

APPLICATIONS FOR DETERMINATION

DEVELOPMENT CONTROL COMMITTEE - 13 June 2012

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Committee Report

Committee Date : 13 June 2012

Printed: 29 May 2012

Case Officer **Mr Rhys Bradshaw**

EN/12/00648/OUT

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|----------------------|----------------------|---------------------|-----------------------|------------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 18 April 2012 | 18 April 2012 | 18 July 2012 | Higham Ferrers | Lancaster |

Applicant **Duchy Of Lancaster - Mr N Dart**

Agent **DLP Planning - Mr James Croucher**

Location Land Between A6 Higham Ferrers Bypass And A5028 Station Road Higham Ferrers Northamptonshire

Proposal **Outline: Erection of up to one hundred and fifteen new dwellings with access, parking, landscaping, balancing pond, open space and associated works (all matters reserved except access)**

This application is brought before the Development Control Committee because it is a major proposal. The Committee has previously considered an identical scheme, which is currently the subject of an appeal against non-determination. At its meeting on 11 April 2012, the Development Control Committee resolved that, had the Committee still been in a position to determine that application, it would have approved the scheme. The application before the Committee here has been submitted to allow the Council to determine a scheme on this site with a view to withdrawing the pending appeal, which is due to be considered at a public inquiry commencing on 7 August 2012.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions and the completion of a Section 106 legal agreement, which should be signed within 6 months of the Committee's resolution. If the S106 is not signed within this time period the application should be reported back to committee for further consideration.

2 The Proposal

2.1 This is an outline application for up to 115 dwellings, together with associated access, landscaping and open space. All matters are reserved except for the access, which is proposed off Station Road.

2.2 The application is based on an illustrative layout plan which includes two areas of public open space; one incorporating a children's play area and the other in the form of a central 'boulevard' lined by trees.

2.3 The proposed highway improvements include the following:

- 4.5m x 90m vision splays at the site entrance.
- Relocation of the Higham Ferrers gateway features and 30mph speed restriction signs.
- A new cyclist and pedestrian crossing
- Relocation of the south bound bus stop and lay-by
- Widening of the public footpath on the western side of Station Road.

2.4 The precise mix of housing is a matter for consideration at the reserved matters stage; 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 that the block of flats could be situated close the entrance to the development in a prominent corner location.

2.5 The proposed dwellings would be between two and three storeys in height (7-13m). It is intended to site any three storey buildings along the A6 to protect the site from noise. The maximum height for blocks on key corners is 14m.

2.6 The following reports and information accompanied the application:

- Planning Statement
- Housing Statement
- Design & Access Statement
- Sustainability Appraisal and Energy Statement
- Geoenvironmental Desk Study
- Transport Assessment
- Framework Travel Plan
- Arboricultural Survey
- Extended Phase 1 Habitat Survey
- Bat Survey of Trees
- Archaeological Statement
- Archaeological Evaluation
- Archaeological Geophysical Survey
- Assessment of Potential Effects on Upper Nene Gravel Pits SPA/RAMSAR site.
- Air Quality Assessment
- Noise Report
- Health Impact Assessment
- Utilities Assessment
- Flood Risk Assessment

3. The Site and the Surroundings

3.1 The site is situated on the north-eastern edge of Higham Ferrers. It is bounded by Station Road (A5028) along the entire western boundary and the A6 to the east. The earlier phases of the relatively recent Kings Meadow development are situated on the opposite side of Station Road. A small wooded area separates the site from the Chowns Mill roundabout to the north and there is residential development to the south on Swans Way and Teal Close. The site area measures some 3.1ha and is currently undeveloped agricultural land.

3.2 The western boundary to Station Road is defined by mature trees and hedgerow with limited views into the site, whilst the eastern boundary with the A6 is restricted to lower level, relatively young specimens which allow views across the existing field. The southern boundary is defined by the rear garden fences of properties on Swans Way and Teal Close

3.3 The ground level rises in a north-south direction from approximately 44.76m at Chowns Mill towards the residential development on Swans Way/Teal Close, where the submitted survey shows a level of 54.21m

4 Policy Considerations

4.1 National Planning Policy
National Planning Policy Framework

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 have not yet been revoked.

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
Three Towns Plan Preferred Options
Manual for Streets

5. Relevant Background and Planning History

5.1 The Council received this planning application in June 2011. Whilst the Illustrative Masterplan has not been amended, the Flood Risk Assessment, Transport Assessment and Framework Travel plan have been revised following receipt of the relevant statutory consultation responses.

5.2 88/00595/OUT - Hotel and conference centre. PERMITTED

5.3 96/00312/VAR - Variation of Condition No. 1 to extend period for submission of reserved matters until 15.10.1999 (hotel and conference centre - EN/88/595). PERMITTED

- 5.4 99/00580/VAR - Variation of Condition No. 1 to extend period for submission of reserved matters until 15.10.2002 (hotel and conference centre - EN/88/0595). PERMITTED
- 5.5 11/00805/OUT - Outline application for up to 115 dwellings, together with associated access, landscaping and open space. All matters reserved except for the access. Pending a current appeal against non determination.
6. Consultations and Representations
- 6.1 Neighbours: 110 letters of objection have been received. These can be summarised by the following points. Points raised under the previous application have also been included.

Impact on Highway

- The area already suffers from congestion, the proposal will exacerbate it.
- The traffic survey was completed in the school holidays.
- Impact on Chowns Mill roundabout.
- Highway safety at Chowns Mill is already a problem.
- Traffic problems on Station Road.
- Speed restrictions are not adhered to.
- Proximity of the new access to Kings Meadow Lane estate.
- The transport assessment has been written in favour of the applicant.
- The proposed access could preclude future improvements to Station Road.
- Lack of details regarding Chowns Mill improvements.

Visual impact

- What has been produced is tasteless and tacky.
- The development will be out of character.
- This is an overdevelopment/high density.
- Photographs in the D&A are from different parts of Higham Ferrers. Nearby properties are detached and well-spaced with an open street scene.
- Three storey properties would be out of character.
- Location of LAP/LEAP
- Flats over garages should be removed.
- Lack of amenity space for dwellings

Neighbour amenity

- Overlooking.
- Loss of views.
- Increase in noise from traffic.
- Impact on human rights. Respectability will be threatened as this is a prestigious area.
- The development will devalue the area and result in crime
- Imposition on culture as the dwellings will overlook a household temple.

Infrastructure

- How is the local authority going to take the extra burden of people?
- There is a lack of services.
- Impact on emergency services.
- Medical, dental and school services are overloaded.
- There are limited after school facilities available.
- Beavers, Cubs, Brownies and Scout groups are either full or heading in that direction. The standard of living will fall if community facilities are not addressed.
- The data used in the assessments is out of date.
- There is little parking in Higham.
- There are very few jobs available.
- Houses are not selling.

- There is no requirement for cheap housing.
- Cumulative impact with development in Irthlingborough.

Other

- Local opinion is strongly against it.
- S106 contributions are inadequate.
- The details of this application are exactly the same as the previous.
- The Environment Agency has stated that water run off figures are incorrect.
- Higham Ferrers Town Council has not expressed its support contrary to the Design and Access Statement.
- Impact on ecology.
- Lack of local jobs.
- NCC has misled ENC on the availability of school places.
- The land could be used for allotments.
- Where will sewage be pumped to? Who will be responsible for maintenance?
- This is just a rubber stamping exercise.
- The Council should be implementing the Government's localism agenda.
- The application has been rushed to beat changes in planning legislation.
- The applicant states that the SHMA is out of date
- The Duchy is trying to pressurise the Council
- There has been limited consultation – only 87 neighbour letters.

- 6.2 Higham Ferrers Town Council: No comments had been received at the time of drafting this report: however, the comments submitted under the previous application (EN/11/00805/OUT) are as follows:

The Council object to the present proposal having regard to the exacerbation of the existing serious traffic congestion in Station Road. There are also concerns as to car parking within the development and the capacity of existing services, educational and recreational facilities to cope with this scale of development.

In addition, and notwithstanding the above decision, the Council also passed the following resolution with regard to the developer contributions associated with this development:

Resolved: That the proposal of the Duchy of Lancaster that education provision funding arising from the development of the site of Station Road, Higham Ferrers be utilised to provide a new access road from John Clarke Way to the rear of the Ferrers Specialist Arts College be supported by the Council subject to this being in addition to the education provision funding necessary to cater for the 100 plus homes.

They also noted that the revised Transport Assessment shows a reduction from the original total of £50,000 to £9,500 that will be contributed to the A45/A6 junction.

- 6.3 Environment Agency: The Flood Risk Assessment is sufficient to demonstrate that flood risk and surface water run-off can be managed on-site.

We strongly recommend that s106 heads of terms are put in place to deal with maintenance of the SUDS. Whilst in time this may prove superfluous when the SUDS Approval Body becomes operational, if planning permission is granted ahead of SABs becoming operational, SUDS maintenance cannot be guaranteed. Without suitably binding measures in place in perpetuity, the development would likely result in a significant increase in the risk of flooding on site, and to others. The condition below allows maintenance details to be agreed, however the funding and implementation of SUDS maintenance, with contingency arrangements, is best secured through an S106 in our view.

When long term maintenance is resolved to the satisfaction of East Northamptonshire Council, the Environment Agency has no objection to the proposed development, subject to the imposition of the recommended condition.

6.4 Anglian Water: No objection subject to informatives and conditions.

6.5 Highways Agency: Upon the submission of an amended Framework Travel Plan (Rev A) and Transport Assessment (Rev B) the Highways Agency confirm that a robust assessment has been undertaken and the highways issues relating to the trunk road network have been satisfactorily resolved. Subject to a condition, the Agency is now content and prepared to lift its holding direction.

In the past we discussed the “ringmaster” approach and you may recall that NCC agreed to act as ringmaster for the smaller scale development that is coming forward in this area. The monies would be paid to NCC through a S106 agreement, NCC would ring fence the funding to offset the cost of future schemes to be identified through the Highways Agency’s A45 Corridor Study.

The developer has identified, and we have agreed, a nil detriment scheme for the A45 Chowns Mill Junction in the form of a minor increase in flare length and kerb realignment on the A6 north arm of the junction. The scheme has been costed and it has been agreed that £9,500 will be the developer’s contribution. The funds will be collected via the S106 Agreement.

6.6 ENC Environmental Services: Comments remain the same. Please refer to our memo of the 4th of July 2011 for the EN/11/00805/OUT application for a more detailed response

6.6.1 Contamination

This application is for the construction of 115 new dwellings on land locked between the A6 and Station Road with residential to the south. The applicant has submitted a Phase I report with walkover survey in support of the planning application. The report has not identified any historic industrial use of the site; it has been a field since at least 1885. The environmental consultant has suggested that some contamination may be present from the old Chowns Mill tannery to the North West and made ground from construction of the A6 bypass and houses to the south. However, they have stated this is unlikely. To the best of our knowledge tannery waste was disposed of within the boundary of the tannery in an on site landfill site and sludge beds. Excess waste was removed to Stanwick landfill site located on Higham Road. As far as we are aware earthworks associated with the construction of the A6 bypass did not encroach on the site and no overburden was placed within the boundary of the application area. When the housing estate to the south was built the field was still in agricultural use and again it is unlikely that any material from the construction phase was put on the land.

Given the above it is considered unlikely that significant levels of contamination will affect the development and as such we have no objection on the grounds of contamination.

6.6.2 Air Quality: The air quality assessment is acceptable.

6.6.3 Noise: Should you be minded to grant permission then conditions should be applied along the lines of those below:

- All dwellings with a facade onto either the A6 or A5028 must only incorporate non-habitable rooms to that facade.
- All windows to habitable rooms throughout the development should be fitted with glazing having a minimum manufacturer rating of Rw 33dB. This sound reduction should come from window units as a whole, and should include the frame and any

associated furniture.

- All habitable rooms on the proposed development should also be provided with means of background ventilation in accordance with Building Regulations standards. These vents should, when open, have sound reduction properties equivalent to that of the glazing standards.

- 6.7 ENC Conservation Officer (Trees): While I have no objection to the principle of the development proposed at Station Road, and would encourage much of the proposed landscape structure, I would like to raise the following arboricultural and landscape based issues:

The application is supported by an Arboricultural Survey and while this reflects the existing tree cover on the site edges, there appears to be little detail following on from the recommendations of the report. The recommendations of the Arboricultural Report make reference to the damage to existing trees through the construction process; however I would like to see details of how the development will be built out around the existing trees to ensure that any potential damage is mitigated against. Areas such as the road on the eastern site edge (and associated parking) and the construction of plot 28 do not appear to have been considered, which all fall within the required root protection areas of the trees.

There are various ways in which these areas could be addressed through alternative ground surfacing and construction techniques, however I would suggest that these are detailed at this stage.

While the proposed layout includes a strong landscape structure with a formal avenue and additional structure planting in some of the lanes etc, this strong character appears to dissipate towards the site boundaries.

One of my main areas of concern is the location of the open space containing the proposed LEAP. Being set on the edge of the development, it appears to be disconnected from the remainder of the site and does not fit with the strong landscape character proposed elsewhere. In addition it is likely to be over dominated by the proposed pumping station and from the overall layout of the site, it appears to have very little natural surveillance.

The strong landscaped structure of the proposals also appears to dissipate at the northern corner of the site where street parking sides onto a pipeline area. While planting over the easement may not be possible, street planning between parking bays may help to retain the sites character.

While I appreciate that the application is only for outline permission, and overall the presented landscape structure is to be encouraged, I would suggest that consideration is given to species at an early stage. Lime is particularly characteristic of Higham Ferrers and the continuation of this would be beneficial. The Station Road Boundary and the boulevard would be key for this type of planting.

- 6.8 NCC Archaeology: No comments had been received at the time of drafting this report: however, the comments submitted under the previous application (EN/11/00805/OUT) are as follows:

The Archaeological Statement submitted by the applicant's archaeological consultant provides a précis of the archaeological work undertaken in the surrounding area and in response to a Brief produced by this office. The archaeological evaluation identified that the site contained a discrete area of middle Iron Age activity. This activity is likely to be linked to the Middle to Late Iron Age site identified during the watching brief to the east of the site. The evaluation has identified that part of the site contains significant archaeological remains however due to their nature they can be dealt with by a suitable

scheme of archaeological investigation in advance of development. The Archaeological Statement includes a proposed Area of Archaeological Interest (AAI) and a model condition. The proposed AAI is too limited and needs to be widened in order to make sure that the investigation area encompasses all the potential archaeology with a buffer to ensure no archaeological activity extending from the enclosure is excluded. I however accept that the evaluation identified that the lack of activity within Trenches 4-8 and 11-12 is a true reflection of absence. The model condition suggested is used within some counties however as we currently do not have an archive store and the proposed development is relatively straightforward I would suggest that it is inappropriate in this case. Please use our preferred model condition.

6.9 NCC Development Services:

6.9.1 Education

A development of this size would be expected to generate 25-30 Primary School and 20-25 Secondary School aged pupils, based on a mixed development and our pupil generation multipliers.

This development would be served by The Ferrers and Rushden Secondary Schools, Henry Chichele Primary School and Higham Ferrers Infant/Junior Schools.

As of January 2012, The Ferrers had 96 surplus places, while Rushden had 301. Due to the significant amount of surplus places in the latter school the county council does not feel it is appropriate to request a Secondary and Sixth Form contribution against this development as the schools should be able to accommodate any pupils generated from the new housing.

From a Primary School perspective, the position is much tighter. Henry Chichele and the two Higham Ferrers schools are at capacity, and are forecast to be over capacity in the forward projections.

The county has a few options which are being considered to deal with the lack of school places. A new Primary School site is reserved in Rushden adjacent to the Goulsbra Road development which could be used to serve this site. Also expansions at one of the existing schools could be undertaken to accommodate the growth. This development will be expected to contribute towards one of these projects as a development of this size will impact on the available places.

The current Department for Education cost multipliers for Primary Education are:

| Size of dwelling | 1 bed | 2 bed | 3 bed | 4 bed | 5 bed |
|-------------------------|--------------|--------------|--------------|--------------|--------------|
| Cost per unit | £0 | £520 | £3,565 | £7,966 | £8,120 |

6.9.2 Libraries

Local planning and library authorities are recommended to adopt a minimum tariff of £90 per person in new housing. This is adjusted for Northamptonshire to £88 per person, based on BCIS building costs.

This development will be served by Higham Ferrers Library. The county council adopted the National Library Tariff produced by Museums, Libraries and Archives; this includes a minimum standard of 30sqm of library space per 1,000 population. The current size of the library does not match with this requirement when looking at the catchment area the library serves. It will therefore be necessary to expand this library, with the emphasis being the creation of a one-stop-shop to serve the community. This development will be expected to contribute towards this project.

The following outlines the cost per dwelling type based on the expected numbers of residents for each type of unit:

| Size of dwelling | 1 bed | 2 bed | 3 bed | 4 bed | 5 bed |
|------------------|-------|-------|-------|-------|-------|
| Cost per unit | £116 | £155 | £229 | £290 | £326 |

6.9.3 Fire and Rescue

New development schemes place additional demand for fire and rescue resources. NCC applies a contribution rate of £92 per household towards local fire and rescue infrastructure costs; this cost is based on the current cost per household of providing Fire and Rescue services.

