights of way PH11 which runs east of the site. Ramblers Association has requested that formal pedestrian accesses be provided to the land from Public Footpath PH11 at both the north and south sides. However, Stanwick Parish Council has confirmed that there are already two kissing gates which allow pedestrian access to the site from the south side. In particular, one of these is positioned within 100 metres walking distance from the public footpath and would provide sufficient access to the development from the footpath and vice versa. The Parish Council has indicated that they would not wish to provide too many entrance points to the site, in order to maintain security for the site. A new pedestrian

access point is proposed off Raunds Road to allow access into the site - this, in addition to the two existing gates located on the south side would provide sufficient access to the proposed development. Therefore, on balance, it would be difficult to request that further public access points be provided.

7.8.2 In order to ensure that sufficient access would be retained to serve the development, a condition is recommended to require the submission of details to show the exact location of the public access points to be retained and the physical condition of the gates.

7.9 Crime and Disorder

7.9.1 The condition recommended requiring the submission of details to show the public access points on the south side of the site would address Northamptonshire Police concerns about the public access points not being shown on the submitted drawings and the security of the existing access points. Furthermore, it is understood from the Parish Council that the existing kissing gates are secure enough to prevent access by motorcycles.

7.9.2 A condition is recommended to require the submission of details to ensure the security of the storage container, in accordance with the recommendations of the Crime Prevention Officer.

7.9.3 Adequate security measures have been proposed for the allotment car park. The car park would be enclosed by bollards to prevent vehicles accessing the site, "although two bollards will be of the 'drop down' variety to allow access for maintenance vehicles. Also, the car park would be secured by a gate that will be kept locked, with keys held by relevant individuals".

7.9.3 Overall, the proposed security measures and recommended conditions would help to ensure that there would be no significant crime and disorder issues from this proposal.

8 Recommendation

8.1 That planning permission be GRANTED subject to the receipt of amended plans to clarify parking proposals, and subject to the following 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. Prior to the commencement of development, details of any external lighting for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles, luminaire profiles and a Lighting Contour map). The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to minimise opportunities for crime and fear of crime.

3. Before commencement of the development hereby permitted, details to show the retention of the two public access points along the south side of the development, including their exact locations and physical condition, shall be submitted to and approved in writing by the Local Planning Authority. The two public access points shall thereafter be retained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to minimise opportunities for crime and fear of crime.

4. In accordance with the submitted details, the storage container shall be dark green in colour, unless otherwise agreed in writing by the Local Planning Authority. Before commencement of development, details of a scheme to ensure security of the storage container following consultation with Northamptonshire Police shall be submitted to and be agreed in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise opportunities for crime and fear of crime.

5. 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. Before the development hereby permitted is first brought into use, 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.

6. In accordance with the details provided within the submitted Design and Access Statement, the car park shall be constructed from hard core, membrane and gravel surface, unless otherwise agreed in writing by the Local Planning Authority. The parking facilities and vehicular access shall be provided before the first use of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety, visual amenity and in the interest of the character and appearance of the site.

7. Notwithstanding the submitted details, visibility splays of 2.4m x 43.0m shall be provided on both sides of the vehicular access hereby permitted. The areas of land between the required sight lines and the highway carriageway shall be cleared, levelled and retained at a height not exceeding 0.6 metres above the carriageway and driveway levels.

Reason: In the interest of highway safety.

8. Notwithstanding the submitted details and notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification), the gates to be installed at the entrance of the car park or other form of barrier provided at the access point shall be positioned at least 5.0 metres back from the highway boundary and shall be hung to open inwards only.

Reason: In the interest of highway safety.

9. All planting, seeding, turfing and other landscaping details shown on drawing number: 1106/02D (received by the Local Planning Authority on 26 October 2011) and provided in document titled: Stanwick Pocket Park Draft 3b Management Plan dated August 2011 (received by the Local Planning Authority on 19 December 2011), shall be carried out in the first planting season following the first use of the playing field and pocket park hereby approved or completion of the development, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority. 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 details, details of the provision of planting to be located between the proposed car park, storage container and the north west boundary of the site to Raunds Road shall be submitted to and approved in writing by the Local Planning Authority. Planting shall thereafter be provided and retained in accordance with the details so approved in the first planting season following the first use of the development or completion of the development, which ever is sooner, unless otherwise agreed in writing by the Local Planning Authority.

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

11. Notwithstanding the submitted details, this decision does not relate to the post and four rail fence proposed along the northwest boundary of the site to Raunds Road. Prior to commencement of development, details of an alternative form of treatment for the north western boundary of the site 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 the character and appearance of the site and to avoid detriment to the visual amenity of the area.

12. Prior to commencement of development, details of any fencing or other boundary treatment for the allotments hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The fencing/boundary treatment 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 the character and appearance of the site and to avoid detriment to the visual amenity of the area.

13. Development shall proceed in accordance with the recommendations and mitigation measures detailed in Sections 5 and 7 of the submitted Ecology Report (dated October 2011) received by the Local Planning Authority on 26 October 2011 and Site Assessment prepared by RSK dated 17 November 2011, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the proposed development on local wildlife and to ensure the development accords with PPS9.

14. Remediation for potential land contamination shall be carried out and validated in accordance with the Site Assessment submitted by RSK dated 17 November 2011 ref: 301001/L03/kb (received by the Local Planning Authority on 26 October 2011), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in the interest of public health.

15. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work (unless otherwise agreed in writing with the Local Planning Authority) 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 Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in the interest of public health.

16. The development hereby permitted shall be carried out strictly in accordance with the approved plans; plans received by the Local Planning Authority on 26 October 2011, drawing numbers: 1106/01, 1106/02D, 1106/03, 1106/04, 1106/05, 1106/06.

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 26 October 2011: Ecology Report prepared by RSK; Site Assessment by RSK dated 17 November 2011 ref: 301001/L03/kb; RSK 'Site Plan with Building Foundations' Revision 00; and Design and Access Statement received on 5 December 2011.

2. In approving this application, the relevant planning guidance and policies were identified as: PPS1, PPS7, PPS9, PPG13, PPG17, PPS23; Policies 1, 2, 3, 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, Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008; and Raunds Preferred Options.