- Fire £92 Per Household = £92 x 115 = £10,580.00

This contribution will be utilised at the station that nearest serves the development in order to maintain the current standards across the county and to help fund new station facilities.

6.9.4 Fire Hydrants

Having conducted an initial assessment of the proposed site, this development will require 3 fire hydrants to be installed. The hydrant should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial buildings being occupied. This is to ensure adequate water infrastructure provision is made on site for the fire service to tackle any property fire.

The final locations of the fire hydrant for this development must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation.

The fire service request that this cost is secured through a planning obligation. The current cost (2011/12) for Anglian Water to install a fire hydrant is £843. Therefore, the total planning obligation sought for fire hydrant provision on this development is £2,529, although this figure will require being index linked to ensure the monies received cover any cost increase between this request and when installation occurs.

Total fire and rescue contribution = £13,109

6.10 Northamptonshire NHS: As a stakeholder there are no comments to make with regards healthcare provision on this application. The Higham Ferrers Surgery has capacity to accept an increase in its patient list from the proposed development.

6.11 NCC Highways: I refer to the revised Transport Assessment and confirm that the highway authority is content with the details contained within the submitted document.

- The promoted traffic junction and off-site accommodation works identified on drawing No 3499-30 revision C will need to introduce a 3.0m wide footway/cycleway to current design standards within the site access arrangements linking the existing footway/cycleway network within Station Road through to the development site within Hecham Way.
- Traffic Regulation Orders and all reasonable costs to promote the extension of the 30mph zone will be at the sole cost of the applicant and at no cost to either authority.
- Street lighting affected by the revised "Traffic Regulation Order" will need to be addressed to the satisfaction of the Highway Authority.
- Issues regarding the safe passage of pedestrian and cycle movement across Station

Road could be addressed by introducing a dedicated signalled controlled crossing to aid percolation from the divorced site to connect adjacent developments and the local schools which can be conditioned accordingly to facilitate this need.

- Please note that Stage 1 / 2 Safety Audits would also address this need to facilitate pedestrian and cycle movement.
- Please note that the site layout identified on drawing No P-SP-M-A3 (ILLUSTRATIVE MASTERPLAN) is indicative layout only to this OUTLINE application which would form no weight in future proposals to promote a residential estate street incorporating Comfort Space within the overall design.
- Provision of safety zones for pedestrians and emerging drivers, public utility margins within the promoted landscaping details, may influence the overall aspect of the scheme in the first instance which may be considerably be different from the intended master plan.
- All promoted layouts are to be fit for purpose to ensure that residents and visitors are able to use the development site in a safe and practical manner.
- Swept path analysis approval will be necessary to ensure that the promoted estate street is able to facilitate the local authorities' waste collection vehicles and to facilitate other Heavy Goods delivery and emergency Vehicles that are attracted to the site thereto, throughout the estate street. Issues regarding waste bin collection points and the vehicle access and collection arrangements will need to be addressed in any Reserved Matters application.

No objection in principle to this proposal however if you are minded to give approval to this application please impose the following conditions with any permission granted:-

- Details of surfacing
- Provision of replacement bus shelters
- Implementation of a Travel Plan

6.12 Natural England: Please refer to previous correspondence for EN/11/00805/OUT.

The updated report now acknowledges the potential for impacts to the Irthlingborough Lakes and Meadows area of the SPA from increased recreational activity. Given the distance to the site and the route that needs to be taken from the proposed development, the assessment concludes that there would only be a small increase in recreational pressure, and that with the provision of information to new homeowners about the SPA and its sensitive use, these effects would not be significant.

Whilst Natural England would remain concerned about any additional increase in recreational activity at Irthlingborough Lakes and Meadows, the report also acknowledges that recreational impacts in this area are already being addressed though measures required for the Greenway Project. Given that the issue is already being addressed through this project (and only because of this), Natural England accepts that the small additional increase in recreational activity predicted from the current proposals is unlikely to have a significant effect on the SPA.

However, we suggest that your authority could still consider requiring for the developer to contribute towards the implementation of the mitigation measures included within the Greenway Project, given that they will to some extent be relying on the delivery of these measures to ensure no impacts to the SPA as a result of their development.

6.13 North Northants Badger Group: No comment.

6.14 North Northants Bat Group: No objection

6.15 Northamptonshire Police: No formal objection to the planning application in principle.

However, although this application is only at outline stage I express concerns with regards the layout shown on the illustrative master plan. The future success of this development can be critically influenced by crime, and Northamptonshire Police need to have a major impact on design issues. The correlation between people's behaviour and their external environment is well documented. While design cannot be expected to eradicate crime, well-planned spaces experience lower levels of vandalism, violence and anti-social behaviour. Equally, sustainable neighbourhoods thrive in areas where communities have a sense of ownership over their surrounding spaces. Recognising this, the Government has made the creation of 'Safer Places' a core objective, highlighting the role that high quality design can play in reducing the occurrence and fear of crime.

It is important that certain parameters are highlighted and that it is clear that architects and developers should consult with the police Crime Prevention Design Advisor at the earliest opportunity as advised in 'Safer Places', preferably prior to any further application which could help match the crime prevention measures to the actual, as well as the perceived crime risk for the area. The layout of a residential area can have a significant impact on crime against property (homes and cars) and pedestrians and these issues I consider important if local authorities want to take account of their responsibilities under Section 17 of the Crime and Disorder Act 1998 which requires all local authorities exercise their various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can to prevent crime and disorder issues on its area and also to comply with Policy 13 of the

North Northamptonshire Core Spatial Strategy (2008) and the NNJPU SPD 'Sustainable Design' Sec 2 Continuity and Enclosure.

Although many planning policy papers are referenced in the application, 'Safer Places', the Northamptonshire Supplementary Planning Guidance "Planning out Crime" and 'Secured by Design are not mentioned and a lot of guidance included should be used as a minimum for safety and security requirements. Layout, lighting, landscaping and full boundary treatment details should be thoroughly discussed and approved by the LPA in consultation with the Police Crime Prevention Design Adviser ready for further reserved matters application. All of which need to be commensurate with risk and inline with the recommendations of the SPG "Planning Out Crime" etc.

There is reference to an allocation of affordable housing which will achieve CSH level 3, these should have the security element included! I would strongly recommend that all the development should be built to attain the ACPO "Secured by Design" award. This is considered to be a minimum standard for security and safety. Compliance with the government backed "Secured by Design" award scheme criteria can be a major factor indicating that a scheme proposal has adequately addressed the crime prevention component that should be included in Design and Access Statements.

Cars are less prone to damage or theft if parked in curtilage. If this is not possible and a parking courtyard is the only option, then this should have adequate lighting, have one access point that is gated and clear natural surveillance from "active" rooms. Natural surveillance should not be the only form of crime prevention on the courtyard. In addition, parking courts such as illustrated can provide a useful access point to the rear of the dwellings for burglars, "Manual for Streets" Section 4.6.3." Access to the rear of dwellings from public spaces, including alleys, should be avoided – a block layout, with gardens in the middle, is a good way of ensuring this".

Play areas do have the potential to generate crime and anti-social behaviour and increase the fear of crime in the community. They are also vulnerable to crime, suffering damage that is expensive to repair. As a result of this abuse the investment in playing areas, the use and contribution to quality of life in the community can be seriously reduced. Boundaries of public open space surrounding the designated LEAPS/LAPS should have clearly defined features to prevent unauthorized motor cycle/vehicle access i.e. low height post and thro' tubular rail barrier. In addition, natural

landscape used for 'adventure' play shall have limited and designed hiding places only, with precedence given to clear natural surveillance. Serious consideration on the position of any shrubbery and trees must be given, bearing in mind the situation of maintenance shortfalls, not to hinder natural surveillance across playing areas from nearby dwellings

- 6.16 ENC Planning Policy: This scheme represents one of three potential large scale development proposals which are expected to come forward at Higham Ferrers during the implementation of the adopted Core Spatial Strategy (CSS) over the next decade (to 2021). Clearly, this large scale scheme will need to be assessed against a large number of design, transport, climate change and related infrastructure policies.

In planning policy terms, the CSS (policies 1, 9 and 10) proposes a significant level of development to the south of the District, including Higham Ferrers. In principle, the Council has supported development of the site for at least 15 years, given that it was identified as an "Industrial & Commercial Commitment" in the Local Plan.

As explained in the Three Towns Preferred Options (September 2006), the Council previously set out a preference for mixed use development on the application site. However, in view of recent national policy statements (in particular the "Plan for Growth"), it is emphasised that these, alongside the CSS, provide the overriding considerations in determining the application.

The CSS itself, as the principal DPD for Higham Ferrers, identifies the town as a secondary focal point for development (Policy 1). Overall, therefore, no objection is raised in principle to the proposed residential development at Land between A6 Higham Ferrers Bypass and Station Road, Higham Ferrers.

- 6.17 ENC Housing Strategy: No objection. The applicant is proposing to provide 30% affordable housing comprising 50% shared ownership, 15% social rented, and 35% affordable rent. Whilst I am happy with this provision and the tenure split, it may be premature to set the exact levels of social rent and affordable rent to be provided. This level of detail is usually agreed at outline planning stage only where a registered provider has already entered into an agreement with the developer/applicant. Providers have not yet decided with the HCA exactly what levels of affordable rent they are going to provide and where. Therefore I would suggest that at this stage we agree a split of 50% shared ownership, and 50% rented tenure - with the exact rent product to be agreed at reserved matters or at some point prior to commencement of development

- 6.18 Western Power Distribution: No objection

- 6.19 Health and Safety Executive (automated response): The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

- 6.20 Councillor Whiting: Objection for the following summarised reasons:

- Increase in traffic using the Chowns Mill roundabout. The possibility of a further 200 cars trying to enter and leave this development at a point which would be extremely close to the roundabout itself.
- Congestion is already a big problem, not just at peak times but 24/7.
- We have been told that Highways do not have the intention to install traffic lights on this roundabout so the problems will just go from bad to worse.
- Whilst appreciating that this land will be developed at some stage, the area is more agreeable to fewer, larger houses such as those that surround the site at the moment.
- The design of the houses is not in keeping with the street scene at all.
- The Duchy has agreed to fund a new entrance to the school from John Clarke Way, I note that funding from the development would provide funding for this and that this can be discussed at a later date.
- Higham Ferrers is already suffering the effects of large developments on the

infrastructure, surely infrastructure should come before expansion. Schools, doctors and dentists are all feeling the pinch with numbers.

- The Town Council is not in agreement to this application.

6.21 Government Pipelines: No work to be undertaken with out contacting the GPSS Operator for advice and, if required, entering into a Section 16 Consent.

6.22 ENC Design Officer (Previous comments): Overall, the illustrative layout incorporates a number of positive features and principles on which a successful detailed design could be built. These are summarised below. The rationale for many of the design decisions is generally clear, and demonstrably responds to the various opportunities and constraints of the site.

- The streets within the illustrative layout are connected in a grid, with no/few cul de sacs. This affords the potential for good permeability within the site, and reflects the pattern of streets within the historic areas of Higham Ferrers.
- There appears to be a strong block structure which would provide strong definition to the network of streets within the site, and also provide active frontages.
- Blocks are illustrated to incorporate a strong and continuous built frontage to the streets. This, it could be argued, reflects something of the historic centre of the town where streets are defined by continuous built frontages.
- The opportunity to link into adjacent land (in different ownership) is maintained.
- The proposed layout would provide a positive relationship with the adjacent A6 (i.e. it would not simply turn its back on it).
- The boulevard has the potential to create a strong feature within the site.
- The illustrative layout demonstrates a number of design principles which have the potential to calm traffic speeds through non-engineered solutions. For example, there is strong built definition as highlighted above, corner radii which appear tight, on street car parking, and tree planting. This suggests that the illustrative layout has been designed to create a development in which pedestrians would have priority.

Notwithstanding the many positive aspects of the illustrative scheme, there are two principal issues which are of concern. These have been highlighted to the applicant through pre-application discussions, and relate to the reliance on rear car parking provision and the location of the LEAP/LAP. I note that the Police Crime Prevention Design Advisor has made specific comment on these two matters also.

Rear parking provision

Current best practice advice, as highlighted by Manual for Streets (p108), identifies that "parking within a block is recommended only after parking at the front and on-street has been fully considered - rear courtyards should support on-street parking, not replace it".

In contrast to this advice, the design and access statement (p7) accompanying the application identifies that "each of the blocks is provided with a shared surface lane which gives access to both the allocated parking and rear gardens. This means that the streets need only accommodate visitor's car parking...".

There are several reasons why this causes concern:

- It ignores a general preference for residents to park their car at the front of their properties, where they can access their front doors, and easily see their vehicles. This makes it likely that some residents would chose to use street parking rather than allocated rear spaces anyway.
- Allocating car parking at the rear can reduce activity within the streets.
- Vehicles parked at the rear do not benefit from as much natural surveillance. It is accepted that in this instance some properties have been incorporated within the internal lanes of blocks P and Q to assist this issue. However, the quality of the

internal space and outlook in these single aspect (north facing) properties is in itself questionable.

- The rear lanes or courtyards afford greater access to the rears of properties than if properties were back to back. This can make them more vulnerable to crime.

In addition to the above, the extent of the parking illustrated within the proposed lanes and courtyards suggest potential for these spaces to be visually dominated by parked cars.

Whilst it is accepted that 'layout' is a reserved matter, and that as page 8 of the accompanying design and access statement highlights, approval of the quantum and detail of car parking is not sought as part of the outline application, it should be noted that amendments to reduce or eliminate the proposed rear lanes and courtyards could have significant implications for the illustrative layout. Their reduction or elimination (as would be my preference), could impact upon the size of the proposed development blocks, which in turn could impact on the proposed streets. For this reason, I would recommend that a revised illustrative layout be pursued prior to granting any approval.

Location of the LEAP and LAP

The proposed LEAP and LAP are illustrated to be located at the edge of the development, and indeed the edge of the settlement, adjacent to the A6 and the pumping station. This is arguably not the most accessible location for the intended users of these facilities.

In addition, as the Crime Prevention Design Advisor highlights in his comments, such facilities can attract antisocial behaviour, which is why it is imperative to closely consider where LEAPs and LAPs are located, and how they are designed. In addition to the location on the edge therefore, it should be noted that the application proposes single aspect properties where they are located adjacent to the A6, for reasons of noise mitigation (para 4.2 of the design and access statement). Whilst properties which appear to front onto the proposed LEAP and LAP would therefore be accessible from the street, there is likely to be no habitable rooms with windows which overlook the play area. This is undesirable in my view, and reinforces concerns that this does not represent the best location within the site to provide such facilities.

Whilst it is accepted that there are constraints relating to the proposed boulevard, I have not found any convincing evidence that the LEAP and LAP could not be accommodated somewhere within this open space. This would represent a more accessible and legible location, and the facilities would benefit from significantly more natural surveillance both from surrounding properties and people using this principal access street.

Flats over garages

As noted above, a number of flats over garages are illustrated in the submitted scheme within the rear lanes and courtyards. Whilst these might provide some surveillance of these spaces, they would be single aspect (i.e. only have outlook over the lane and not over the rear gardens of adjacent properties), and north facing. This draws into question the quality of the living environment which would be created. These units would also have no private amenity space.

Domestic waste storage

It is accepted that this will be considered as part of any reserved matters application. It is however prudent to bring this matter to the attention of the applicant early in the planning process, particularly in this instance where a strong continuous built frontage is illustrated. Short, safe and convenient methods of dragging wheelie bins to their collection points will be key to the success of the scheme.

There are many aspects of this illustrative scheme which I support as identified above, and I believe that the majority of the design principles outlined would create a strong foundation on which to develop a high quality detailed (reserved matters) proposal. Notwithstanding this, I still have reservations (as highlighted to the applicant prior to submitting this application) about the extent of the reliance on rear lanes and courtyards for car parking, and the location of the LEAP and LAP within the site, for the reasons stated.

6.23 Sport England: no comment

6.24 The Ramblers Association: We would like the applicant to provide a pedestrian link at the South East end of the site through to Mallard Close at the end of the former public Footpath VC5. This would provide a walking/cycling link through to the nearest shop (Grove Street), the route of the Higham Hopper, Castle Fields and other facilities to the East of the A5028. This would be a safer route into Higham Ferrers town centre.

6.25 National Grid: There is a high pressure gas main running through the middle of the proposed site. The plans have been made accordingly, but the site would have to be constructed in conjunction with National Grid Gas, as concrete protection slabs (to NG spec CE-12) would have to be constructed underneath any road crossings, and all construction traffic that would impact on the pipeline would have to be agreed with National Grid Gas prior to works commencing. If these terms can be met, and the works are carried out in accordance with the HSE PADHI document, then we have no objection.

7 Evaluation

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

7.2 Principle of Development

7.2.1 When considering the previous application, weight was given to the HM Treasury "Plan for Growth" (23 March 2011) and the Department for Communities and Local Government (CLG) presumption in favour of sustainable development, the thrust of which is now incorporated into the National Planning Policy Framework (NPPF)

7.2.2 On 27 March 2012, the former raft of PPSs and PPGs was superseded by the NPPF. The NPPF states that local planning authorities should have a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, together with an additional buffer of at least 5%. The NPPF also presents a clear "presumption in favour of sustainable development" and states that the default answer to development should be 'yes' except where this could compromise key sustainable development principles. Furthermore, permission should be granted where the development plan is absent, silent or indeterminate or where relevant policies are out of date.

7.2.3 In the case of Higham Ferrers, the adopted development plan consists of the East Midlands Regional Plan (anticipated to be abolished during 2012), North Northamptonshire Core Spatial Strategy (adopted June 2008; now under review) and the East Northamptonshire District Local Plan (adopted November 1996).

7.2.4 Local Policies - The adopted North Northamptonshire Core Spatial Strategy (NNCSS) adopted in 2008, defines the local policy framework by which most decisions are made and therefore should be considered to be the principle Development Plan Document (DPD) for Higham Ferrers. Higham Ferrers, as a smaller town within the defined "Urban Core" is identified as a "secondary focal point for development".

7.2.5 Policy 7 of the NNCSS specifies the need to maintain a deliverable five-year supply of sites (a reflection of national policy, i.e. PPS3). Similarly, Policy 10 (Table 5) sets a

combined target for the completion of 5090 additional dwellings at Rushden, Higham Ferrers and Irthlingborough by 2021. Policy 10 specifies a need to make provision (i.e. land allocations) for the delivery of this target.

7.2.6 Members should note that the details of the Council's current land supply position were reported to the Planning Policy Committee on the 23rd January. As members noted and agreed, the Council currently only have a 4.12 year supply as set out within the due to be submitted 2011 Annual Monitoring Report. In the circumstances, sites such as these need to be considered favourably for development having regard to their history and location within a sustainable location in an existing settlement.

7.2.7 Most notably, Policy 9 sets out the overall locational and spatial strategy for new development across North Northamptonshire. Policy 9 states that: "Priority will be given to the reuse of suitable previously developed land and buildings within the urban areas, followed by other suitable land in urban areas". In the case of the application site, despite being Greenfield, is considered as being situated within the urban area, as the site is contained within the A6 and A45, the key features that define the extent of the Higham Ferrers urban area.

7.2.8 The majority of development management policies from the 1996 Local Plan have now been incorporated within the CSS. Nevertheless, the Local Plan remains the principal "site specific" DPD for Higham Ferrers. Since 2009 it has been proposed to replace the remaining Local Plan policies with the "Four Towns Plan" site allocations DPD.

7.2.9 The 1996 Local Plan shows the entire application site as an existing "Industrial & Commercial Commitment" falling within the then proposed route of the A6 Higham Ferrers Bypass. At that time the site lay beyond, but well related to, the current built up area of Higham Ferrers, while the exact route and engineering requirements for the Bypass were then uncertain.

7.2.10 Permission for a Hotel and Conference centre (the "Industrial & Commercial Commitment" in the Local Plan) lapsed in 2002 (Three Towns Preferred Options, paragraph 6.25). It is therefore questioned whether such a use would be viable in the current economic circumstances.

7.2.11 In the case of Higham Ferrers, the Local Plan, as the adopted site allocations DPD, is now 15 years old. It is considered that these circumstances clearly represent a case where the plan is "absent, silent, indeterminate or where relevant policies are out of date". The CLG presumption in favour of sustainable development therefore prescribes a "default position", whereby new residential development should be supported in principle.

7.2.12 The Three Towns Preferred Options (TTPO) proposes the allocation of the application site for mixed use development. This preferred option was found, through the 2006 Sustainability Appraisal, to have the most benefits in sustainability terms in all instances (paragraph 6.25.6). The application is, however, for a wholly residential scheme. So there potentially exists some degree of conflict with this aspect of emerging policy.

7.2.13 Nevertheless, in the case of the TTPO, it is argued that this should carry very limited weight. Like the Local Plan, its value is diminished by virtue of its age (nearly 5 years old). The TTPO itself was prepared prior to the publication of PPS3, which fundamentally altered national housing policy. Indeed, the 2009 decision to replace the Three Towns Plan with a Four Towns Plan site allocation DPD arguably further reduces the weight that should be given to the TTPO as a material planning consideration.

7.2.14 As with the 1996 Local Plan, it is considered that these circumstances

undoubtedly represent a case “where the plan is absent, silent, indeterminate or where relevant policies are out of date”. Therefore, the CLG presumption in favour of sustainable development should similarly apply.

Other non-statutory plans, policies and strategies

7.2.15 The Council has produced, or worked with other key stakeholders to produce a number of non-statutory documents which are of relevance in considering application proposals. The Sustainable Communities Strategy 2008-2015 sets out a clear goal, where: “by 2015...towns and rural villages have quality homes that meet the needs of local people”.

7.2.16 The Corporate Plan 2011-15 includes “Sustainable development” and a “High quality built environment” as priority outcomes. To achieve this, the Corporate Plan specifies that housing growth will be concentrated in those areas where development can be sustainable (section 3.2). The Corporate Plan also proposes the production of a Master Plan for Higham Ferrers, upon which initial work has recently commenced. Given the recent Government policy announcements in respect of the presumption in favour of sustainable development, it is considered inappropriate to delay the determination of a planning application pending the preparation of a (non-statutory) Master Plan for Higham Ferrers.

7.2.17 Taking the above policy considerations into account, the proposal would be in conformity with both national and local planning policies and the principle of development is acceptable, subject to the issues set out below.

7.3 Section 106 Contributions

7.3.1 The development is of a size which generates a need for social and community infrastructure. Detailed discussions have taken place with the applicant and it is recommended that the contributions / provisions set out in the following paragraphs and Appendix 1 be sought.

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

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

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

Affordable Housing

7.3.4 The applicant has agreed that 30% of the new dwellings be affordable, equating to a provision of 34 affordable units. Whilst this is below the 40% target that is set out in Policy 15 of the CSS, the Council’s Policy and Resources Committee recently resolved to amend the target to 30% in the south of the district. It is the intention to take this target forward in the Four Towns Plan.

7.3.5 Of these affordable units 50% (17 units) would be rented and 50% would be shared ownership, in line with the current identified need. This is acceptable to the Housing Strategy Manager. Whilst the applicant has gone further and specified the split in rented tenure between affordable and social rent, the Housing Strategy Manager has advised that it is premature to set the exact levels of social and affordable rent at this outline stage as there is no registered provider.

Education

- 7.3.6 The applicant has agreed to Northamptonshire County Council's request for financial contributions towards primary education places as detailed in paragraph 6.9 above. NCC did not seek contributions towards secondary and sixth form provision due to the number of surplus places. Whilst local residents have questioned the position of NCC on this issue, they are the competent authority in this matter and this Council has no evidence to the contrary to suggest that the development would generate a requirement towards these places.

Officers sought further clarification from NCC on secondary school places under the previous application. NCC has advised that capacity figures are based on net capacity and not admissions numbers for individual schools. The cumulative surplus across the two schools (Ferrers and Rushden) is 397 pupils. This is because the Education Department do not look at the pupil admission numbers when calculating surplus, they look at the net capacity. This is the Department for Education formula for calculating pupil places which the county has had adopted for quite some time. It is the available space in the school which is taken into consideration.

Due to this, as well as the considerable surplus available at Rushden Community College, NCC's position remains that they are not legally able to request funds for Secondary against developments in Higham Ferrers and the locality as to do so would leave them open to a legal challenge, which they would undoubtedly lose.

- 7.3.7 In place of these contributions, the applicant has offered to provide a new access across Duchy land from the A6 to the Ferrers Specialist Arts College. This proposal has been relayed to NCC but the preference is for the financial contribution.

Libraries

- 7.3.8 The applicant has agreed to NCC's request for a financial contribution towards libraries as detailed in paragraph 6.9 above.

Highways

- 7.3.9 The applicant initially offered a sum of £50,00 towards improvements to the Chowns Mill roundabout; however, following further work to the Transport Assessment in consultation with the Highways Agency, this figure has been reduced to £9,500. Whilst it is accepted that this is a significant reduction, the Highways Agency is satisfied that this sum will deliver a nil detriment solution. The Highways Agency and NCC have agreed to a "ringmaster" approach, whereby NCC will collect monies for all smaller scale development coming forward in this area. This funding will then be ring fenced to offset future schemes to be identified by the Highways Agency's A45 Corridor Study.

Open space

- 7.3.10 The scheme provides 0.49ha of on-site open space including a local area of play (LAP). The applicant had proposed a figure of £90,000 to flexibly cover maintenance and off site provision to cover the deficit for this site. The suggestion from the applicant is that the Town Council agreed to this package prior to the submission of the application; however, this is unclear as there has been a change in personnel in the intervening period.

Whilst the Town Council has not commented on this duplicate application, it previously advised that £90,000 would be insufficient and would soon be used up on onsite maintenance. Following the Town Council's decision not to accept the contribution of £90,000 to flexibly cover maintenance and off site provision, Officers have used the formula in the Contributions SPD to calculate separate figures for maintenance and off site provision. These are as follows:

Maintenance costs of:

£7900 per annum for play space, indexed linked for 10 years.

£918.84 per annum for informal open space, indexed linked for 10 years

Contribution towards off site open space - £25,169

Total: £113,357.40

This increased figure has been accepted by the applicant

It has been difficult for the Town Council to advise on whether the above sums would be adequate. As the details of the play equipment and planting types/numbers are not available at this outline stage, the maintenance figures above would be included in t

he legal agreement and a clause would be added to allow further discussion in this regard. The Council would also have to allow the developer the ability to use a management company. Reference to this will be made in the S106 but it will need to be specified that an equivalent level of maintenance as the Town Council would envisage would need to be provided.

Greenway Project

7.3.11 The applicant has agreed to a contribution of £500 per dwelling (£57,500) towards the Rushden/ Higham Ferrers Greenway.

7.3.12 The above contributions would be ensured by way of a section 106 agreement.

In addition to this, the applicant has also agreed to provide the following off-site highway works, which would be secured by way of a Grampian-style planning condition (see recommended condition 14):

- 4.5m x 90m vision splays at the site entrance.
- Relocation of the Higham Ferrers gateway features and 30mph speed restriction signs.
- A new cyclist and pedestrian crossing
- Relocation of the south bound bus stop and lay-by
- Widening of the public footpath on the western side of Station Road.

7.3.13 Other S106 related matters

Whilst ENC's adopted SPD for Developer Contribution does not make provision for contributions towards the fire service, where there is evidence to support the request it would be reasonable to seek such a contribution. The applicant included this contribution in the submitted heads of terms following pre-application discussions with NCC. NCC's request for contributions to fire hydrants will not be included in the Section 106 agreement as it can be covered by condition 19.

7.3.14 The Primary Care Trust (PCT) has confirmed that they do not feel it necessary to seek any contributions in respect of healthcare.

Following comments from neighbours and the Chowns Mill Action Group under the previous application, Officers have sought clarification from the PCT on the position regarding capacity in Higham Ferrers. The PCT has confirmed that the Higham Ferrers surgery has adequate space to deliver services for a new population. The practice has 6 consulting rooms; therefore potentially they could see a population of 10,800 (using a ratio of one GP per 1,800 patients). The issue is that the practice will not/ have not employed further staff to cover the increased patient list - the practice currently employs three GPs - so thee rooms where patients could be seen are left empty all day, every day. As revenue is not a source of funding that the NHS can request from a

developer until the population increase is included in the uplifted payments a practice receives per patient, the practice may continue until such a time that it chooses to employ a further GP but this is a business decision unless the practice is in breach of the terms of its contract which at present it is not.

7.4 Density and Housing Mix

7.4.1 The former PPS3 recommended a minimum density of 30 dwellings per hectare and this minimum density was deleted in June 2010 to allow local authorities to flexibility set density ranges that suit local needs. The gross density for 115 dwellings on this site is approximately 37 dwellings per hectare.

7.4.2 The density of the proposed scheme was raised as an issue by both Members and the general public. A comparison with the net densities of surrounding development is given below:

- Kings Meadow
Phases 1 and 2: 22 dwellings per hectare
Phase 3: 35 dwellings per hectare
Phase 4: 37.5 dwellings per hectare
Phase 5: 37 dwellings per hectare
- Swans Way, Teal Close and Mallard Close: 9.2 dwellings per hectare.
- Application proposal: 44 dwellings per hectare.

Whilst it is accepted that residential development to the south is of a much lower density, a net density of 44 dwellings per hectare cannot be considered excessively high in a town and would represent the best use of land. In considering whether the development is dense or not depends on how the development manifests itself on the site. This is discussed in more detail in Section 7.5 below, under 'design and layout'. The Kings Meadow development, whilst in phases, is a much larger site with more open space and the provision of a school.

The densities on Swans Way and Teal Close could be described as excessively low in today's terms and do not represent the best use of land as advocated by up to date policy. The most up to date housing needs data for Higham shows that a development of large executive style homes would not be appropriate in meeting local need.

7.4.3 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. The precise housing mix details are for consideration at the reserved matters stage. The dwelling heights would range from two to 3 storeys, and by being mainly two-storeys would be in-keeping with the height of buildings in the surrounding area.

7.5 Visual Impact, Design and Layout

7.5.1 The site rises from the Chowns Mill roundabout towards Swans Way and Teal Close to the south and as such, any new buildings are likely to be prominent when viewed from the A45 west bound. This having been said, the existing properties to the south are already highly visible, as is the wider Kings Meadow development adjacent to the A45. The site is screened by existing established planting when viewed from Station Road, which could be enhanced through appropriate landscaping conditions.

7.5.2 The application is outline with all matters reserved except access. 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.

7.5.3 The application is accompanied by a Design and Access Statement and an Illustrative Masterplan. The indicative layout shows the retention and enhancement of boundary planting as well as substantial planting within the site. The layout of the proposed development is dictated by several constraints; notably a high pressure gas main through the centre of the site, a government pipeline along the northern edge and the A6 along the eastern edge. The presence of the high pressure gas main has been used by the applicant to create a central feature rather than acting as a barrier. This central boulevard would not only provide a usable and attractive area of open space but also a spine off which blocks would be accessed. The Council's Design Officer has highlighted the following positive points:

- Streets are connected in a grid, with no/few cul de sacs. This affords the potential for good permeability within the site, and reflects the pattern of streets within the historic areas of Higham Ferrers.
- There appears to be a strong block structure which would provide strong definition to the network of streets within the site, and also provide active frontage.
- Blocks are illustrated to incorporate a strong and continuous built frontage to the streets. This, it could be argued, reflects something of the historic centre of the town where streets are defined by continuous built frontage.
- The opportunity to link into adjacent land (in different ownership) is maintained.
- The proposed layout would provide a positive relationship with the adjacent A6 (i.e. it would not simply turn its back on it).
- The boulevard has the potential to create a strong feature within the site.
- The illustrative layout demonstrates a number of design principles which have the potential to calm traffic speeds through non-engineered solutions. For example, there is strong built definition as highlighted above, corner radii which appear tight, on street car parking, and tree planting. This suggests that the illustrative layout has been designed to create a development in which pedestrians would have priority.

7.5.4 The Design Officer and Northamptonshire Police have expressed concern regarding the inclusion of rear parking courts; however, the Masterplan is indicative at this stage and is only a suggestion as to how development could be accommodated. The Masterplan does include flats over garages, which would provide a degree of surveillance over these spaces. There is also the scope to gate the accesses and also reduce the number of accesses to each court. Similarly, there is concern regarding the location of the LAP/LEAP, however the constraints are such that there are limited options and it is debatable whether this alone would warrant the refusal of the application.

7.5.5 Much of the debate on the previous application centred around details of the layout. Members will recall the legal advice on this matter; reported to the Development Control Committee on 11th April 2011, which advised that most of the issues upon which the Council sought to negotiate are regarded as reserved matters. The following points come under the heading of "Layout" which means "the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development":

- Number of dwellings / density of development.
- The cramped form and layout.
- The removal of flats over garages.
- Removal of rear garage courts.
- The lack of private amenity space, in particular for the proposed flats.
- The location of the LAP/LEAP.

7.5.6 The Council has been advised that, on the basis of the list of matters upon which Members sought negotiations, we were not entitled to do so because this is an outline application. For completeness and because this is a fresh application, Officers have

again sought to negotiate with the applicant on these matters but there is not a willingness to do so for this reason

7.5.7 Provided that a residential planning permission is appropriate in locational terms, then an appeal is likely to succeed, possibly with an award of costs against the Council for not appreciating that the above matters are properly matters either for reserved matter submission or which could have been secured in any event on the outline consent by way of conditions.

7.5.8 On balance, officers are of the view that the applicant has sufficiently demonstrated at this outline stage that a development of the proposed scale and nature could be adequately accommodated on this site.

7.6 Residential Amenity

7.6.1 The submitted Illustrative Masterplan indicates that the development would not result in undue harm to occupiers of surrounding properties in terms of overlooking, overshadowing or overbearing impact. The nearest residential development is on Swans Way and Teal Close to the south, where the back to back distance would range from 20-24m. Whilst the occupiers of these properties have been used to having no built development on the adjoining land, these distances are sufficient to prevent undue levels of overlooking or overbearing impact. This issue must be considered in detail at the reserved matters stage.