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; contamination; wildlife; highway impact; effect on public rights of way/access issues; 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. There would be no significant contamination issues.
5. The proposal would have no significant impact on wildlife.
6. The proposal would not have an unacceptable impact on the local highway.
7. The proposal would not have an adverse effect on a public right of way or have significant access issues.
8. 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>

4. The applicant is advised that this consent does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

Committee Report

Committee Date : 18 January 2012

Printed: 6 January 2012

Case Officer **Amie Baxter**

EN/11/01798/EXT

Date received	Date valid	Overall Expiry	Ward	Parish
3 November 2011	3 November 2011	29 December 2011		

Applicant **Peterborough City Council**

Location Thornhaugh Quarry, Near Wansford Peterborough

Proposal **Imporation of inert material for recycling and infill to achieve a beneficial restoration to agricultural land**

1 Summary of Recommendation

1.1 That no objection be raised, subject to the following:

- A routing agreement is formed which prevents the use of local roads through the villages of East Northamptonshire for HGV movements,
- Assurance that both the local highways authority and the Highways Agency are satisfied with the proposed development.
- Conditions are used to limit dust escaping from the site
- Conditions are used to ensure that noise emitted from the site is periodically measured.

2. The Proposal

2.1 The application site accommodates the eastern most part of a limestone quarry (known as Thornhaugh II quarry) which is nearing the end of its useful life in quarrying terms. It is proposed that the void in the land created by the quarry is now back filled and that the land is restored back to its former state as agricultural land.

2.2 To carry out the back filling, 225,000m³ of inert material would be imported progressively to the site over a period of three consecutive years.

2.3 The filling would be carried out in three phases. The southern end of the site (adjacent to Old Leicester Road) would be filled first (as Phase 1) and then the central area and the northern end being filled respectively, as Phases 2 and 3.

3. The Site and Surroundings

3.1 The application site is approximately 4.84ha in size and is to the south west of Thornhaugh, 1.7 km north of Yarwell and 3 km north east of Kings Cliffe. The site is accessed off the A47, which runs to the north of the site, giving easy access to the A1 and the A605.

3.2 The site is remote in character and the nearest residential properties are positioned to the north of the A47. Cook's Hole Farmhouse, which is Grade II Listed, is located to the north west of the site.

3.3 Land levels within the site are relatively consistent but the surrounding area is characterised with sporadic inclines of a gentle nature. The existing quarry is positioned upon the brow of a small peak in the land and land levels beyond the site to the north and south increase considerably, creating a wide valley.

- 3.4 Bedford Perlious, which is an SSSI and a National Nature Reserve, is to the west of the site. This area does not fall within the district of East Northamptonshire.

4 Policy Considerations

4.1 National Planning Policy Guidance

PPS1– Delivering Sustainable Development (Including supplement to PPS1 – Planning and Climate Change)
PPS5- Planning and the Historic Environment
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPS10 – Planning for Sustainable Waste Management
PPG13 – Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

4.2 Regional Plan (RSS8)

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 2012 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 27- Regional Priorities for the Historic Environment
Policy 37- Regional Priorities for Minerals
Policy 43- Regional Transport Objectives
Policy 53- Regional Trunk Road Priorities

4.3 North Northamptonshire Core Spatial Strategy

Policy 8- Delivering Economic Prosperity
Policy 11- Distribution of Jobs
Policy 13 General Sustainable Development Principles

4.4 Rural North, Oundle and Thrapston

Policy 5- Transport Network
Policy 9- Buildings of Local Architectural or Historic Interest.
Policy 11- Enhancing Biodiversity

5 Relevant Planning History

- 5.1 10/01974/EXT. Extension of quarry area for the winning and working of Minerals. No objection raised by East Northamptonshire Council subject to there being a routing agreement put in place to prevent dependence on smaller roads through local villages.

6 Consultations and Representations

- 6.1 Peterborough City Council will carry out all consultations directly. However, given the potential for the proposed development to have an impact on East Northamptonshire in terms of the highway network, Northamptonshire County Council's highways department have been consulted. They have responded as follows:

6.1.2 It is noted from the application details that no new vehicular or pedestrian access is being formed. The vehicular access serving the site appears to be gained via the A47 and the highway authority make no further comments in this regard as the application site is beyond the boundary of Northamptonshire. The comments made by Peterborough City Council (dated 18th November) regarding the lack of information submitted have been noted by NCC and NCC trust that the applicant will submit details for appraisal by PCC in the first instance.

6.1.3 The Highways Officer would expect that a Routing Agreement shall be formed for all traffic being generated by this proposal to prevent the misuse of the overall county highway network and to ensure that the local villages are protected from the day to day HGV's attracted to and from the site. To allow ongoing monitoring of the site, a daily log shall be kept on an ongoing basis to record all vehicles attracted to the site thereto and this log shall be maintained on an annual basis and be available for scrutiny by the Local Planning Authority.

6.1.4 ENC Environmental Services- Comment as follows:

Whilst the noise monitoring has been done within the district of Peterborough, there are properties in East Northants that could potentially be affected by noise and dust issues. I see no reason that the noise monitoring performed would not be representative of any residential properties in East Northamptonshire.

The noise report submitted indicates that the site will be compliant with the guidance contained within Minerals Policy Statement 2 (MPS2), which relates to control of noise and dust from mineral extraction operations. Therefore, no objections are raised.

I would suggest however that Peterborough City Council consider the addition of conditions to control dust from the operations, and suggest that the wording in Section 3.3.1 of the Environmental Statement be used to construct such a condition. Sections 3.3.2, 3.3.3, 3.3.4, and 3.35 also detail additional dust suppression measures to be taken in critical conditions and should also be included as a planning condition if appropriate.

In respect to control of noise, within the Noise Assessment submitted as Annexe 5 of the Environmental Statement, the Conclusions (Section 5) recommend conditions consistent with advice in Para 2.20 and 2.21 of MPS2 and I would recommend inclusion of these paragraphs as conditions to ensure that noise is monitored periodically to ensure compliance with that guidance.

Finally, I would like to add that there are several private water supplies in the locality which are used by residents of East Northamptonshire. The infill material to be utilised is inert material only and this will be regulated by the permit issued by the Environment Agency and should not therefore pose any risk to these private water supplies, although the applicant should be made aware that these supplies are in existence.