7.6.2 The impacts from noise and air quality as a result of the close proximity to the A6 have been fully investigated and the Council's Environmental Protection Officers are satisfied with the findings of the relevant assessments. In terms of noise mitigation, it has been recommended that conditions be imposed to ensure that dwellings closest to the A6 and Station Road do not have habitable rooms facing the highways, all habitable rooms through out the development be fitted with glazing to a minimum manufacturer rating of Rw 33dB and all habitable rooms should also be provided with means of background ventilation in accordance with Building Regulations standards.

7.6.3 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 an access on to Station Road, including amendments to road markings, the relocation of the south bound bus stop, speed restriction signs and Higham gateway features. The off site works would also involve the widening of footpaths opposite the site and the installation of a pedestrian and cycle crossing.

7.7.2 Both the Highways Agency and NCC objected to the scheme initially but following amendments to the Transport Assessment (TA) and Framework Travel Plan (FTP), those objections were removed. The significant concerns locally regarding the impact on highway safety arising from traffic growth, in particular the impacts on the Chowns Mill roundabout are noted; however, the Highways Agency is satisfied that a nil detriment solution can be delivered through a contribution to be secured by the Section 106 agreement. The justification for the figure of £9500 is considered in 7.3.8 above. Officers have sought further clarification from the Highways Agency under the previous application given this level of concern and they have again reiterated their acceptance of the TA findings and the robustness of the revised FTP.

7.7.3 The concerns regarding the age of the data used in the Transport Assessment and the time of the survey are noted; however, the Highways Agency and NCC consider the assessment to now be robust. As such, a refusal of the application on these grounds could be considered unreasonable.

- 7.7.4 Parking – The submitted Illustrative Masterplan plan demonstrates broadly that two parking spaces could be provided for each proposed dwelling as a mixture of on street, garaging, courtyard and private drives. This level of parking provision would be sufficient given the location of the site and the availability of public transport.
- 7.7.5 Full details of the road layout and parking layout are to be considered at the reserved matters stage. Overall, in this outline application, it has been satisfactorily demonstrated that a development of up to 115 dwellings 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 existing pedestrian routes to the town centre and future links to the nearby SPA and RAMSAR site at Irthlingborough Lakes and Meadows. 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.
- 7.8.4 Links are provided within the site to the public footpath network close to the site and these provide good access for walkers and cyclists. The request made by NCC regarding the provision of replacement bus shelters is noted; however, it would be unreasonable to request these under this application as they were not required under the previous application. It may also be considered unnecessary as the current shelters are fit for purpose and it is the responsibility of the service provider to replace shelters. This application does not generate a need for additional provision over and above that which currently exists.
- 7.8.5 Policy 13 of the Core Strategy requires a 20% modal shift from housing development over 200 units and 5% elsewhere. The applicant has referred to a 5% modal shift in this instance, which is considered to be acceptable.
- 7.9 Effect on Public Rights of Ways
- 7.9.1 There are no adverse affects on existing rights of way. The Ramblers Association has requested that a disused footpath to the south of the site be brought back into use to connect through to Mallard Close and the existing residential area and associated facilities beyond. The applicant is currently investigating this possibility and the update sheet will include further information in this regard. The applicant has agreed to financial contributions to the Greenway Project as detailed in 7.3.10 above.
- 7.10 Flood Risk and Drainage
- 7.10.1 The application lies 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 3.1 hectares. If the site was to be developed, the impermeable area would be some 56% of this. The FRA confirms that the drainage scheme will provide attenuation up to and including 1 in 100 year flood event.
- 7.10.3 The Environment Agency has removed its original objection to the application following the receipt of an amended FRA. The Agency recommend that

conditions be attached to any permission relating to the submission of details for the provision, implementation and future maintenance of a surface water drainage scheme, contamination remediation and mains foul drainage details.

7.10.4 Anglian Water has confirmed that it owns assets within or close to the boundary of the site. It has also confirmed that the foul drainage from the proposed development is in the catchment of the Broadholme Sewage Treatment Works and that it has capacity for the expected flows. Anglian Water has recommended a condition to ensure surface water details are submitted for approval; however, this would duplicate the requirements of the condition suggested by the EA and would therefore be unnecessary.

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 A Phase 1 Habitat Survey 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.

7.11.4 The Ecological surveys found no record of badgers or reptile species within the site. Based on the information provided in the Phase 1 Extended Habitat Survey Report and Bat Survey Report, Natural England is satisfied that sufficient survey effort has been undertaken to inform the assessment that there will be no significant impacts to any legally protected/BAP species or habitats as a result of the development. However, a number of precautionary measures are identified within Sections 6.2-6.3 of the Phase 1 Report, and these should be ensured as part of any future permission.

7.11.5 Natural England initially expressed concerns regarding the lack of assessment of the impact of increased recreational activity from the proposed development on the nearby Upper Nene Valley Gravel Pit Special Protection Area (SPA)/Ramsar site/SSSI. However, following the submission of additional information, Natural England has confirmed that the updated report now acknowledges the potential for impacts to the Irthlingborough Lakes and Meadows area of the SPA. Given the distance to the site and the route that needs to be taken from the proposed development, the assessment concludes that there would only be a small increase in recreational pressure. Natural England is satisfied that, with contributions towards the Greenway Project and a condition to ensure that information is given to homeowners about the SPA and its sensitive use, the proposal would have an acceptable impact on The Upper Nene Gravel Pits site SPA.

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 County Council 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 does not propose the removal of any trees. There are three Category B (moderate quality and value) trees on the eastern site boundary which are recommended for retention in the Arboricultural Survey. The Council's Tree officer has requested details of how the development will be built out around the existing trees to ensure that any potential damage is mitigated against. As such, a condition is recommended to secure these details.

Whilst it is recognised that the Conservation Officer has concerns regarding the level of detail, particularly with regard to the dissipation of the strong character towards the site boundaries, the proposed species and the location of the LEAP, these are all to be considered at the reserved matters stage. A comprehensive landscaping scheme can be secured by condition.

7.14 Environmental Impact - Air Quality, Contamination and Noise

7.14.1 A Geoenvironmental Desk Study has been submitted in support of the application. This report has not identified any historic industrial use of the site and it has been a field since at least 1885. The Council's Environmental Protection Officer is satisfied that it is unlikely that significant levels of contamination will affect the development and as such has no objection on the grounds of contamination.

7.14.2 Issues surrounding air quality and noise have been considered in 7.6.2 above. The Council's Environmental Protection Officer is similarly satisfied that there are no air quality management or noise issues.

7.15 Waste Management

7.15.1 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.

7.15.2 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 stage 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.

7.16 Sustainable Design and Construction

7.16.1 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. A Sustainability Appraisal and Energy Statement (SA&ES) accompanies the application. and makes a commitment to investigating the following low-carbon opportunities at the reserved matters stage:

- Ground source heat pumps
- Air source heat pumps
- Solar water heating
- Photovoltaics

The SA&EA highlights that the application site is well located in relation to services, including schools, shops and employment and that they are accessible by foot and by cycle. The site is served by a regular half-hourly bus service to Rushden and Irthlingborough and also Wellingborough and Raunds.

8 Other Matters

8.1 None

9 Recommendation

- 9.1 That planning permission be GRANTED subject to conditions and the completion of a Section 106 legal agreement, which should be signed within 6 months of the Committee's resolution. If the S106 is not signed within this time period, the application should be reported back to committee for further consideration.

Conditions/Reasons -

1. This permission relates to the following drawings: HB-SR-01, P-SP-COD-A3, E-S-A3, P-SP-M-A3 and 3499-30C received by the Local Planning authority on 18 April 2012
Reason: In order to clarify this permission.
2. Approval of the details of the access, siting, scale and appearance of the dwellings and the landscaping of the development (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.
3. 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.
4. 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.
5. 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 buildings 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.
6. 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.
7. 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.

8. 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 Masterplan (drawing P-SP-M-A3) 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.

9. 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. Prior to the commencement of development, a Landscape Management Plan for the development site 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 and evidence of approvals of the adopting authority(s) 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.

11. 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.

12. No development shall take place within the area indicated 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.

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

13. No development shall take place until a Travel Plan which shall be developed in accordance with the approved Framework Travel Plan (revised August 2011) has been agreed by the Highways Agency on behalf of the Secretary of State. Such a Travel Plan will operate in accordance with delivery mechanisms approved by the Local Planning Authority in consultation with the Highways Agency and Northamptonshire County Council.

Reason: To ensure sustainable transport initiatives are pursued.

14. No residential development shall commence until a scheme for off-site highway improvement works in accordance with drawing 3499-30C, comprising the following have been submitted to and approved in writing by the local planning authority:

- Hard surface materials to form the estates street junction

- 4.5m x 90m vision splays at the site entrance.
- Relocation of the Higham Ferrers gateway features and 30mph speed restriction signs
- A new cyclist and pedestrian crossing
- Relocation of the south bound bus stop and lay-by
- Widening of the public footpath on the western side of Station Road.

The agreed scheme for the off site highway works shall be completed in accordance with the approved details, and written confirmation shall be gained from the local planning authority that the works are acceptable, prior to the occupation of the first residential dwelling.

Reason: In the interest of highway safety.

15. No development shall commence until a detailed scheme for the provision, implementation, ownership and maintenance of the surface water drainage for the site, in accordance with the submitted FRA undertaken by BCAL Consulting (ref: 3499R006B FRA, Revision C, dated January 2012) has been submitted to and approved by the Local Planning Authority. The detailed scheme shall be implemented in accordance with the approved details before the development is occupied.

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

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unsuspected contamination encountered during development is appropriately dealt with.

17. No development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No 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.

18. Development shall proceed in accordance with the recommendations and mitigation measures detailed in Section 6 of the Extended Phase 1 Habitat Survey (dated March 2010) received by the Local Planning Authority on 20.05.11 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.

19. 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.

20. 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.

21. 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.
22. Details of the arrangements for provision of public bins, bin storage 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.
23. 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.
24. 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.
25. 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.
26. 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

27. In accordance with the details provided in the submitted Design and Access Statement, a variety of dwelling types and styles shall be provided.

Reasons: In order to meet the objectives of PPS3, Saved Policy H4 of the East Northamptonshire Adopted Local Plan 1996 and objective 10 of the North Northamptonshire Core Spatial Strategy 2008.

28. The layout details to be submitted for approval by the Local Planning Authority relating to condition 1 above, shall include a waste audit and shall include details to show vehicle turning circles, road widths and surfacing. 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: To ensure that the development could be accessed for waste collection, in the interest of amenity and to ensure an appropriate standard of development.

29. The details of the appearance of the buildings to be submitted for approval by the Local Planning Authority relating to condition 1 above shall show all dwellings with a facade onto either the A6 or A5028 as having non-habitable rooms to that facade.

Reason: In the interests of residential amenity of future occupiers

30. All windows to habitable rooms throughout the development shall be fitted with glazing to a minimum manufacturer rating of Rw 33dB. This sound reduction shall come from window units as a whole, and shall include the frame and any associated. These rooms shall also be provided with a means of background ventilation in accordance with current Building Regulations standards. These vents shall, when open, have sound reduction properties equivalent to that of the glazing standards.

Reason: In the interests of residential amenity of future occupiers

Informatives

1. No works within the existing public highway may commence without the express written permission of the Highway Authority. This planning permission does not give or infer such permission. The Highway Authority, will only give consent to commence works subject to the completion of an appropriate Agreement, within the Highways Act 1980. Full engineering, drainage, street lighting and constructional details will be required to process such an agreement. Any details submitted will be subject to a technical and safety audits that may result in changes to the details of the street and junction etc required to discharge the relevant condition above. The attention is drawn to the implementation of the Traffic Management Act 2004, where a three month notice period to allocate road space (for works within the highway) is formally given prior to the commencement of works.
2. The Applicant his advised to contact OPA Central Services at: Ashdon Road, Saffron Walden, Essex CB10 2NF to establish whether a Section 16 Consent is required as the Government Pipelines and Storage System may be affected.
3. In approving this application, the relevant planning guidance and policies were identified as: The National Planning Policy Framework, Policies 1, 2, 3, 13b, 27, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 6, 7, 8, 9, 10, 13, 14, 15, 16 of the North Northamptonshire Core Spatial Strategy 2008; Saved Policies GEN3, H4, RL3, RL4, RU1 and RU6 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; Open Space SPD 2011; Manual for Streets; Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough.

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 and housing mix; visual impact; residential amenity; archaeology; highway impact; effect on public rights of way; contamination and other environmental impact; trees; ecology; flood risk and drainage; community safety; sustainable design and construction; and waste management. 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 planning policies.
 2. An acceptable level of developer contributions would be provided.
 3. The density and housing mix would be acceptable.
 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 adverse effect on archaeology or any other heritage asset.
 7. The proposal would not have an unacceptable impact on the local highway.
 8. The proposal would not have an adverse effect on a public right of way or have significant access issues.
 9. The proposal would have no significant contamination or other environmental issues.
 10. The proposal would not result in an unacceptable loss or harm to trees.
 11. The proposal would have no significant impact on ecology.
 12. There would be no significant flood risk or drainage issues.
 13. The proposal would have no significant community safety issues.
 14. The proposal would meet the sustainable construction and energy efficiency standards.
 15. There would be no significant issues in terms of waste management.
4. The applicant is advised that Anglian Water has assets close to or crossing this site and works affecting these assets may be subject to an adoption agreement. Also, should any sewers need to be diverted these works would be at the developers own cost under Section 185 of the Water Industry Act 1991.
5. This Council highlights the following concerns regarding the indicative layout submitted as part of this application and would expect to see these issues resolved upon the submission of a reserved matters application or application for full planning permission:
- The number of flats over garages.
 - The number of rear garage courts and the use of dual accesses thereto
 - The lack of private amenity space, in particular for the proposed flats.
 - The location of the LAP/LEAP.

Committee Report

Committee Date : 13 June 2012

Printed: 31 May 2012

Case Officer **Mr James Wilson**

EN/10/00688/RWL

| | | | | |
|----------------------|-------------------------|-------------------------|------------------------|----------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 14 April 2010 | 14 November 2011 | 13 February 2012 | Rushden Spencer | Rushden |

Applicant **LXB RP (Rushden) Limited And**

Agent **JR Consulting**

Location Land Adjacent Skew Bridge Ski Slope Northampton Road Rushden
Northamptonshire NN10 6AP

Proposal **Replacement of extant planning permission 04/02395/VAR Variation of conditions 1, 3, 5, 12 and 13 of EN/02/00218/OUT in order to submit revised Masterplan and allow the phased submission of reserved matters dated 21/01/2005**

This application is reported to Committee as the decision on the previous application was made by Development Control Committee.

1. Summary of Recommendation

1.1 That Members resolve to GRANT planning permission subject to:

- conditions;
- the completion of a Section 106 Agreement in respect of the provision of a foot/cycle bridge over the A45, bus service enhancements and a financial contribution to the enhancement of Chowns Mill roundabout.

If the Section 106 Agreement is not signed within 6 months of the Committee's resolution the application should be reported back to Committee for further consideration.

2. Proposal

2.1 This application proposes the extension of the time period for a planning permission granted in 2002 (EN/02/00218/OUT) and varied in 2004 (EN/04/02395/VAR) for a development comprising 175 bed hotel with conference and ancillary facilities, 3,606sqm gross floor space of retail, recreational and leisure uses including boat house and marina, and 50,976sqm gross floor space of B1 campus style business park. Copies of these reports are attached as appendices for reference.

2.2 This application is being considered under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order 2010 which provides a mechanism for extending the time limit on a planning permission. This procedure allows applicants to apply for a new planning permission to replace an existing permission which would otherwise lapse. The application is therefore for an extension of time for the implementation of a planning permission by the grant of a new permission for the development authorised by the original permission.

2.3 The procedure used to determine this type of application is different from other major applications in that the amount of information required upon submission is less and a design and access statement is not required. However, Environmental Impact Assessment (EIA) Regulations 2011 do apply to this type of

application, and where such development is designated an EIA development then an Environmental Statement will be needed. In this case further information was supplied with this application in the form of updates to :

- Addendum to the Environmental Statement including appendices A-G
- Reptile survey

2.4 The application was also accompanied by a Planning Statement dated 2010, a note updating the Transport Assessment (2002 and 2004) dated January 2012 and supplementary information relating to the Flood Risk Assessment (2002/2004) dated January 2012.

2.5 The regulations (see paragraph 2.2) were introduced by the Government to enable planning permissions to remain "live" for longer during the current economic conditions. The Government Guidance encourages Local Planning Authorities to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward.

3. The Site and Surroundings

3.1 The site lies to the west of Rushden within the River Nene valley with the river and the gravel pit lakes at its northern boundary and the A45 as the southern boundary. It is a site of some 30ha including the Skew Bridge Ski lake and Delta Pit lake as well as the land surrounding the lakes. It is accessed from the A45 roundabout known as Skew Bridge roundabout.

3.2 The site was formerly used for leisure and recreational purposes and included a country club and a ski slope. The site is currently vacant and is characterised by open ground, a considerable amount of which is cleared with the remaining being covered with scrub and the hardstanding of previously demolished buildings. The former ski slope is still on the site.