The determining authority (in this case Peterborough City Council) should satisfy themselves that the proposals do not significantly impact on the locality, although it would seem from the submitted information that this is not the case for residents of East Northamptonshire.

7 Evaluation

7.1 Introduction

7.1.2 Peterborough City Council is the determining authority so the onus is on them to fully assess the application against national and local planning policy and material considerations. The only relevant consideration for this council is the impact of the proposal on East Northamptonshire.

7.2 Principle of Development

7.2.1 The proposed development to reinstate the site to its former use as agricultural land would be an appropriate use for such a location, within the open countryside. It is likely also that the proposal would be beneficial in terms of the local landscape, as discussed below.

7.2.2 There is therefore no objection to the broad principle of this development.

7.3 Landscape and Visual Impact

7.3.1 Given the current visual impact of the existing use, the proposal to revert the site back to grassed agricultural land would be positive in terms of the local landscape. It is recognised that the proposed operation would be carried out over three years and may result in some visual disturbance during this period but, on balance, the long term visual benefit would outweigh this.

7.4 Traffic Impact.

7.4.1 The proposed development would result in an increase in the number of HGV movements to and from the site. The traffic statement submitted with the application states that the number of HGV movements would increase by 100 trips per day. There is no detail provided with regards to the current number of trips to and from the site to enable a relative comparison.

7.4.2 East Northamptonshire Council has expressed concern orally with the case officer at PCC regarding the lack of information submitted in terms of the impact on the existing highway network within East Northamptonshire, with regards HGV routing. The case officer at PCC agreed that detail is lacking and confirmed that further information has been sought.

7.4.3 This council needs to consider the potential for any impact on the road network within our district. The submitted transport details will be reviewed by the Highways Agency and the relevant Highway Authority as part of their consideration of the application. The NCC highways officer has noted that there is not going to be any new vehicular or pedestrian accesses formed and that the site falls wholly outside the Northamptonshire area.

7.4.4 Further information needs to be provided in terms of projected traffic movements and routing prior to a determination being made. Subject to the appropriate Highway Authority and the Highways Agency being satisfied that the submitted information can demonstrate that there would be no detrimental impact on highway safety, and subject to the use of an appropriate routing agreement which prevents the use of more local roads through the villages within East Northamptonshire, there would be no reason to object on grounds of traffic impact.

7.5 Impact on nearby residents, within the East Northamptonshire district

7.5.1 Given the distance between the site and the nearest residential dwellings which fall within East Northamptonshire, there is unlikely to be any further impact on residential amenity in terms of noise, dust or smells. The ENC Environmental Health team raise no objection to the proposed development, provided that a condition is used to limit the amount of dust leaving the site and to periodically check that noise levels from the operation are monitored.

7.5.2 The proposal could impact on the residential amenity of those living in East Northamptonshire through any significant increase in traffic using roads within the district to travel to and from the quarry. As outlined at 7.4 above, the traffic impact in terms of residential amenity would be considered by the appropriate highway authority and, subject to an appropriate routing agreement and them being satisfied that there will be no detrimental impact on highway safety or amenity, East Northamptonshire Council would have no reason to object on grounds of residential amenity.

8 Other Issues

- 8.1 The onus is on Peterborough City Council to ensure that issues such as biodiversity, cultural heritage, archaeological implications, noise, vibration, air quality and so on are considered appropriately.
- 8.2 There are no public rights of way in the East Northamptonshire district which are likely to be affected by the proposed development.

9 Conditions/Reasons -

1. East Northamptonshire Council raises no objection to the proposed development, subject to the following:
- A routing agreement is formed which prevents the use of local roads through the villages of East Northamptonshire for HGV movements,
 - Assurance that both the local highways authority and the Highways Agency are satisfied with the proposed development.
 - Conditions are used to limit dust escaping from the site
 - Conditions are used to ensure that noise emitted from the site is periodically measured.

Committee Report

Committee Date : 18 January 2012

Printed: 6 January 2012

Case Officer **Anna Lee**

EN/11/01880/RWL

Date received	Date valid	Overall Expiry	Ward	Parish
15 November 2011	29 November 2011	24 January 2012	Higham Ferrers	Lancaster

Newton Bromswold

Applicant **M Hollyman**

Location New Barn Church Farm Barns Rushden Road Newton Bromswold Rushden Northamptonshire NN10 0SP

Proposal **Replacement of extant planning permission 08/00962/FUL - Single storey side extension dated 29.01.09**

The application has been reported to Development Control Committee because the original application EN/08/00962/FUL was considered at Committee.

1 Summary of Recommendation

1.1 That planning permission be GRANTED to the replacement application subject to conditions.

2. The Proposal

2.1 The application proposes to replace planning permission number EN/08/00962/FUL, which is due to expire on 29.01.2012. The plans are exactly the same as those approved in 2009.

2.2 The proposal is for the construction of a single storey side extension to be attached to the southwest side of the existing barn. The extension has been proposed to provide a single room for an open plan kitchen, incorporating a dining and seating area. The extension measures 6.2 metres by 6.2 metres in area.

3 The Site and Surroundings

3.1 The application site accommodates a barn complex that has been converted into three dwellings. The conversions took place in the early 1990s.

3.2 Most of the buildings within the complex are single-storey in height, with the exception of the centre unit, The Old Granary. This part of the building is one and a half storey in height and has living accommodation at the first floor level.

3.3 The existing buildings are constructed from stone and have a traditional pantiled roof.

3.4 The application site is situated on land to the rear of a grade I Listed Building, St Peter's Church.

3.5 A collection of protected trees can be found located along the northwest boundary of the site adjacent to the main road. There is also a scattered collection of TPO trees within the grounds of the listed church some distance away from the application site.

- 3.7 The application site does not fall within a conservation area and the barns are not curtilage listed.
- 3.8 The application site is within 2 kilometres of Yelden Meadows Site of Special Scientific Interest (SSSI).

4 Policy Considerations

- 4.1 National Planning Policy Guidance:
PPS1– Sustainable 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 Strategies will not be revoked until after 20 January 2012 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, 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:
Residential Extensions and Alterations Design Guide, 1998

- 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 Planning History

- 5.1 The original planning permission EN/08/00962/FUL for the single storey side extension was granted by Development Control Committee on 28.01.2009. The property has had other extensions granted and these are listed below:
- 5.2 EN/07/01252/FUL, Conservatory, permitted on 13.09.2007.
- 5.3 EN/03/00300/FUL, Construction of Porch, permitted on 12.05.2003.
- 5.4 EN/91/00836/FUL, Construction of replacement vehicular access, permitted on 16.12.1991.

6 Consultations and Representations

- 6.1 Neighbours: no comments received.
- 6.2 Newton Bromswold Parish Council: any comments received, will be added to the committee updates.
- 6.3 Site notice posted: no representations received.
- 6.4 English Heritage: "The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice".
- 6.5 Senior Conservation Officer: no objection.
- 6.6 Natural England: "This application is in close proximity to the Yeldon Meadows Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection."
- 6.7 Ramblers Association: no comment.
- 6.8 Local highway authority (NCC): no objection to this proposal on highway related issues.

7 Evaluation

- 7.1 The following issues are relevant to the determination of this application:
- 7.2 Principle of Development
 - 7.2.1 The government guidance published in relation to replacement applications advises that Local Planning Authorities should take a positive, constructive approach to determination because the development has been judged to be acceptable at an earlier date. Local Planning Authorities should focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of planning permission.
 - 7.2.2 The only consideration in the determination of this application is therefore whether recent changes to planning policy and other material considerations are significant enough to lead the Local Planning Authority to come to a different view than that reached in 2009.
 - 7.2.3 The principle of development, visual impact, impact on the setting of the nearby grade I listed building St Peter's Church, neighbouring properties, SSSI, trees, protected species, drainage and impact on highway safety have all previously been considered acceptable. Only changes to policy or material considerations should be relevant to the consideration of this application.
 - 7.2.4 PPS5: Planning for the Historic Environment (2010) replaces former PPG16: Archaeology and PPG15: Planning and the Historic Environment. Whilst PPG16 and PPG15 have been superseded by PPS5, there have been no significant changes which would lead the Local Planning Authority to come to a different view than that reached in 2009 about the effect of the proposal on the setting of the nearby listed building St Peter's Church.
 - 7.2.5 Similarly, whilst PPG13 was recently amended, there have been no significant changes which would lead the Local Planning Authority to come to a different view about the highway impact of this proposal than that reached in 2009.

7.2.6 The council adopted the North Northamptonshire Core Spatial Strategy (NNCSS) and the East Midlands Regional Plan since the determination of the last application. However, the principle of construction of an extension on this property remains acceptable and the proposal to extend the time for implementation of this development accords with guidance contained within these documents.

7.3 Changes to Other Material Considerations

7.3.1 There do not appear to have been any significant changes in the circumstances and there are no other material considerations that would lead officers to come to a different recommendation to that reach in the 2009 application.

8 Recommendation

8.1 That planning permission be GRANTED subject to the following 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. The development the subject of this planning permission shall be carried out using external materials matching exactly those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To achieve a satisfactory elevational appearance for the development.
3. Prior to the commencement of the development hereby permitted, investigations shall be carried out to assess whether the existing foul water and surface water drainage system can deal with the waste and drainage water resulting from the development. This shall include details relating to the discharge of any final effluent and if relevant permeability tests, and this information shall be submitted to and be agreed in writing by the Local Planning Authority. If it is concluded that the existing system is inadequate, details of an alternative foul and surface water drainage system shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
Reason: To safeguard public health, to prevent the potential for flooding on the site and elsewhere, and to safeguard the amenity of adjacent occupiers.
4. The development hereby permitted shall be carried out strictly in accordance with the approved plans; plan received by the Local Planning Authority on 6 June 2008, drawing number: 11-08-01; plan received on 12 January 2009 drawing number 11-08-04 C; and plan received on 15 January 2009, drawing number: 11-08-06.
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, 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: Residential Extensions and Alterations Design Guide 1998; 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; visual impact; impact on the setting of listed building, SSSI, wildlife, trees, neighbouring amenities, drainage; and 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 visual amenity or the character and appearance of the area.
3. The proposal would not harm the setting of a listed building.
4. The proposal would have no significant impact on wildlife or adverse effect on the SSSI.
5. The proposal would not result in an unacceptable loss or harm to trees.
6. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
7. The proposal would not have a significant impact on drainage.
8. 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

2. The applicant is advised that this consent does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

Committee Delegated Report

Committee Date : 18 January 2012

Printed: 6 January 2012

Case Officer **Carolyn Tait**

EN/11/01964/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
30 November 2011	30 November 2011	25 January 2012	Rushden	Pemberton

Applicant **Mr S Hajduk**

Agent **Sidey Design Architecture - Mr Jon Sidey**

Location **62 Highfield Road Rushden Northamptonshire NN10 9QJ**

Proposal **Residential development of 3 No terraced two-bedroom dwellings**

This application is brought before Development Control Committee because of the history of the site and because the previous application was determined by Development Control Committee.

1 Summary of Recommendation

1.1 That permission be REFUSED.

2. The Proposal

2.1 The application seeks permission for the erection of three dwellings to the rear of 62 Highfield Road.

2.2 The proposed development would take the form of a terraced row of three dwellings accessed by a new driveway to the side of the existing property fronting Highfield Road. Parking provision is made for three vehicles to park along the eastern side of the proposed vehicular access.

2.3 Each dwelling would have rear amenity space and access to the shared drive. Each dwelling would also have pedestrian access to the adjacent pocket park, which it faces.

2.4 The application is for outline permission only. The reserved matters for which approval is being sought are access, appearance, layout and scale. Landscaping has been reserved for later consideration.

2.5 A detailed Design and Access Statement has been submitted with the application. The main points are highlighted in paragraph 7.1 below.

3 The Site and Surroundings

3.1 The site comprises a side garden area to 62 Highfield Road, which has been cleared. It was once a former garage site, but the garages have been removed.

3.2 The existing house occupies a large plot on the northern side of Highfield Road.

3.3 The site roughly measures approximately 8 metres wide by 43 metres long and the ground levels match that of the highway.