3.3 The site is part of the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. When planning permission was originally granted in 2005 the SSSI did not exist as a single SSSI but was made up of a number of SSSIs and Local Wildlife sites. The current SSSI was formed in 2005.

4.0 Policy Considerations National Planning Policy Guidance

4.1 Government guidance related to extension of time applications suggests that Local Planning Authorities, in making their decisions, should focus their attention on development plan policies and other material planning considerations which may have changed significantly since the original grant of planning permission.

4.2 Central Government Policy advice that has been published since the grant of the original permission is the National Planning Policy Framework (NPPF) (March 2012) which supersedes the vast majority of the former Planning Policy Statements.

East Midlands Regional Plan

4.3 On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies (RSS) was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove all RSS and that this can be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish all RSS is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent Regional ,Spatial Strategies have not yet been abolished.

- 4.4 The North Northamptonshire Joint Core Spatial Strategy 2008 has been adopted , since the grant of the original planning permission. In this regard the following policies are of relevance:
 Policy 1: Strengthening the network of settlements.
 Policy 8: Delivering economic prosperity
 Policy 9: Distribution and location of growth.
 Policy 11: Distribution of jobs
5. Relevant Planning History
- 5.1 There is a long planning history for this site. Through the 1960s and 1970s there were permissions for offices and weighbridge, plant and vehicle storage and workshops and garages. During the 1970s there were permissions for the siting of seasonal caravans. During the 1980s there were permissions for petrol service station, cafeteria and retail stores. In the 1990s there were permissions for leisure facilities, go-carting and concrete manufacture.
- 5.2 In relation to the current application the most relevant planning permissions are:
 EN/01/00143/OUT granted for hotel restaurants bars and retail, leisure uses, campus style Business Park.
 EN/02/00218/OUT: granted for a development comprising hotels, restaurants, bars and retail, leisure uses, and campus style Business Park.
 EN04/02395/VAR: granted to vary the conditions 1, 3,5,12 and 13 of EN/02/00218/OUT in order to submit revised master plan and allow the phased submission of reserved matters.
 EN/07/02383/VAR: granted to vary conditions 18, 24 and 30 of planning permission EN/04/02395VAR: details of the level of the ski lake.
 EN/07/02/02469/REM: reserved matters granted for erection of office A and associated car parking and landscaping pursuant to planning permission EN/04/02395VAR.
 EN/07/02471/REM: reserved matters granted for erection of office C and associated car parking and landscaping pursuant to permission EN/04/02395VAR
 EN/07/02472/REM: reserved matter granted for erection of office D and associated car parking and landscaping pursuant to planning permission EN/04/02395VAR
 EN/07/02473/REM: reserved matters granted or erection of office E and associated car parking and landscaping pursuant to planning permission EN/04/02395/VAR
 EN/07/02475/REM: reserved matters granted for erection of retail/leisure and landscaping pursuant to planning permission EN/04/02395/VAR
 EN/07/02476REM: reserved matters granted for landscaping infrastructure and ancillary buildings pursuant to planning permission EN/04/02395/VAR.
 EN/07/02477/REM: reserved matters granted for erection of hotel and associated car parking and landscaping pursuant to planning permission EN/04/002395/VAR
6. Consultations and Representations
- 6.1 There are no representations from residents or the public.
- 6.2 ENC Planning Policy Team: The principle of redevelopment of the site has long been established through the grant of earlier permissions and so this response looks at any policy changes since the grant of the earlier permission. The lakes to the north of the site now form part of the Upper Nene Valley Gravel Pits Special Protection Area/ Ramsar site whose status was confirmed in 2011. However, this does not significantly alter the Council's policy approach as the Council has treated the site as if the site designation was confirmed in 2005. PPS4 is a new national policy statement (Dec 2009). The earlier permission was determined in accordance with the former PPG 6 on town centres and retail development. At the time of determination of the previous application the Council considered that the applicant had undertaken a comprehensive review of all possible alternative sites which were capable of accommodating all of the constituent elements of the development. The new PPS4 sets out the sequential assessments including a requirement to ensure that all in-centre options have been

thoroughly assessed before less central sites are considered. Critically Policy EC 15.1 includes a specification that applicants demonstrate flexibility including the scope for disaggregating specific parts of retail or leisure developments. It is clear from the 2002 report to Development Control Committee that this element of PPS4 was fulfilled by the applicant. The applicant therefore appears to have complied with the current PPS4 requirement. The adopted North Northamptonshire Core Spatial Strategy is the Development Plan. The East Northamptonshire Local Plan is over 15 years old now and although it remains the site specific plan for Rushden, given its age this could be considered to be out of date. The Core Spatial Strategy contains a number of relevant policies including the emphasis to regenerate town centres, the consolidation of Rushden's position as a fourth main town centre and to be the focus for new employment development and priority being given to reuse suitable previously developed land and buildings in the urban areas. Having regard to these policies there is cause for concern that the proposal represents a significant level of new town centre uses such as the hotel, bars and retail uses. Overall, some potential policy concerns exist given that the CSS places a firm focus upon town centre regeneration, nevertheless, the CSS does not contain any policy direction that would definitely preclude renewal of the existing outline consents.

- 6.3 North Northamptonshire Joint Planning Unit: No comments.
- 6.4 Northamptonshire County Council Highways Team - By email dated 17.01.12 the County Highways has responded that the information submitted in the Review of Transport issues only looks at the changes to traffic flows at the Skew Bridge roundabout rather than the entire study area as for the original assessment. In addition the information provided fails to demonstrate the effects on the local highway network. The applicant has failed to demonstrate or give adequate information to determine whether the proposals are acceptable and thus in its present form the current proposals are unacceptable for highway safety reasons. A further email was received dated 22.02.12 in which the County Council set out the matters that the applicant needed to respond to including the substantial changes that have occurred since 2002 including new development proposals, and the policy changes. NCC accept that the Highways Agency determination in regard to Skew Bridge roundabout and these works should be undertaken prior to first occupation. In addition, the financial contribution to the Chowms Mill roundabout needs to be reassessed to ensure the financial contribution is CIL compliant. A package of measures for an enhanced bus service is required. The footbridge/cycle bridge over the A45 needs to be included as a S106 Agreement component and the original trigger point is accepted for completion. The applicant supplied a further technical response to the Highways Authority and Highways Agency addressing the issues raised and modelling the impacts from previously consented applications to design a nil detriment scheme for the Chowms Mill roundabout. An email received from the Highways Authority on 09.05.2012 confirmed that the modelling and scheme proposed for this roundabout were acceptable subject to agreeing the value of the contribution for the works.
- 6.5 Highways Agency: No objections subject to the same requirements as the original permission related to the provision of footbridge/cycle bridge over the A45 and junction improvements to the Skew Bridge roundabout.
- 6.6 Natural England: The proposals, if undertaken in strict accordance with the details submitted, are not likely to have a significant effect on the interest features for which the Upper Nene Valley gravel pits SPA/Ramsar site has been classified subject to a number of conditions. Provided the required conditions are attached an Appropriate Assessment is not required to assess the implications of this proposal on the site's conservation objectives.
- 6.7 Rushden Town Council: No objections

- 6.8. Ramblers Association - footpath links should be strengthened through the development site to the existing footpaths at UK1 and UE2. Also need to provide safe pedestrian route across A45 to the development via a footbridge link.
- 6.9 Environment Agency: In letter dated 03.01.12 objects to the proposal as there is insufficient information and the proposed flood alleviation scheme does not provide level for level compensation. There are two phases to the proposed flood plain compensation scheme. Previously compensation was provided through the lowering of the lake level, however, this is no longer possible. The EA has no objection to the Phase 1 compensation scheme but the Phase 2 compensation scheme needs to be amended to ensure that flood risk is not increased. Requires a Water Framework Directive assessment to be undertaken as the introduction of the lock would mean that the lake would become included in the River Nene water body.
- 6.10 Wildlife Trust: Support the comments made by Natural England. Have detailed comments and questions about the proposals related to the Access and Habitat Management Plan including scrub control, width of surfaced tracks, use of scrub for dead hedge features, regime for grass cutting, and how the bee orchids are to be moved. The proposal to manage most activity in either March or September is too narrow to achieve all tasks, there needs to be follow up surveys, and the surveys need to be longer than 5 years. Need to include follow up monitoring of mitigation measures associated with any potential impact on the adjacent SSSI, SPA and Wildlife Reserve. Also need to monitor impact on the River Nene from the installation of the lock. The Wildlife Trust would like to require access points for their own management activities. Also make detailed points about the Habitat Management Plan.
- 6.11 ENC Environmental Protection Officer: No objection
- 6.12 English Heritage: No comment, the application should be determined in accordance with national and local policy guidance.
- 6.13 Wellingborough Borough Council: No objection.
- 6.14 RSPB: No comment
- 6.15 Rushden Chamber of Commerce: No comment
7. Evaluation
- 7.1 This application is an extension of time application and the relevant matters for consideration are:
- Consistency with development plan (adopted since previous planning permission granted).
 - Compliance with National Planning Policy Framework (March 2012)
Flood risk
 - Impact on adjacent SSSI and SPA/Ramsar Site
 - Assessment of impacts through the Environmental Statement
 - Additional highway impacts since the previous planning permission was granted
- 7.2 Principle of Development
- 7.2.1 National Planning Policies: The proposals are for the redevelopment of a brown field site on the edge of the urban area of Rushden. The National Planning Policy Framework (NPPF) has been issued since the grant of the original planning permission in 2004 and therefore needs to be considered in terms of whether this application for the extension of time of the planning permission is acceptable.
- 7.2.2 The NPPF sets out the overall approach to managing development and for delivering sustainable development. It stresses the promotion of economic growth, urban and rural regeneration and the need to promote sustainable development, 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.

- 7.2.3 The NPPF states that Local Planning Authorities should take a positive and constructive approach towards planning applications for economic development and applications that secure sustainable economic growth should be treated favourably. It also explains the requirement for sequential and impact assessments for all retail, leisure and office development proposed outside town centres. This is to ensure that town centres are the focus for growth and regeneration and that all in-centre options have been thoroughly assessed before less central sites are considered. In this regard the original consideration of the scheme in 2002 under PPG6 (which had a sequential testing requirement) showed that the applicant had undertaken a comprehensive review and the original report to Development Control Committee stated that this review had looked at all possible sites which may have been capable of accommodating all or constituent elements of the proposed development and that the applicant had gone beyond what was required by PPG6 including opportunities for accommodating the campus style business park elsewhere.
- 7.2.4 Since the original sequential test was undertaken in 2002 the North Northamptonshire Core Spatial Strategy has been adopted in 2008. However, the original consent for this mix of development under EN/02/00218/OUT established the principle of development for these uses at this location. The application was consented prior to the Core Spatial Strategy adoption and therefore this employment and land commitment was considered as part of the policy formulation for North Northamptonshire.
- 7.2.5 Policy 9 of the CSS reinforces the need to strengthen town centres as a focus for retail, employment and leisure uses and that preference will be given to locations accessible by a choice of means of travel. It also states that priority will be given to the reuse of suitable previously developed land within urban areas, followed by other suitable land in urban areas. Policy 8 supports the development of a more diverse economic base for North Northamptonshire. Policy 11 also states that 'new sites will be allocated to meet any identified shortfall in supply.' These will be within or adjoining the main urban areas, the Sustainable Urban Extensions, or areas that presently have a low jobs/worker balance and be in locations that are capable of being accessed by a 'choice of means of transport'. Rushden has a high net out migration of employees to other centres and the contribution of the scheme to improved bus services helps to improve the accessibility to the site from other means of transport. Since the original sequential test was undertaken there have been no other sites allocated or which have become suitable or available which could accommodate this mix of uses and type of employment provision within the Rushden catchment area that could provide an alternative or more centrally located option.
- 7.2.6 ENC Planning Policy comments that Rushden Lakes 'as one of the major brownfield sites within East Northamptonshire, forms part of the existing urban area and therefore represents a priority site'. The redevelopment of this key brownfield site to deliver key regeneration benefits for the town of Rushden is a principal determinant of the requirements for this location. The scale, mix, nature and type of the development required to deliver the benefits in this specific location is such there is no other sequentially preferable location for the development.
- 7.2.7 Planning Policy state that there are some concerns regarding potential policy conflicts, primarily around the quantum of town centre uses in an edge of centre location. However, they conclude that the policy provisions in the NPPF and CSS do not preclude the renewal of this consent and the sequential test carried out in 2002 is still relevant and adequately assesses the alternatives in the light of current policy and circumstances existing today in 2012.
- 7.2.8 The NPPF also requires that the developments are assessed to ensure that harm to

biodiversity conservation interests is prevented. Where granting planning permission would result in harm then Local Planning Authorities must satisfy themselves that adequate mitigation can be put in place. Development within or outside a SSSI likely to have an adverse impact on the SSSI should not normally be permitted. An exception can only be made where the benefits of the development clearly outweigh both the impacts and other broader impacts on the network of SSSIs.

7.2.9 The NPPF requires flood risk to be taken into account in determining planning applications to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk. Where new development is exceptionally necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere. There is a need to apply a sequential approach to development proposals to minimise risk. All new developments in flood risk areas need to be appropriately designed to be flood resilient including safe means of escape.

7.2.10 Local development plan policies: The relevant development plan policies for this proposal are contained in the North Northamptonshire Core Spatial Strategy 2008 which sets out the specific spatial vision and policies for North Northamptonshire. This plan was adopted after the original planning permission was granted in 2002 and revised in 2004. It is therefore important that the proposed uses in this application are considered having regard to the policies in the Core Strategy. The general thrust of the Core Strategy is to direct development into sustainable locations where there is greatest access using sustainable forms of transport. Policy 1 emphasises that future development is to be principally directed to the main urban areas, with Rushden identified as a secondary focal point for development. Policy 8 identifies the need to provide additional jobs to create a more diverse economy, with Policy 9 setting out the distribution and location of growth, with priority being given to the reuse of suitable previously developed land within the urban areas. Policy 11 provides a distribution of new jobs with an additional 5,220 jobs for East Northamptonshire. Policy 12 sets the overall strategy of town centres and the location for new retail development which reflects the NPPF sequential approach.

7.2.11 The overall policy direction of the CSS for Rushden focuses on town centre regeneration. This therefore raises some issues related to this development proposal as the application comprises a number of employment, leisure and retail uses which could be located in the town centre. However, as set out above, the applicant had undertaken a review of the sequential approach and found no alternative sites for the component parts of the development. In addition the CSS does not contain any policy direction that would definitely preclude renewal of the 2002 and 2004 consents.

7.2.12 With the recognition of the need to reuse brown field sites and the inclusion of this site within the Strategic Employment Land Review as a significant strategic brown field site, its proximity within the urban area of Rushden and its re-use for appropriate employment uses is considered to acceptably meet the policy requirements within the context of the Core Spatial Strategy and NPPF.

7.2.13 To summarise on the principle of development, it is a brown field site identified as a strategic employment site which provides for the regeneration and economic development of the Rushden area and the provision of jobs in the locality. It does not conflict with the Core Spatial Strategy and is therefore considered acceptable in terms of conformity with the development plan.

7.3 Flood Risk

7.3.1 In 2002 when the original planning application was considered, the application was accompanied by a Flood Risk Assessment (FRA), which proposed that building footprints located on the southern foreshore be raised above the level of 39mAOD and the ski lake water level be lowered by a maximum of 6000mm. The planning permission had conditions attached to mitigate the flood risks. For this current planning

application the lowering of the lake is no longer to be pursued due to the ecological impacts on the foreshore habitats. The new proposal is therefore to provide floodplain compensation storage on a level for level basis within the development site.

7.3.2 The FRA submitted with this application has undertaken a programme of modelling using new topographic survey data and an updated hydraulic model. Using this information the results show there is no change to the previously predicted water levels for both the 100 and 200 year flood scenarios. Analysis shows that the proposed cut and fill mitigation option maintain the pre-development water levels adjacent to the development site and maintains the water level in the Ski lake and the Delta Pit lake. The FRA submitted by the applicant suggests that the proposed flood risk mitigation option in this application does not increase flood risk to the site or surrounding area and therefore can replace the option proposed in the original planning permission.

7.3.3 The Environment Agency does not agree with the conclusions of the FRA. The proposed compensation scheme does not provide level for level and volume for volume compensation and indicates a significant reduction in flood plain capacity for some flood events.

7.3.4 A revised flood storage plan was submitted to the Environment Agency by the applicant. Following assessment by the EA a letter was received on 04.05.2012 stating that the level for level compensation can be achieved for Phase 2 compensation subject to a range of conditions which were set out.

7.3.5 The EA also provided advice to the applicant and the LPA on the Water Framework Directive (WFD). Regulation 17 of the Water Environment (WFD)(E&W) Regulations 2003 places a duty on each public body including local planning authorities to 'have regard to' River Basin Management Plans (RBMP). The lake is not currently a water body under WFD because it is too small. However, the introduction of a lock would mean that the lake would become included, as part of the River Nene water body.