4 Policy Considerations

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

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 2012 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 Other Documents
Parking SPG
Local Highway Authority Standing Advice for Local Planning Authorities
Three Towns Plan Preferred Options Document

5 Relevant Planning History

5.1 96/001111/FUL Residential development (12 flats). PERMITTED. Part of this development has been implemented between Tennyson Road and Birchall Road. As this is the case, technically with regards to planning, this development could be completed at any time. Part of this development falls within the application site. However, the proposed blocks of flats were fronting the highway and therefore did not create a form of backland development.

5.2 07/01620/OUT Outline: Erection of single dormer bungalow. REFUSED. This application was refused as it would have been contrary to the linear form of the surrounding area and the applicant failed to show that it would not affect neighbouring amenity.

5.3 07/02186/OUT Outline application for residential development (all matters reserved) comprising of one detached dwelling. PERMITTED. This development fronts Highfield Road.

5.4 08/02181/FUL Residential development consisting of three two bedroom two storey dwellings. REFUSED. This application was refused as it would have created backland development which would be out of keeping with the prevailing built form. This application was for houses which fronted the pocket park, much the same as the current application. The only differences are:

- the number of parking bays proposed has reduced from four to three;
- bin storage is proposed to the south of the plot;
- the southern most dwelling has been turned 90 degrees so that the front of the dwelling faces the proposed access rather than the pocket park.

- 5.5 09/01457/FUL Residential development of two semi-detached houses. WITHDRAWN.
- 5.6 09/01719/FUL Pair of semi-detached dwellings with private amenity space, a shared allotment area and off-street parking provision. REFUSED. This application was refused because of its back to back form and layout and relationship with associated amenity space, unacceptable form and substandard residential accommodation.
- 5.7 10/01949/RWL Replacement of extant planning permission 07/02186/OUT Outline application for residential development (all matters reserved) comprising of one detached dwelling. PERMITTED.
- 5.8 11/00424/OUT Outline: Residential development of three terraced two bedroom dwellings (some matters reserved except access and layout). REFUSED. This application was refused because the dwellings would have been out of keeping with the prevailing built form as they did not front the highway and would have created an unacceptable level of overlooking to neighbouring amenity.
- 5.9 The applicant and his agent were advised in July 2011 that the impact on the character of the area had been a recurring issue and that the advice of the Local Planning Authority had been consistent on this matter. It was suggested that given the history of the site, the only options available for consideration were:
- Appeal the recently refused application, EN/11/00424/OUT.
 - Re-submit previously refused application reference EN/08/02181/FUL and then appeal against the local planning authority's decision. This was based on it being likely that the application would be refused.
 - Commence development for the single dwelling that has permission, as this is still an extant permission.
 - Submit an application for two flats, as the local planning authority have given positive pre-application advice regarding this proposal.
- This current application has therefore been submitted based on this advice.

6 Consultations and Representations

- 6.1 Neighbours: Comments have been received from No's 25, 27 and 29 Tennyson Road and can be summarised as:
- The proposal is the same design as the previously refused application.
 - The proposal is not in keeping with the current residential area as there are no other properties positioned in this manner in relation to the existing properties.
 - The proposed vehicle access is unsuitable for the development and will increase noise levels significantly.
 - How will a vehicle be able to reverse into bay 1 when a vehicle is in bay 2? This will encourage vehicles to reverse onto a busy road.
 - The existing foul waste system is inadequate. Further clarification is required to show how the applicant proposes to connect to it.
 - Will affect daylight to No's 25 and 27 Tennyson Road.
 - Fail to see how constructing three properties directly adjacent to the footpath will deter crime and encourage a safer environment.
 - The waste storage area will be prone to vandalism and has an increased risk of fire, due to its proposed location from the main property.
 - The application for a single dwelling is more appropriate for the area.
 - The garden area could be better utilised if it were to be returned to a vegetable area and could therefore be used by the local allotment association.

- 6.2 Town Council: No comments received.
- 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 Ramblers Association: No comments to make.
- 6.5 Councillor Colin Wright: Supports the application. Has supported previous applications and they show the development to be of properties that suit the surrounding area. A detached house or flats as previously suggested does not achieve that objective and having reviewed the revised plans submitted, feels the design is in keeping with many applications that have been approved within the town. The development will enhance the surrounding area and provide close neighbours with some re-assurance that this segment of land is not allowed to continue to be a habitat for those who wish to use it for unsociable means.
- 6.6 Rights of Way Officer: No comments received.
- 6.5 Site notice posted: 15 December 2011 to the front of the site.

7 Evaluation

7.1 Design and Access Statement

7.1.1 The applicant's agent has prepared a Design and Access Statement to support the application. It can be summarised as:

- Historically part of the site formed a large garden area to No.62 with the remainder being part of an access and former communal garage area to houses on Highfield Road and Tennyson Road.
- Permission was granted for a single dwelling. However, it is felt that the approved proposal might be somewhat out of keeping in this location. This permission is still extant.
- The Design and Access Statement acknowledges that previous refusals relate to the same issue of character and built form.
- The application site should be considered as a brownfield site.
- The use of the existing land is under utilised garden land and scrub land. However, it has permission for a dwelling and should therefore be considered as 'building land'.
- The proposed layout fully utilises the land space to its best potential fulfilling both national and local policies. It takes account of the immediate built form. To the east of the site are four dwellings also facing a footpath and a grass verge.
- It is intended to amend the boundary walling of the footpath and pocket park to give the development a feeling of presence and solidity. The proposed soft and hard landscaping will shield the proposed car parking.
- The positioning of the proposed dwellings will have limited impact on the surrounding properties. The end terrace property is positioned with its front door facing Highfield Road. This gives the development presence in the street. This is similar to other properties in this location. Charlotte's Row is an example. This development is approximately 400 metres away from the proposal and was approved in 2005 under reference 04/02313/FUL and includes three storey dwellings which are not part of the built form.

- Policy 9 of the North Northamptonshire Core Spatial Strategy states that 30% of the overall housing requirements for North Northamptonshire should be on previously developed sites within the urban area and which are accessible by a choice of transport modes.
- The proposals have been discussed in some detail with local Councillors who feel strongly that this land is underutilised and needs to be put to good use. Support for the application would be conditional upon the amenity of the neighbouring properties not being adversely affected. It is felt that this development would in fact bring immediate improvements to the appearance of the area and thus the amenity of the local and immediate neighbours.05/00895/FUL was for 5 three storey dwellings off of Pemberton Street. These dwellings were not in keeping with the prevailing built form or scale.
- 09/00246/FUL was for the replacement of 20 bungalows with 30 two-storey dwellings in Spinney Close approximately 500 metres from the site. This backs onto properties in Westfield Avenue, Tennyson Road, Chester Road and Highfield Road.
- The dwellings would be designed to have a similar appearance to the existing semi-detached and terraced properties in the immediate location. The terraced block would have hipped roof details mirroring those in both Highfield and Tennyson Roads. They will have simple brick detailing and materials to match the surrounding properties.
- The extent of the amenity space and waste storage space is considered sufficient.
- The internal layout of the houses has also been given careful consideration. Lounges are positioned to the rear with French doors opening on to private amenity space. Overlooking to neighbouring private amenity space would be limited.
- Gas impermeable membranes would be used to prevent any gas mitigation into the dwellings.
- There is a local bus route within 100 metres of the site with access to both local amenities and principle local towns. There are good road access links in this location. The town centre is within walking distance, 1 km to the east of the site.
- The location of these properties will provide a safer environment for local inhabitants using the public access way between Highfield and Tennyson Roads. The houses themselves would be provided with secured by design doors and windows at ground floor level. They would have security lighting to the perimeter of the dwellings and each dwelling would be fitted with a security alarm. There is good natural surveillance of the parking spaces.
- Vehicle and pedestrian access will be off of Highfield Road. Vehicular access would utilise the existing dropped kerb. The drawings show that a vehicle can enter and exit in a forward gear as there is sufficient turning space within the site.

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

7.3 Principle of development

7.3.1 With reference to guidance contained in PPS1 and PPS3 and bearing in mind the site's location within a primarily residential area, it is considered that the principle of residential development is acceptable. However, the guidance contained within PPS1 and PPS3 places emphasis on good design and the impact on the character of a particular area.

7.3.2 Whilst amendments to PPS3 removed gardens from the definition of previously developed land, the site is located within the built up area of Rushden and is accessible by a choice of means of transport including car, bike, bus and foot. However, PPS3 states that the development of garden land is only acceptable where there is an acceptable impact on the character and appearance of the surrounding area. Therefore, for the reasons stated below, the principle of developing this particular site is not considered acceptable.

7.4 Layout

7.4.1 The siting of three dwellings to the rear of the plot would be out of character with the prevailing built form of Highfield Road and the surrounding streets, which consist of dwellings fronting the highway with relatively large rear gardens. The dwellings proposed here would have exceptionally short gardens and no highway frontage, being situated to the rear of the existing properties. It is noted that the proposed dwellings front a public footpath, which is a public Right of Way, however, all properties in the surrounding area front a road. It is therefore considered that the proposed terrace would form an incongruous feature when viewed as part of the wider street scene, where there is no comparable existing development to the rear of other properties within the vicinity. As such the layout of the proposed dwellings would be contrary to PPS1, PPS3 and Policy 13 of the North Northamptonshire Core Spatial Strategy, which do not support development which would be harmful to the character and appearance of the surrounding area.

7.4.2 Whilst the Design and Access Statement provides references for recent planning permissions for various dwellings, these are not comparable sites and are not viewed within the locality when viewing this site.

7.4.3 The applicant has changed the orientation of the southern most dwelling so that its frontage faces Highfield Road. However, the dwellings are not sited to the front of the site and are not parallel to Highfield Road. They would still be located to the rear of the site and would form an incongruous feature as highlighted at 7.4.1 above.

7.5 Appearance

7.5.1 The proposed dwellings would be designed to reflect the design of dwellings in the local area. They would have hipped roofs and regularly spaced fenestration. The application details state that they would be finished in materials to match nearby dwellings. Therefore the design of the proposed dwellings does not raise any concerns.

7.6 Scale

7.6.1 The scale of the proposed dwellings would be in keeping with the scale of properties in the surrounding area. The proposed dwellings would measure approximately 7.8 metres in height by 12.5 metres in width by 7.8 metres in depth. This would be similar to nearby residential properties and as such raises no concerns.

7.7 Access and highway safety

7.7.1 The plans show that there is sufficient space within the site to accommodate a vehicular access that would comply with the Local Highway Authority's Standards. The Local Highway Authority has raised no objections to the proposal but has commented that standard conditions should be added to any permission granted to ensure that highway safety is not compromised.

7.7.2 Neighbours have commented that there is insufficient space within the site for vehicles to enter and exit in a forward gear. The parking bays would require any driver to parallel park to get into a space. The drawings show that this is possible as there is sufficient space within the site for a vehicle to drive in to the site facing forwards, for a vehicle to turn around to face the highway and then reverse into a space.

7.7.3 Neighbours have also commented that if a vehicle is in bay 2 then bay 1 could not be utilised. However, as the spaces require a vehicle to parallel park, it would be possible for both bays to be used at the same time and does not therefore raise any concerns.

7.8 Landscaping

7.8.1 This is not a matter for consideration at this stage.

7.9 Neighbouring amenity

7.9.1 The nearest properties to the proposal which are likely to be affected by the proposal are No's 25 and 27 Tennyson Road and No.64 Highfield Road. The first floor windows located within the western elevation would serve second bedrooms and therefore have the potential to cause issues of overlooking. However, given that this would be to the very rear of these neighbouring properties gardens and would be at an oblique angle, would not be sufficient to warrant a reason for refusal.

7.9.2 The nearest dwelling would be located at No.62 Highfield Road, approximately 17 metres away to the south. This distance is considered sufficient to prevent any undue overshadowing or overbearing impact. Whilst there would be some overshadowing to the rear of No's 25 and 27 Tennyson Road, it would not be so significant to warrant refusal in its own right but is still a point of concern.

7.9.3 Neighbours have commented about noise caused from extra vehicular movements to and from the site. Whilst there could be some loss of amenity due to the proposed arrangements, the number of dwellings proposed would not be sufficient to justify refusal on the grounds of increased noise alone.