7.3.6 A WFD assessment is required if the lock and marina are to be implemented as part of the consent. At the time of the previous consent this requirement was not imposed on the applicant and the scheme could still have benefited from this part of the proposal. Under this new application a WFD assessment is required but has not been undertaken. However, the applicant has indicated that the removal of the lock and marina from the scheme would be acceptable. It is considered that this change would not significantly alter the nature of the development and would not constitute a substantial difference to the planning application. Therefore it is considered appropriate that a condition be imposed to modify what is permissible as part of any consent and for the lock and marina to be effectively removed from the development and thereby remove the requirement for the Water Framework Directive assessment.

7.3.7 The EA has also advised that a s106 Heads of Terms clause be negotiated to ensure that the Sustainable Urban Drainage Systems proposed for the scheme to mitigate the surface water flood risk are maintained in perpetuity. The Council is satisfied that this can be adequately conditioned without the need for a s106 commitment to ensure that this provision will be delivered.

7.4 Impact on the Upper Nene Valley Gravel Pits SSSI/SPA and Ramsar sites

7.4.1 This site is located partially within and adjacent to the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI) Special Protection Area (SPA) and Ramsar site. When the planning permission was granted in 2004 the Upper Nene Gravel Pits did not comprise a single SSSI but was a series of SSSIs and Local Wildlife Sites. The current SSSI is a nationally important site for breeding birds, over wintering water birds species and a wet floodplain woodland. In 2011, the SSSI became the designated Upper Nene Valley Gravel Pits SPA and Ramsar for the area's wintering and non

breeding season population of water birds.

7.4.2 The Conservation of Habitats and Species Regulations 2010 afford a high level of protection to sites classified as SPA. The Local Planning Authority must ensure that any plans will not adversely affect the integrity of the site concerned. The use of 'Appropriate Assessments' enables the implications of developments on the SPA to be thoroughly considered. The UK is also a signatory to the Ramsar Convention which protects wetlands of international importance. Ramsar sites must be treated in the same way as SPAs and proposed developments must include an Appropriate Assessment if there are significant impacts.

7.4.3 The applicant has provided a report to inform the screening decision as to whether an Appropriate Assessment is required in compliance with regulation 61(1) of the Conservation of Habitats and Species Regulations 2010. This aims to identify whether the proposed development is likely to have a significant effect on the integrity of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar site.

7.4.4 The report concludes that the proposed development would give rise to adverse impacts due to:

- The development of buildings
- Footpath links between the A45 and Delta lake
- Construction and operation of a lock and weir between the Ski lake and River Nene
- Construction of the marina and associated boating activities

7.4.5. The main issues for the SPA and Ramsar site are to:

- Maintain an adequate water supply
- Ensure appropriate water quality
- Minimise disturbance.

7.4.6 The applicant has also submitted additional information to supplement the Environmental Statement submitted in 2002, to assess the potential impacts resulting from the proposed development. The impacts are identified as both during construction (habitat loss, noise, pollution and loss of water from the lake to fill the lock) and post construction (reduction in small areas of scrub and grassland, disturbance from water based activities, loss of water via the lock, public access, noise, water and air pollution).

7.4.7 The Appropriate Assessment screening report sets out potential mitigation measures including:

- A Construction Environment and Management Plan dealing with such matters as spillages, management of run off, water quality monitoring, minimising noise levels, dust suppression measures.
- Controlled access for construction traffic
- Creation of a buffer zone (bund) along the edge of the SSSI and Ramsar site
- Tree planting of native species along the banks of the lakes.
- Works timed to ensure works closest to SSSI/SPA are outside winter months
- Construction of the lock in September or March to avoid disturbance to the bird populations
- Directional lighting to avoid glare
- Sustainable drainage systems
- Controlled public access to the SSSI and Ramsar site
- Any new footpaths agreed with Natural England
- Motorised boating activity confined to the centre of Skew lake
- During winter months no use of watercraft on Skew bridge ski lake during daylight hours and other restrictions to be agreed with Natural England
- Speed limit on the lake
- No boating activities on Delta lake
- Implementation of the Habitat Management Plan including mature wet woodland with minimum intervention, reed beds managed on 6 year rotation, grasslands to be mown

annually

- Monitoring and management of lock to ensure no loss of water from the lake

7.4.8 With these mitigation measures it is concluded that the main risk of disturbance to wintering birds would be mitigated such that the development would be unlikely to have a significant effect on the integrity of the SPA and Ramsar Site, as long as the mitigation measures are included as conditions within a planning permission. Natural England has been consulted and is of the views that if conditions are attached and complied with then the interest features for which the Upper Nene Valley Gravel Pits SPA/Ramsar site has been classified are unlikely to be affected. Furthermore Natural England advise that the Local Planning Authority can conclude that it is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

7.4.9 Natural England has commented that the report submitted by the applicant on screening for an Appropriate Assessment meets their specification and the recommendations in the report need to be included as conditions on any planning permission. In addition Natural England has requested a number of other conditions to be attached relating to construction operations which cause disturbance to over wintering and breeding birds, the details about the lock and weir, monitoring of the water levels in the Ski lake and the need for remedial actions if the water level drops, a more detailed Access and Habitat Management Plan and a detailed Construction Environment Management Plan. The Access and Habitat Management Plan submitted is therefore considered sufficient for the consideration of the application but conditions need to be attached to any planning permission to ensure that further detailed issues are properly controlled. More recently, the implications of inserting a lock between the Ski lake and the River Nene has given rise to concerns related to the impact on the River Nene and therefore the need for a Water Framework Directive Assessment which has not been submitted with the application. There is also the potential impact on the water level in the Ski lake dependant on the operation mechanism at the lock. This could have potential implications for the water level in the adjacent lakes which form the nationally important SPA. In the light of this, the Council is not satisfied that were the lock and weir to form part of the permitted development; it could conclude that it was unlikely that there would be a significant effect on the integrity of the SPA. However, it has been agreed with the applicant that the lock will not be implemented and a condition will be attached to any planning permission which does not allow the lock and weir to be implemented. Provided this condition is attached, the Council is satisfied that it is unlikely that the development would have a significant effect on the integrity of the SPA.

7.4.10 In addition there is concern about the impact of construction on herons within the SSSI. Natural England notes that the ES Addendum recommends that ground clearance works are undertaken outside of the bird breeding season (March-August) to avoid impacts on nesting birds. They comment however that herons can nest from January onwards and there is a heronry within part of the site which is a notified feature of the SSSI. To avoid any disturbance Natural England has requested a further condition related to this matter.

7.4.11 The Phase One habitat survey provided by the applicant as part of Annex B to the Environmental Statement addendum identifies that the 13 ha of developable area is an open mosaic UK BAP priority habitat with the potential to support invertebrates. The report suggests that the impact of the development with the loss of this habitat can be offset through the enhanced management of the remaining habitat within the site which forms part of the SSSI/SPA. However, Natural England believe that, as the improved habitat management within the SSSI/SPA is already required as mitigation for the potential disturbance impacts occurring on Skew Bridge lake, the impact assessment underestimates the loss of open mosaic habitat. Natural England therefore is asking for further habitat enhancement within the developed part of the site especially for

invertebrates and point to the potential for open spaces, green roofs and walls.

7.4.12 In addition there is concern that precautionary measures need to be taken during construction for breeding birds and reptiles and a 30metre exclusion zone for watercraft is required around the western island of Skew Bridge lake to avoid disturbance to otters. An updated water vole survey should also be undertaken.

7.4.13 In summary, the applicant's screening report on the Appropriate Assessment together with responses received from Natural England and the Local Planning Authority's assessment of the potential impacts on the integrity of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar site satisfies the LPA that an Appropriate Assessment is not required. Impacts to biodiversity, protection of fauna and nature conservation can adequately be mitigated through the imposition of appropriate conditions and therefore these would not represent sufficient grounds on which to refuse the application.

7.5 Highways and Transport Impact

7.5.1 A full Transport Assessment was produced in November 2002 for the original planning application which was agreed by the Highways Agency and Northamptonshire County Council. A further report to update the traffic count, trip generation and distribution data, and to review the likely impacts of the proposal on the Skew Bridge roundabout were prepared in a report in April 2010 and submitted with this application. The comparison of traffic surveys from 2004 to 2010 shows a trip change (both increases and decreases) but the biggest change is in the morning peak hour between Crown Way and the A45E, with the biggest increase in the evening peak travelling eastwards along the A45. There are however, no significant changes in the turning movement distribution at the junction so there is not any significant impact on the design of improvements at this roundabout.

7.5.2 The Highways Agency has responded to this application and has no objection, although the conditions attached to the extant permission should be carried over to this application. On further assessment and discussion with the applicant and liaison with the Highways Authority the Highways Agency has satisfied itself that a revised contribution towards the Chowns Mill roundabout can now be considered CIL compliant.

7.5.3 The County Council Highways Team has set out the issues that have changed since the grant of the previous planning permission and has required the applicant to submit further information to assess the transport assessment against this information. In addition, they have required the capacity of additional highway junctions to be assessed. The applicant has submitted this information and the County Highways team responded on 09.05.2012 stating that the modelling and scheme proposed for the impact on the Chowns Mill roundabout were acceptable subject to agreeing the value of the contribution for the works. A contribution has been agreed and will be set out in the revised s106 agreement (see 9.2 below).

7.6 Other issues

7.6.1 The Lock. The implications of inserting a lock between the Ski lake and the River Nene has given rise to concerns related to the impact on the River Nene and therefore the need for a Water Framework Directive Assessment which has not been submitted with the application. There is also the potential impact on the water level in the Ski lake dependant on the operation mechanism at the lock. This could have potential implications for the water level in the adjacent lakes which form the nationally important SPA. It is for this reason that it has been agreed with the applicant that the lock will not be implemented and a condition will be attached to any planning permission which does not allow the lock to be implemented.

8. Changes to the previous Planning Permission Conditions

- 8.1 Should the Committee consider that this planning application should be approved then there is the need to consider whether the conditions attached to the original planning permission require amending or updating.
- 8.2 Condition 13 of the 2004 permission required the submission of details for the landscape bund between the development site and the Site of Special Scientific Interest. This matter has been dealt with through a separate application EN/11/01528/FUL which was granted planning permission on 10th January 2012. This condition will therefore be removed.
- 8.3. Condition 18 related to the need to submit details of the proposal to lower the level of the Ski lake which is not a proposal that the Environment Agency nor Natural England will accept. The lock and weir are to be excluded from the scope of the permission by condition and this condition will therefore be removed.
- 8.4 Conditions 29 and 30 on the 2004 permission related to development proceeding in accordance with the approved flood risk assessment incorporating accepted mitigation measures into the construction and the need for a lock and weir structure required. The updated FRA has shown that these conditions can be replaced by the conditions required by the response from the Environment Agency and the lock and weir has been deemed unacceptable without a Water Framework Directive Assessment. Conditions 29 and 30 will therefore be removed and replaced with those recommended by the Environment Agency.

9. Developer Contributions.

- 9.1 The original planning permission 02/00218/OUT had a section 106 Agreement attached which required the applicant to provide the following:
- Financial contribution to improving the bus services in the vicinity by providing a new bus link to connect the site to Rushden town centre and Wellingborough railway station. The applicant undertook not to occupy more than the hotel and 14,900sqm of B1 offices until the service was provided. The bus service to be provided was for either an hourly or 2 hourly service Monday to Friday, between 6am and 6pm and hourly service on Saturday between 9am and 4pm. Funding was for 2 years.
 - A cycle/pedestrian bridge over Crown Way and the A45.
 - Off site financial contribution of £50,000 to improving the Chowns Mill roundabout within 5 years from the date of commencement of development. If the Highways Agency did not complete the works to the roundabout within 5 years of the commencement of development then this contribution would not be required.
- 9.2 The £50,000 financial contribution to the Chowns Mill roundabout works was not evidence based and thus is not CIL compliant. The applicant has undertaken further work to assess the contribution required by this development and a contribution is now proposed which is evidence based. The Highways Agency has responded to this assessment and informed the Council that an amount of £40,837.13 would be a contribution that is CIL compliant.
- 9.3 It is proposed that a new Section 106 Agreement be entered into before the grant of the extension of time application which includes the following:
- Public transport agreement to provide a bus service to connect the site to Rushden town centre and Wellingborough railway station, for an hourly service Monday to Friday, between 6am and 6pm and hourly service on Saturday between 9am and 4pm, funded for 2 years. Only 14,900sqm of B1 offices are to be constructed and occupied before the provision of the bus service.
 - Off site financial contribution of £40,837.13 to improving the Chowns Mill roundabout within 5 years from the date of commencement of development.
 - A cycle /pedestrian bridge over Crown Way and the A45. Only 14,900sqm of B1 office

to be constructed and occupied before the bridge had been constructed and opened for public use.

10. Recommendation.

10.1 It is recommended that an extension of time to this outline planning permission be GRANTED subject to;

- conditions;
- the completion of a Section 106 Agreement in respect of the provision of a foot/cycle bridge over the A45, bus service enhancements and a financial contribution of £40,837.13 to the enhancement of Chowns Mill roundabout.

If the Section 106 Agreement is not signed within 6 months of the Committee's resolution the application should be reported back to Committee for further consideration.

Conditions/Reasons -

1. Application for approval of all reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission unless otherwise agreed in writing by the Local planning Authority.

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: In accordance with Section 51 of the Planning and Compulsory Purchase Act 2004

3. Unless otherwise agreed in writing, the development shall be carried out in accordance with the following approved drawings and documents:

-Site Plan John Rose Associates Drawing No 754/005 dated November 2002).

-Master Plan by Fitzroy Robinson dated October 2001

-Concept landscape strategy by Derek Lovejoy partnership dated October 2001

-Landscape master plan by Derek Lovejoy Rev B dated 27.09.02 Drawings No 341-PO

-Report to Inform the Screening of Appropriate Assessment: Campbell Reith 14.12.11

-
Transport Assessment by WS Atkins dated November 2002 with update by Highways Agency Briefing Note: Savill Bird and Axon. November 2011

-Access and Habitat management Plan Campbell Reith 14.12.11

-
Addendum to the Environmental Statement: Ecology and Nature Conservation Campbell Reith. November 2011.

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Flood Risk assessment by WS Atkins dated August 2002 as updated by statement by Campbell Reith stamped 14.11.11 and the statement by Atkins 5035918/72/DG/012 and drawings 10714 D2, 10714D4, 10714 D5 and 10714 D6.

Reason: To ensure that the development is implemented in accordance with this planning permission.

4. The development shall comprise no more than:

-

50,976 square metres gross floor space within Use Class B1 of the Town and Country Planning Use Classes Order

175 bed hotel/conference centre and ancillary facilities

3,606 square metres gross floor space of recreational and leisure uses related to water based activities

Retail uses ancillary to the primary use of the site shall not exceed 300sqm gross floor space.

Reason: To ensure that the development complies with the planning permission

5. Unless otherwise approved in writing by the LPA, no building shall be erected within the 1% climate change floodplain of the River Nene as defined by Drawing No. SK109 (Rev D5): Phase 1 Development Flood Mitigation Plan and Drawing No. SK110 (Rev D5): Phase 2 Development Flood Mitigation Plan.

Reason: To ensure that the development manages risk to occupants and third parties in accordance with the National Planning Policy Framework.

6. The development shall proceed in accordance with the approved Flood Risk Assessment and updated floodplain compensation scheme as set out in Drawing No. SK109 (Rev D5): Phase 1 Development Flood Mitigation Plan and Drawing No. SK110 (Rev D5): Phase 2 Development Flood Mitigation Plan incorporating the accepted mitigation measures into the construction of the development and the approved layout and land uses.

Reason: To prevent the increased risk and impact of flooding to the proposed development and future occupants, surrounding area and third parties.

7. Unless a detailed phasing plan is otherwise agreed in writing with the LPA, Phase 1 development shall not commence until the Phase 1 Development Flood Mitigation Plan as shown on Drawing No. SK109 (Rev D5) has been constructed. No Phase 2 development shall commence until the Phase 1 Development Flood Mitigation Plan as shown on Drawing No. SK109 (Rev D5) and the Phase 2 Development Flood Mitigation Plan as shown on Drawing No. SK110 (Rev D5) has been constructed and completed.

Reason: To prevent the increased risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided.

8. Notwithstanding the terms of the permission and detail shown on plan SK110 Rev D4 (07.09.2007), no development of a lock and weir structure and marina shall be constructed between Skew Bridge Ski lake and the River Nene

Reason: To ensure the integrity of the ski bridge lake and other lakes of the SSSI.

9. The proposed development shall not begin until a scheme for the provision, implementation and ownership of the surface water drainage for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

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

10. No development shall commence until a foul water strategy submitted has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

11. No infiltration of surface water drainage into the ground is permitted other than with the

express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltration drainage is not appropriate for this site due to the land quality and shallow groundwater table.

12. The submission of the reserved matters for each phase as identified on the approved plan reference - Broadway Maylan 001 25.10.07 A1L shall be accompanied by a detailed scheme for a Construction Environment Management Plan, including means of pollution prevention and waste management during the construction. The development shall thereafter be carried out in accordance with the approved details and implementation programme.

Reason: To prevent pollution and sediment entering the water environment in the interests of biodiversity and health, and to minimise wastes arising and to ensure that wastes arising are re-used or recycled appropriately in the interests of amenity and prudent use of natural resources.