8 Other issues.

8.1 Crime and Disorder – Neighbours have commented that the proposal would not deter crime and that the location of the proposed waste storage would be at risk of arson. However, it is considered that there are no crime and disorder issues relevant to this application as the proposed units would enhance natural surveillance to the pocket park. The Council's Waste Management Officer has viewed the proposal and has no objection to the location of the waste storage.

8.2 Access for Disabled – The proposal would not be subject to any public access and therefore does not raise any concerns.

8.3 Comments have been received from neighbours regarding the connection to the sewerage system. This would be covered by Building Regulations and is not a material planning consideration.

9 Recommendation

9.1 That permission be REFUSED for the following reason:

10 Conditions/Reasons -

1. By reason of their siting, it is considered that the proposed dwellings would appear out of character with the prevailing built form and would therefore be contrary to Policy 13 (h) of the North Northamptonshire Core Spatial Strategy, Policy 2 of the East Midlands Regional Plan and the guidance contained within PPS1 and PPS3.

Informatives

1. The drawings to which this decision relates are as follows:
Drawing number: 08-134-30 Existing and proposed site plans, proposed elevations and location plan.
Received by the Local Planning Authority on 30 November 2011.

Committee Report

Committee Date : 18 January 2011

Printed: 4 January 2012

Case Officer **Samantha Hammonds**

EN/11/01995/LBC

Date received	Date valid	Overall Expiry	Ward	Parish
8 December 2011	14 December 2011	8 February 2012	Oundle	Oundle

Applicant **Bulldog Pub Company Ltd**

Agent **Simon Hill**

Location The Talbot Hotel 7 New Street Oundle Peterborough Northamptonshire PE8 4EA

Proposal **Building 13: Removal of existing floor/ceiling between ground and first floor to create a double height room; creation of a 'hanging' corridor; infill of external windows to existing first floor; increase height of permitted glazed doors by insertion of glazed panels and formation of new leaded canopy over. Building 1: Insertion of set of timber panel doors for fire protection to the Queen Mary staircase (Amendments to previously approved applications 10/01551/FUL and 10/01552/LBC dated 10/02/2011)**

This application is brought before Development Control Committee in line with the approach taken on previous applications on this site.

1. Summary of recommendation

1.1 That authority be delegated to the Head of Planning Services, in consultation with the Chair of Development Control Committee and the ward member, to grant listed building consent subject to conditions.

2. Background and details of the proposal

2.1 Planning permission and listed building consent was granted in 2011 for an extensive range of alterations to The Talbot Hotel to improve the physical appearance and functionality of the building both internally and externally (10/01551/FUL and 10/01552/LBC). The applicant now wishes to make amendments to a small part of the previously approved scheme, predominantly in respect of part of the proposed restaurant (building 13, which is a modern addition towards the rear of the site).

2.2 The previously approved scheme comprised a restaurant area at ground floor level and two en-suite bedrooms at first floor level, but it is now proposed that part of the floor/ceiling between ground and first floor be removed to create a double height restaurant at ground floor and one en-suite bedroom at first floor. A new hanging corridor would be installed to provide access to the bedroom.

2.3 Externally, as viewed from the enclosed courtyard, it is proposed to increase the height of the previously permitted glazed doors and to form a canopy over. The existing first floor windows would be infilled.

2.4 In the more historic part of the hotel, it is proposed to insert a set of timber panel doors to provide fire protection for the Queen Mary staircase.

2.5 This application for listed building consent is accompanied by a concurrent planning application (11/02029/FUL), which is also on this committee agenda.

3. The site and surroundings

3.1 The Talbot Hotel is a grade I listed former medieval coaching inn, dating back to the mid-sixteenth century. It was extended through the 17th and 18th century, with most recent alterations occurring during the 1970s.

3.2 The main building affected by the current proposals is a twentieth century addition to the rear that overlooks an enclosed courtyard. The building is of utilitarian appearance and character and is constructed of modern brick under a flat roof.

3.3 The site is situated within a conservation area and in close proximity to several other listed buildings.

4 Policy considerations

4.1 National planning policy
PPS5 - Planning for the Historic Environment

4.2 Regional Plan (RSS8)

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 2012 as this is the closing date for the consultation on the environmental impacts of abolition.

Policy 27 - Regional priorities for the historic environment

4.3 North Northamptonshire Core Spatial Strategy 2008
Policy 13 – General sustainable development principles

4.4 Rural North Oundle and Thrapston Plan 2011
Policy 9 - Buildings of Local Architectural or Historic Interest

5 Relevant Planning History

5.1 10/01551/FUL and 10/01552/LBC, permitted 10 February 2011. Replacement of existing single storey restaurant extension with smaller single storey restaurant extension, glazed screens to enclose existing entrance archway, opening up of original doorway within entrance archway, engineering works to create new steps from proposed restaurant area to enclosed garden, alterations to fenestration to ground floor staff facilities to create new restaurant area facing enclosed garden, rendering of north elevation facing enclosed garden, alterations to doorways and windows following removal of single storey extension to south elevation and replacement of window with door and window to north elevation of courtyard adjacent to archway.

6 Consultations and Representations

- 6.1 The notice in the Nene Valley News was posted late due to Christmas and does not expire until 29 January 2012, which is why officers have requested that authority to grant listed building consent be delegated to the Head of Planning Services, in consultation with the Chair of Development Control Committee and the ward member. The main consultation period for statutory consultees will expire before the committee, so any representations received before the committee meeting will be reported via the update.
- 6.2 ENC Senior Conservation Officer: orally confirmed he has no objections and is content with the proposals.

7. Evaluation

7.1 Impact on the listed building

7.1.1 The relevant part of the building is an unattractive, flat-roofed, 1930s construction with vast expanses of patched up brickwork and no architectural merit. The February 2011 permissions already authorised a series of alterations associated with opening up the garden courtyard to this part of the restaurant, including the installation of three new glazed double doors and the construction of new steps up to the garden courtyard. The proposal to alter the courtyard elevation to increase the height of the approved glazed doors and add a canopy above, whilst blocking up the first floor openings, would only serve to further improve the appearance of this part of the building and enhance public interaction with the garden area.

7.1.2 Internally, the removal of part of the floor/ceiling between the ground and first floor would not be a significant loss, given that this part of the building contains no historic fabric and is already vastly out of character with the rest of the building. It would be a positive benefit to the character of the restaurant to transform this modern building into a light, airy double height space that interacts better with the external garden area. This modern feature would provide a beneficial contrast with the older parts of the hotel which would remain true to their historic character.

7.1.3 The proposed timber panelled fire doors at the ground floor level of the historic part of the hotel would be of sympathetic design in keeping with the character of other internal doors. The doors would be held permanently open with magnetic release in the event of a fire, helping to maintain the open feel of this part of the hotel. The advantages of the fire doors, in that they would minimise damage to the historically significant Queen Mary staircase in the event of a fire, would far outweigh any disadvantages.

7.1.4 Overall, the proposed works would have a positive impact on the character and appearance of the listed building and no historic fabric would be damaged or lost.

7.2 Impact on the setting of other nearby listed buildings

7.2.1 The majority of the proposed works are internal and so would have no impact on the setting of nearby listed buildings. Given the location of the proposed external works, looking onto an enclosed courtyard garden and surrounded by other hotel buildings, there would be no additional impact on the surrounding area or the setting of nearby listed buildings.

8. Conclusion

8.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS5, policy 27 of the East Midlands Regional Plan, and policy 13 of the North Northamptonshire Core Spatial Strategy 2008. Having regard to these, the representations received and any other material reasons, the main issues were identified as the impact on the character, appearance and setting of the listed building itself and the impact on the setting of other nearby listed buildings. The application has been recommended for approval as:

- The proposal would have an acceptable impact on the character, appearance and setting of the listed building.
- The development would not harm the setting of other nearby listed buildings.

9 Recommendation

9.1 That authority be delegated to the Head of Planning Services, in consultation with the Chair of Development Control Committee and the ward member, to grant listed building consent subject to conditions.

10 Conditions/Reasons -

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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

2. All proposed external pipework, including all rainwater goods, soil and overflow pipes, shall be of cast iron or cast aluminium and painted black, and shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of preserving the historic character, fabric and appearance of the grade I listed building and its setting.

3. Notwithstanding the details already submitted, prior to the commencement of works, drawings at a scale of no less than 1:20 for the internal fire doors 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.

Reason: In the interests of preserving the historic character, fabric and appearance of the grade I listed building and its setting.

4. The development hereby permitted shall be carried out strictly in accordance with the approved plans; AL(2-)-139 and AL(2-)-140 received 8 December 2011, 11058/S/G22/B13 received 13 December 2011, and AC(32)10 received 14 December 2011.

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

Committee Report

Committee Date : 19 January 2011

Printed: 4 January 2012

Case Officer **Samantha Hammonds**

EN/11/02029/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
13 December 2011	19 December 2011	13 February 2012	Oundle	Oundle

Applicant **Bulldog Pub Company Ltd**

Agent **Simon Hill - Horsley Townsend Architects Ltd**

Location **The Talbot Hotel 7 New Street Oundle Peterborough Northamptonshire PE8 4EA**

Proposal **Building 13: infill of external windows to existing first floor; increase height of permitted glazed doors by insertion of glazed panels and formation of new leaded canopy over. (Amendments to previously approved applications 10/01551/FUL and 10/01552/LBC dated 10/02/2011)**

This application is brought before Development Control Committee in line with the approach taken on previous applications on this site.

1. Summary of recommendation

1.1 That authority be delegated to the Head of Planning Services, in consultation with the Chair of Development Control Committee and the ward member, to grant planning permission subject to conditions.

2. Background and details of the proposal

2.1 Planning permission and listed building consent was granted in 2011 for an extensive range of alterations to The Talbot Hotel to improve the physical appearance and functionality of the building both internally and externally (10/01551/FUL and 10/01552/LBC). The applicant now wishes to make amendments to a small part of the previously approved scheme, in respect of part of the proposed restaurant (building 13, which is a modern addition towards the rear of the site).

2.2 The previously approved scheme comprised a restaurant area with glazed doors overlooking the courtyard garden. It is proposed to increase the height of the previously permitted glazed doors and to form a canopy over. The existing first floor windows would be infilled.

2.3 This application for planning permission is accompanied by a concurrent listed building consent application (11/01995/LBC), which is also on this committee agenda.

3. The site and surroundings

3.1 The Talbot Hotel is a grade I listed former medieval coaching inn, dating back to the mid-sixteenth century. It was extended through the 17th and 18th century, with most recent alterations occurring during the 1970s.

- 3.2 The building affected by the current proposals is a twentieth century addition to the rear that overlooks an enclosed courtyard. The building is of utilitarian appearance and character and is constructed of modern brick under a flat roof.
- 3.3 The site is situated within a conservation area and in close proximity to several other listed buildings.

4 Policy considerations

- 4.1 National planning policy
PPS5 - Planning for the Historic Environment

4.2 Regional Plan (RSS8)

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 2012 as this is the closing date for the consultation on the environmental impacts of abolition.

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7.1.2 Overall, the proposed works would have a positive impact on the character and appearance of the listed building and no historic fabric would be damaged or lost.

7.2 Impact on the setting of other nearby listed buildings

7.2.1 Given the location of the proposed external works, looking onto an enclosed courtyard garden and surrounded by other hotel buildings, there would be no additional impact on the surrounding area or the setting of nearby listed buildings.

8. Other considerations

8.1 Highways - the proposed amendments would not have any implications for highways or public rights of way. The uncertainty surrounding whether or not there is a public right of way going through the site, and whether the applicant may wish to apply to stop up such a right of way if it found to exist, is outside the remit of the planning system and irrelevant to the consideration of the current planning application.

8.2 Neighbour amenity - the current proposals would not have any greater impact on neighbouring amenity than the previously approved scheme, given the location of the works looking onto an enclosed courtyard.

9. Conclusion

9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS5, policy 27 of the East Midlands Regional Plan, and policy 13 of the North Northamptonshire Core Spatial Strategy 2008. Having regard to these, the representations received and any other material reasons, the main issues were identified as the impact on the character, appearance and setting of the listed building itself and the impact on the setting of other nearby listed buildings. The application has been recommended for approval as:

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