13. No development shall take place until details of the implementation, maintenance and management of the sustainable urban drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter management and maintained in accordance with the approved detailed.

Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To ensure adequate drainage of the site.

14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and vehicle manoeuvring areas shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To reduce the risk of pollution to the water environment

15. Construction works which may cause noise that is in excess of the background noise when measured as an 15 min LAeq at the boundary of the site or at any other place as may be agreed by the Local Planning Authority shall be carried out only between the hours of 08:00 and 18:00 Monday to Friday and 09:00-13:00 hours on Saturday and at no time on Sunday or bank Holidays. This includes deliveries to the site and any work by contractors or sub contractors

Reason: To maintain the amenities of the area in accordance with NPPF.

16. No ground clearance works shall be undertaken anywhere on the site in the bird breeding season (March-August) each year.

Reason: To avoid adverse impact on nesting birds in compliance with The Conservation of Habitats and Species Regulations 2010

17. No ground clearance works shall be undertaken within 100 metres of the heronry in the SSSI between the periods January -August each year.

Reason: To avoid adverse impact on nesting birds in compliance with The Conservation of Habitats and Species Regulations 2010.

18. The ski lake contained in the application site shall not be used by motorised craft except within the defined area shaded green on the approved site plan (John Rose

Associates Drawing No 754/005 dated November 2002). Moored boats of any description shall not exceed 100 in number at any one time and these shall be limited to the southern part of the lake shaded green. Elsewhere within the ski lake boating shall be limited to sail boats and non motorised boats during the summer months. No boating of any description shall occur (other than within the area shaded green between the 1st November and 31st March in any year.

Reason: In order to safeguard the wintering bird populations in the SSSI and SPA protected species identified under the Wildlife and Countryside Act 1981 (as amended)

19. The maximum speed of any motorised craft using the ski lake shall not exceed 6.5kph (4mph).

Reason: In order to safeguard the protected species identified under the Wildlife and Countryside Act 1981 (as amended) in the SSSI and SPA.

20. A 30 metre watercraft exclusion zone around the western island on Skew Ski Lake shall be implemented once development has commenced and will be continued once the development is completed. In addition there shall be no boating activity permitted on Delta Lake.

Reason: To comply with the Conservation of Habitats and Species Regulations 2010.

21. No part of the development shall be occupied or brought into use unless and until the following works have been completed:

Improvements to the junction of the A45 known as Skew Bridge Roundabout as set out in Campbell Reith drawing No 10714 T301 dated 30.11.11 Proposed Indicative Layout of A45 Roundabout subject to any amendments required as a result of the Stage 1 safety audit and subject to such modifications as the Highways Agency may decide to take.

Reason: To safeguard the use of the A45 trunk road in accordance with section 10 of the Highways Act 1980

22. No development other than a 175 bed hotel and 14,900msq B1 business premises shall be occupied until the completion of the cycle pedestrian bridge access across the A45.

Reason: To safeguard the use of the A45 in accordance with the Highways Act 1980

23. Prior to the commencement of development a revised master plan shall be submitted to and approved by the Local Planning Authority. Subsequent reserved matters applications will be in accordance with this revised master plan.

Reason: In order to secure a comprehensive and up to date approach to the master planning and design of the site in accordance with NPPF.

24. Prior to the submission of any reserved matters applications, a detailed design statement for the whole scheme setting out the principles of all aspects of the development to guide the development of the site, shall be submitted and approved in writing to the Local Planning Authority.

Reason: To ensure a satisfactory form of development.

25. Prior to the submission of any reserved matters applications a detailed landscape strategy for the site, including the extent of ground modelling works, current and finished floor levels, areas of hard and soft landscaping and a programme for their implementation shall be submitted to and approved by the Local planning Authority.

Reason: To provide an overall design concept for the development.

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

A site investigation shall be carried out to fully and effectively characterise the nature and

extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

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

27. Remediation of the site shall be carried out in accordance with the approved remedial strategy. 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.

28. Where the risk assessment (undertaken as part of condition 26) identifies any unacceptable risk or risks, a detailed remedial strategy 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 strategy by the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate.

29. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide validation and certification 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

30. 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.

31. Prior to the commencement of development a detailed travel plan shall be submitted to and approved by the Local Planning Authority in consultation with the Northamptonshire County Council Highways

Reason: To comply with North Northamptonshire Core Spatial Strategy Policy 16.

32. Approval of the details of the siting, design and external appearance of the buildings, and landscaping of each phase of development shall be obtained from the Local planning Authority prior to the commencement of development of that phase of the development and the development shall be carried out in accordance with the reserved matters as approved unless agreed in writing with the Local Planning Authority.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

33. Prior to the commencement of development a detailed vehicular access strategy within the site, including the extent and location of parking areas and programme for implementation will be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

34. Details of all hard and soft landscaping works for each phase of development shall be carried out in accordance with the details that have first been agreed in writing with the Local Planning Authority, prior to the commencement of development within that phase. Within each phase, the works carried out shall be in accordance with the programme agreed in writing with the Local Planning Authority. If within the a period of 5 years from the date of planting, any trees or plants or any replacement planting is removed, uprooted,

destroyed or dies replacement trees and plants of the same species and size as that originally planted shall be planted in the next planting session, in the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a satisfactory form of development which is satisfactorily served by green infrastructure in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy?

35. Prior to the commencement of development a scheme for the provision of surface water drainage works shall be submitted to and approved by the Local Planning Authority. The drainage works shall be designed in accordance with sustainable urban drainage systems principles and shall be implemented in accordance with an agreed timetable.

Reason: To comply with NPPF.

36. Before the commencement of development a detailed Access and Habitat Management Plan related to Skew Bridge Lake and Delta Pit Lake, (based on the submitted outline access and habitat management plan) including the access to the land around Ski Lake and Ditchford Lake, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England and implemented before the retail development becomes operational.

Reason: To ensure adequate protection and the management of the area to facilitate public access to ensure it is compatible with wildlife conservation in compliance with the Conservation of Habitats and Species Regulations 2010.

37. The detailed Access and Habitat Management Plan agreed in condition 36 shall be implemented before the first phase of the development is occupied.

Reason: To protect the SSSI/SPA in accordance with the Conservation of Habitats and Species Regulations 2010.

38. Prior to the commencement of development, a detailed plan of the measures to be taken to avoid harm to reptiles during the development and to provide appropriate mitigation measures shall be submitted to and approved by the Local Planning Authority.

Reason: To meet the requirements of NPPF.

39. A clerk of works with appropriate ecological qualifications and experience (as agreed with the Local Planning Authority) shall be appointed to ensure development is undertaken in compliance with the Access and habitat management plan. The clerk of works shall be available at the site during all working hours during which construction is being carried out.

Reason: To ensure that the Access and Habitat management plan is complied with.

40. Prior to the commencement of development a detailed survey shall be undertaken to identify the presence of bats on the site, to be undertaken in accordance with a methodology agreed by Natural England. Where bats are found a scheme of mitigation is to be submitted to and approved by the Local Planning Authority and implemented in accordance with that approved scheme.

Reason: To ensure no harm to protected species.

41. Prior to the commencement of development a detailed Construction Environment Management Plan will be submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency and Natural England.

Reason: To ensure that the proposed development will not have any significant detrimental effect on the interest features for which the Upper Nene Valley Gravel Pits SPA/Ramsar site has been classified.

42. Before the commencement of development, the details of the siting construction and appearance of the foot/cycle bridge over the A45 and Crown Way and the works necessary to achieve safe connection to the established footpath/cycle route network and any works, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the programme for construction of the bridge and all associated

connections and improvement works referred to in this condition. The bridge and associated works shall be provided in accordance with the approved details and the Section 106 Agreement dated 5th December 2002.

Reason: To provide safe pedestrian and cycle access between Rushden and the development.

43. Before the commencement of development a scheme for the external lighting of the development, which accords with the design principles in the Design Statement shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be of a type, fixed in a location and directed in a manner that avoids glare being directed towards the designated areas of wildlife especially to the SSSI and Ramsar Site.

Reason: To provide adequate protection to the wildlife value of the SSSI and the Ramsar site from the impact of artificial light.

44. Prior to the commencement of development a list of construction operations that could cause disturbance to the wintering bird interest of the SPA/Ramsar site must be provided to and agreed in writing by the Local Planning Authority in association with Natural England. Such construction operations must only be undertaken outside the period from October to March each year.

Reason: To protect the SSSI/SPA in accordance with the Conservation of Habitats and Species Regulations 2010.

45. On the commencement of development there will be an annual monitoring survey of the whole site for reptiles, bats, otters, wintering and breeding birds which will continue on an annual basis until 5 years after the completion of all the development hereby permitted. The results of the monitoring survey are to be submitted in writing to the Local Planning Authority. Should the monitoring survey show that populations of any species are declining then a management action plan to rectify the position will be submitted in writing to and agreed in writing by the Local Planning Authority and implemented in full.

Reason: To protect endangered species and to protect the SPA/RAMSAR site.

Informatives

1. In approving this application the relevant planning guidance and policies were identified as:

-the National Planning Policy Framework (March 2012)

-North Northamptonshire Core Spatial strategy 2008 policies 1,8,9,11,12.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, the highway implications, flood risk, impact on the adjacent SSSI/SPA/Ramsar Site, ecological impact, and other environmental impact raised through the environmental Statement.

The application has been approved as

the principle of the development is acceptable and is consistent with national planning policies and the development plan

the proposal would not have an unacceptable impact on the strategic or local highway network

the proposal would not harm or result in unacceptable ecological loss in relation to the SPA/Ramsar site

the proposal would not cause unacceptable flood risk

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

3. Notwithstanding the planning permission that may be granted or extant on the site, any proposed works affecting statutory main rivers, within the indicative floodplain or within the byelaw distance requires the prior written consent of the Environment Agency under the relevant statutory legislation and current land drainage byelaws.

Committee Report

Committee Date: 13 June 2012

Printed: 30 May 2012

Case Officer **Marzena Guzda**

EN/12/00185/VAR

| | | | | |
|------------------------|------------------------|----------------------|-----------------------|----------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 1 February 2012 | 2 February 2012 | 29 March 2012 | Rushden Hayden | Rushden |

Applicant **Mr I Yildiz**

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

Location 136 - 138 High Street Rushden Northamptonshire NN10 0PD

Proposal **Variation of opening times (proposed from 9.00am to 4.00am Monday to Sunday) EN/96/00671/FUL dated 19.12.1996 - Change of use from retail (Class A1) to restaurant and takeaway (Class A3).**

The application has been brought to Development Control Committee at the request of a local Ward Member following a Ward Member consultation. This consultation was carried out by the Officers as Rushden Town Council objected to the proposal.

1. Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes to vary Condition 2 (opening times) of approved planning permission EN/96/00671/FUL. This application proposes new opening times from 9.00am to 4.00am Monday to Sunday. At the moment the premises can be open from 8.30am to 11.00pm on Sundays to Thursday and 8.30am to 11.30pm on Fridays and Saturdays.

3. The Site and Surroundings

3.1 The site is a two storey, mid terrace unit of buff brick finish with an aluminium shop front. The unit is used as a take-away.

3.2 The site is located on the High Street, within the Rushden Town Centre boundary and just outside the Rushden Conservation Area. The unit adjacent to the site is also a take away. The surrounding area consists of a mix of commercial and residential premises of varied size, style and use. To the south of the site there is a Public House and to the east there is a block of flats known as 'Beaconsfield Place'.

4. Planning Policy

4.1 National Planning Policy Framework

4.2 East Midlands Regional Plan

Policy 1 - Regional Core Objectives

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 have not yet been revoked.

4.3 North Northamptonshire Core Spatial Strategy

Policy 13 – General Sustainable Development Principles

4.4 Three Towns: Rushden, Higham Ferrers, Irthlingborough - Preferred Options (2006)

4.5 SPG - Parking

5. Relevant Planning History

5.1 EN/96/00671/FUL - Change of use from retail (Class A1) to restaurant and takeaway (Class A3), approved.

6. Consultations and Representations

6.1 Neighbour notification letters were sent out to close proximity neighbours and a site notice was erected adjacent to the site. In result 1no. letter of objection was received and this can be summarised as follows:

- No. 12 Beaconsfield Place - objection to the change of use. The opening hours are not mentioned in this letter.

6.2 Rushden Town Council: Objection for the following reasons:

6.2.1 The proposed change of use would be detrimental to residential amenity.

6.2.2 The opening times would be excessive and possibly cause antisocial behaviour.

6.3 Northamptonshire Police

6.3.1 Initial response dated 23.02.2012 - no objection to the application, but do have concerns with regard to the possible issues that may result. If the following recommendation is included, and implemented as approved it will help detect and reduce the likelihood of crime, disorder and anti-social behaviour occurring.

6.3.2 CCTV should be installed to cover the area outside of the premises, as approved in consultation with the police, and is operated and maintained as per the conditions of the 'Premises License'.

Reason: This is in the interest of the security, safety and quality of life in accordance with local and national planning policy.

6.3.3 Further comments dated 14.05.2012 - No objection to the extension of the opening times.

6.4 NCC Highways - No objection to this proposal.

6.5 ENC Environmental Services - No objection, we have recently been consulted by the Central Licensing Unit on a new premises licence for the premises. Based on our records we have received no complaints with respect to noise or public nuisance. Therefore, we have no objection on these grounds.

6.6 Cllr Lewis - does not support the application for two reasons:

6.6.1 It is felt that there are too many late night takeaways in town centre already.

- 6.6.2 There are many incidents of vandalism reported by the police in Portland Road caused by people moving from the High Street after the late closing time already operating with other food outlets.
- 6.7 Cllr Hollomon - Fully endorses Cllr. Lewis's comments, however she is happy for this application to go ahead.
7. Evaluation
- 7.1 The following considerations are relevant to the determination of this application:
- 7.2. Principle of development
- 7.2.1 The site is located within the Rushden Town Centre boundary and Defined Shopping Frontage as identified in the former local plan and in the Three Towns: Rushden, Higham Ferrers, Irthlingborough – Preferred Options (2006).
The draft local policies are in line with NPPF, the overall objective of which is to promote the vitality and viability of town centres.
- 7.2.2
The site is surrounded by a mixture of uses including coffee shops, retail, drinking establishments and hot food take-aways. At the local level, the most relevant policy that applies to this proposal is Policy 13 (I) of the North Northamptonshire Core Spatial Strategy. This policy supports sustainable development that does not result in unacceptable impacts on the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.
- 7.2.3 Approval was granted in 1996 for the premises to be used as a take-away and a condition was attached restricting opening times to 8.30am to 11.00pm from Sunday to Thursday and 8:30am to 11:30pm on Fridays and Saturdays. Therefore, the principle of the use was established through this permission. The condition restricting opening times was attached in the interest of residential amenity and therefore the main issue to consider is whether the extension of the opening times would have an acceptable impact on the residential amenity.
- 7.3 Residential amenity
- 7.3.1 An objection has been received from Rushden Town Council and a local resident; however the latter was more concerned with the use of the premises as a take-away rather than the extended opening times. The Town Council comments are duly noted, however Northamptonshire Police did not object to the application. Moreover, they did not confirm that the area suffers from anti-social behaviour. In addition, the Environmental Protection Officer (EPO) has confirmed that the Council has not received any complaints about the premises with respect to noise or public nuisance and therefore has not objected to the proposal. Therefore it is only reasonable to assess any potential impacts of the proposal and how these can be mitigated through planning process. Northamptonshire Police has recommended a condition requesting that CCTV be installed to reduce any likelihood of crime, disorder and anti-social behaviour occurring in the area. It is considered reasonable and necessary to attach this condition to a planning permission in line with the guidance contained in Circular 11/95. In accordance with the guidance this condition would mitigate potential impacts of the development on the amenity of adjacent residential occupiers.

7.3.2 The premises have been granted a licence by the Council for extended opening times. The licence allows for the sale of alcohol until 10pm and late night refreshments until 4am. Although licensing is a separate matter, it takes into consideration the prevention of crime and disorder, the prevention of public nuisance and the protection of children and public safety. In the case of this specific licence, during the 28 days consultation period no objections were received from any of the consultees. Therefore this application was not considered by the licensing panel and a licence was granted in March 2012 under delegated powers.

7.3.3 It is noted there are a number of premises on the High Street that have a licence and are operating until 2.00am or 4.00am. Although none of these premises have planning permission for extended opening times, all of them have a licence for their opening times. It is noted that no complaints with regard to noise or nuisance have been received by the Environmental Health department for these premises.

7.3.4 Taking into account all of the above and the location of the site, it is considered that there is no evidence that the proposed extension of opening times would have an adverse impact on the residential amenity of nearby occupiers and therefore the proposal is in compliance with Policy 13(I) of the North Northamptonshire Core Spatial Strategy (2008).

7.4 Impact on the character and appearance of the Conservation Area.

7.4.1 There would be no impact on the character and appearance of the Conservation Area as there are no proposed external alterations.

7.5 Highway matters

7.5.1. The proposal is located on Rushden High Street, a busy thoroughfare in the heart of Rushden town centre. There is some short stay parking provided on the High Street and adjoining streets. In addition, there are a few large car parks around the town centre. Given the nature of the proposed use and its town centre location, the proposed variation would not have a significant impact on the parking provision in town centre.

7.6 Crime and Disorder

7.6.1 Northamptonshire Police has considered this application and has not raised any objections but recommended a CCTV condition to prevent any likelihood of crime occurring. This condition is attached to the permission.

7.6.2 The Ward Member comments are duly noted, however Portland Close is situated a fair distance away from the site and therefore the proposed extension of opening times would not have a direct impact on the residential amenity of that area. Moreover, Northamptonshire Police has confirmed in their further comments that they do not object to proposal for extension of opening times for the top end of the High Street. Therefore, there is no evidence that would suggest that the proposal would raise concerns with regard to crime and disorder and any potential impacts of this proposal can be mitigated by the appropriately worded condition.

8 Other issues.

8.1 There are no other issues to consider.

9 Recommendation

9.1 It is recommended that planning permission be GRANTED subject to conditions.

Conditions/Reasons -

1. The restaurant/takeaway shall not be open to the public between the hours of 4.00am to 9.00am on Sunday to Monday.
Reason: In the interest of residential amenity.
2. Prior to the increase in opening hours hereby approved, CCTV shall be installed to cover the area outside of the premises, as approved in consultation with the police, and shall be operated and maintained in perpetuity.
Reason: In the interest of the security, safety and quality of life in accordance with local and national planning policy.
3. The development hereby permitted shall be carried out strictly in accordance with the approved plans: Location Plan received by the Local Planning Authority on 01.02.12 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 the NPPF and Policy 13 of the North Northamptonshire Core Spatial Strategy. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, residential amenity, impact on the character and appearance of the conservation area and highway matters. The application has been approved as:
 1. The proposal would not harm the residential amenity and nearby occupiers.
 2. The proposal would not have a detrimental impact on the character and appearance of the Conservation Area.
 3. The proposal would not have a detrimental impact on highway safety.
2. The applicant's attention is drawn to the fact that the conditions attached to the original planning permission (EN/96/00671/FUL) still apply.

Committee Report

Committee Date : 13 June 2012

Printed: 30 May 2012

Case Officer **Amie Baxter**

EN/12/00303/FUL

| | | | | |
|-------------------------|-------------------------|----------------------|-----------------|-----------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 20 February 2012 | 24 February 2012 | 20 April 2012 | Stanwick | Stanwick |

Applicant **Mr C Watkins**

Location 49 East Street Stanwick Northamptonshire NN9 6PX

Proposal **Refurbishment, improvements and alterations to existing detached outbuildings, plus change of use from ancillary use / accommodation to a separate two storey one bedroom private dwellinghouse.**

At their meeting on 23rd May 2012 (report included at Appendix 1), Members resolved to defer the application to allow (1) further consultation with NCC highways to confirm the situation with regards to serving 5 dwellings off a private drive; (2) further analysis by officers on whether the development would be considered as overdevelopment of the original plot; and (3) consider whether it would be possible to impose conditions on this and any other reserved matter or full applications that come forward for other plots within the site to ensure that the driveway becomes hard surfaced (not gravel) to limit the noise made within the site.

1. Highways

1.1 The application has been discussed again with the Highways Authority. The Highways Officer has confirmed that the issue with having more than 5 dwellings served by a private drive comes about with regards to utility provision and the need to access buried plant, and not the intensification of use of the access.

1.2 With this application, the proposed dwelling to the front of the plot (Ref: EN/12/00488/FUL) would not be included within the possible 5 dwellings which could use this access because it would be along the frontage and would therefore have direct access to the services along East Street. Therefore, the proposed development would not result in an excessive number of dwellings using the existing private driveway.

2 Access

2.1 The Highways Officer has now recommended that the same conditions be applied to all applications on this site with regards to the access improvements required. Given that the proposal would result in an intensification of use it could be argued that the access would need to be improved to facilitate this development.

3 Driveway

3.1 The applicant intends to lay hard surfacing once all construction work (for the plot as a whole) has ceased and is against laying a formal hard surface at this point as it is likely to be damaged by construction vehicles when the two proposed dwellings to the rear of the site are constructed. Officers agree that this is a reasonable concern.

3.2 Therefore, as a temporary solution (until such a time as formal hard surfacing could be laid) an additional condition is recommended to ensure that a temporary hard surface is laid over the existing gravel drive. This temporary surface must then be removed and a formal

hard surface laid, once all construction work at the overall site is complete.

4. Density

4.1 The density of the development proposed for the entire site would amount to 18 dwellings per hectare. This is not excessive and is similar to the density found at the opposite side of East Street. It is important to remember that if the existing buildings within the site were demolished and the site was developed as a whole, it is likely that a density higher than 18dph could be considered acceptable.

5. The following additional conditions are therefore recommended:

1 Prior to the commencement of development, details of a pedestrian footway to the front of the site shall have been submitted to and approved in writing by the Local Planning Authority. The footway shall thereafter be constructed in accordance with these approved details prior to first occupation of any dwelling hereby approved.

Reason: In the interests of highway safety.

2 The existing access shall be improved prior to the first occupation of the Coach House to ensure that the resultant shared access is widened to 4.5 metres for a distance of 10 metres measured from the outside edge of the adopted highway, in strict accordance with the details shown on submitted drawing No 100, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

3 Notwithstanding the submitted details, a temporary hard surface (not gravel) shall be laid for the access road within the site(from the highway boundary to the extent of the red lined site boundary) to accommodate construction and domestic vehicles during the construction process. This temporary surface shall be laid prior to the commencement of construction and shall be removed once all construction within the original site (including the two dwellings permitted at outline stage to the rear and the single dwelling permitted to the front of the site) has ceased. The details of the type of temporary surface to be laid shall have been submitted to and approved in writing by the local planning authority, prior to the commencement of any development and the surfacing shall be carried out in strict accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

4 Once all construction for the wider site has ceased and the temporary surfacing is no longer required, the temporary surfacing shall be removed and a formal, permanent form of hardsurfacing shall be laid in the following manner: the vehicular access shall have a gradient not exceeding 1 in 15 for a distance of 5.0 metres back from the rear of the highway boundary (back of footway) and shall be a minimum width of 4.5 meters for a distance of 10 metres from the rear of the highway boundary and with a hard bound surface for a minimum of 5.0 metres back from the highway boundary. The details of the proposed permanent hard surfacing shall have been submitted to and approved in writing prior to it being laid and the surfacing shall be carried out and retained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential and visual amenity.

Appendix 1

This application is brought to the Development Control Committee due to members having previous interest in the site and following an objection from Stanwick Parish Council.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application seeks planning permission for the conversion of an existing two storey detached outbuilding into a separate dwelling with one bedroom. A small rear garden and parking area is also proposed.

3 The Site and Surroundings

3.1 The application site is to the south of East Street in Stanwick and is accessed via private drive. The application site accommodates a two storey building, known as The Coach House, which was once used as ancillary to the existing bungalow on the adjacent site, known as 49 East Street.

3.2 The original plot of Number 49 was substantial in size but several planning applications have been approved over the years, giving permission to develop two dwellings to the rear of the plot and a single dwelling to the front of the plot, whilst retaining the existing bungalow. This would therefore result in the original plot being split, with parcels sold off separately.

3.3 The subject building is constructed from a mix of brick and stone under a clay pan tiled roof. Its condition is poor, but not so poor that it is beyond repair.

3.4 The surrounding area is residential in character, with open countryside to the rear.

3.5 The site is not within a Conservation Area or close to any listed buildings.

4 Policy Considerations

4.1 National Planning Policy Framework

4.2 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 have not yet been revoked.

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 39 – Regional Priorities for Energy Reduction and Efficiency

Policy 45 – Regional Approach to Traffic Growth Reduction

Policy 48 – Regional Car Parking Standards

4.3 North Northamptonshire Core Spatial Strategy, June 2008:

Policy 1 – Strengthening the Network of Settlements

Policy 7 – Delivering Housing

Policy 9 – Distribution & Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

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
Raunds Area Preferred Options Document

5 Relevant Planning History

5.1 EN/09/01374/OUT- Erection of two dwellings to the rear of the existing bungalow known as 49 East Street. Outline approved with conditions.

5.2 EN/11/00764/OUT- Erection of a single detached dwelling to the front of the existing bungalow known as 49 East Street. Outline approved with conditions.

5.3 EN/12/00488/FUL- Erection of a single detached dwelling to the front of the existing bungalow known as 49 East Street. This application is currently being considered by the local planning authority and would replace the outline application noted at 5.2.

6 Consultations and Representations

6.1 Neighbours: 3 letters of objection have been received from neighbours at numbers 43, 45 and 64 East Street. The comments are summarised as follows:

- The proposal would result in the overlooking of number 45 East Street.
- The proposed driveway and car parking area would be noisy for the occupiers of number 45.
- The view from the windows of number 45 would be dominated by the building with no scope for additional screening.
- More than 5 dwellings would be served off a private driveway.
- There is no coherence to the development of the plot as a whole.
- The proposal would increase the number of cars using East Street
- There would be too many dwellings on this plot.
- The access would need to be widened and this would reduce the parking provision on East Street.
- Emergency vehicles would struggle to move along East Street.
- There should be no windows in the northern elevations as they would overlook neighbouring dwellings.
- Bats are sometimes seen in the vicinity
- Could the front wall be demolished to accommodate some parking bays?

6.2 Stanwick Parish Council: Object for the following reasons:

- The creation of an additional dwelling would have a negative impact on the amenity of neighbouring occupiers.
- The Coach House is too close to the boundary to be maintained and any run off from the guttering would be onto the neighbouring property.
- The proposal would result in extra traffic using East Street, which is already congested.
- The wall to the front of the site has historical and visual value and should not be removed.

6.3 Highways Authority: No objection subject to conditions requiring further details of the proposed hardstanding and drainage.

6.4 ENC Empty Homes Project Officer: Supports application.

6.5 Natural England: Oral advice given confirming that the building has been disturbed recently and therefore bats are unlikely to be present. However, an informative should be included to alert the applicants of their responsibilities if evidence of bats is found during the conversion.

7 Evaluation

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

development, visual impact, residential amenity and highway issues.

7.2 Principle of Development

7.2.1 The NPPF seeks to make the best use of land in areas which are well served by existing local facilities and transport services and supports the conversion of existing buildings. The site is located within the built up area of Stanwick, within the draft settlement limits as defined in the Raunds Area Plan Preferred Options Document, and close to the existing facilities of Stanwick. As such the proposed development would meet the criteria set by the NPPF.

7.2.2 In addition, with the surrounding uses being primarily residential, the principle of residential development on this site is considered acceptable subject to fulfilling criteria of design, scale, and other material planning considerations.

7.2.3 The applicant has demonstrated that the proposed dwelling unit and its associated garden could be accommodated comfortably on this site without resulting in overdevelopment of the site. Therefore the development should be supported in principle.

7.3 Visual Impact.

7.3.1 The Coach House is in poor condition at present and it would be beneficial for the general area to see this building upgraded and brought back into active use.

7.3.2 The applicant proposes to retain the existing elevations of the building and carry out localised repair and re-pointing where necessary. The existing roof tiles are also to be reused. A condition is recommended to ensure that if any new material needs to be used, it should be to match that of the existing building.

7.3.3 The applicant proposes to retain most of the existing openings and to use timber windows and doors. A condition is recommended to ensure that timber is used, as opposed to Upvc or other alternatives, given the traditional character of the subject building.

7.3.4 A rooflight is proposed for the south elevation. This rooflight would not be visible from East Street and is only to be small, so as not to result in any visual harm.

7.3.5 As part of the application, fencing is proposed to enclose a small garden area to the rear of The Coach House. Given that the surrounding area is residential in character, this enclosure would not look out of place. A condition is recommended to ensure that details of the fencing, along with surfacing and landscaping, is submitted for approval.

7.3.6 In order to achieve the necessary visibility splays for the other developments on this site, a small portion of the stone wall to the front of the site would need to be removed. This has already been agreed as part of the previous applications, given that the visual impact would not be overly detrimental to the street scene.

7.3.7 Overall then, the proposed development would not result in a significant degree of physical alteration and as such, no visual harm would result.

7.4 Neighbouring amenity

7.4.1 The proposal is for the conversion of an existing two storey building and no extensions are proposed. Therefore, there would be no additional overshadowing or overbearing impact on neighbouring dwellings.

7.4.2 The neighbouring occupiers at 45 East Street have raised concerns regarding overlooking. However, it is proposed that all windows at first floor level in the northern elevation be obscure glazed. In addition, to prevent overlooking through open windows, it would be beneficial to ensure that these windows are non-opening. Therefore, a condition is recommended to ensure that these windows be obscure glazed and fixed shut. No other

properties would be affected by overlooking. In addition, a condition is recommended to remove permitted development rights for additional extensions and the insertion of windows to ensure that residential amenity isn't affected in the future.

7.4.3 The occupiers of 45 East Street have also raised concerns regarding the possibility of noise disturbance as vehicles travel into the site over the gravelled driveway, as they would have to pass close to the eastern elevation of number 45. As part of the approvals for the erection of two dwellings to the rear of 49 East Street and a single dwelling to the front, the existing driveway would need to be upgraded and hard surfaced for a distance of 5 metres back from the edge of the highway. This would reduce the area of which gravel is used and subsequently, the noise produced by vehicles travelling over it.

7.4.4 In addition, the applicant intends to hard surface the entire driveway once all development is completed at the site and once all construction vehicles no longer need to use the access, which could damage the hard paving if laid before development was complete. Regardless of this intention, the noise likely to be generated by domestic vehicles travelling to The Coach House would not be significant enough to refuse this current application.

7.4.5 Overall then, the proposed development is not considered to be detrimental to the residential amenity of neighbouring occupiers.

7.5 Highways and Parking

7.5.1 The Coach House would be served by the existing access into the site. This access also serves the existing bungalow at 49 East Street, and unauthorised annex within 49 East Street (which is being investigated currently) and would also serve the two dwellings approved for the rear of the site. This amounts to 5 dwellings, which is the upper limit to the number of dwellings which could be served by a private drive. The single dwelling approved to the front of the site would not be included in this number as it is a frontage development and all services for that dwelling could be taken directly off East Street.

7.5.2 The proposed development includes parking space for two vehicles. This is considered more than adequate for a one bedroomed dwelling and would prevent the need for any further parking on East Street.

7.5.3 The proposed development in itself would not require any upgrades to be made to the existing access and therefore no conditions are recommended in this respect. However, conditions requiring upgrades to the existing access are required for the two other developments approved on this plot.

8 Other issues

8.1 Amenity Space - Adequate private amenity space would remain within the surrounding curtilage to serve the future occupiers of The Coach House, the future occupiers of all previously approved dwellings and the existing occupiers of 49 East Street.

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

8.3 Access for Disabled - this building would not be subject to any public access and therefore does not raise any significant issues.

8.4 Bats - In line with the recommendations of Natural England, an informative is recommended to advise that work should stop immediately and Natural England be informed if evidence of bats is found.

8.5 Guttering – The outflow of water from guttering is not a material planning consideration.

9 Recommendation

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

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. Before commencement of the development hereby permitted, details of the provision of screening to all boundaries of the site shall be submitted to and be approved in writing by the Local Planning Authority. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary screening shall then be provided in accordance with the details so approved before the building is first occupied and shall thereafter be retained in perpetuity.
Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.
3. Materials used for the repair, replacement or making good of the building shall match those of the relevant parts of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory elevational appearance and to ensure that appropriate materials are used.
4. In accordance with the submitted details, all window, doors and joinery (including the roof structure) shall be in timber, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To achieve a satisfactory elevational appearance for the development and in the interest of preserving the character and appearance of the existing building.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending or re-enacting that Order with or without modification), there shall be no development within Classes A, B, C, D, E, F or G of Part 1 of Schedule 2 to that Order without the prior written approval of the Local Planning Authority.
Reason: To protect the amenity of adjacent occupiers and to ensure a satisfactory elevational appearance for the development.
6. 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.
7. Before commencement of the development hereby permitted, details of the formal heardsurfacing for the parking facilities within the site shall have been submitted to and be approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the protection of on-site trees and visual amenity.
8. Before the dwelling hereby permitted is first brought into occupation, all windows in the north facing elevation of the dwelling shall be fitted with obscured glazing to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall be fixed shut. The obscure glazing and fixed shut windows shall thereafter be retained permanently, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure adequate standards of privacy for neighbours and occupiers of the

dwelling hereby approved.

9. The development hereby permitted shall be carried out strictly in accordance with the approved plans, 1, 2, 3, 4, 5, 6, 100 and site plan, received by the Local Planning Authority on 24/02/12, 20/02/12, 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 NPPF, Policies 1, 2, 3, 39, and 48 of the East Midlands Regional Plan, North Northamptonshire Core Spatial Strategy 2008 policies 1, 7, 9, 10, 13 and 14, Raunds Area Preferred Options Document, Design SPD, Highway Authority Standing Advice, Planning Out Crime SPG and Parking SPG. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenity, the design and visual impact and 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 conversion of a suitable building 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. Should any protected species or evidence of protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or the Councils ecologist be contacted for further advice before works can proceed. All contractors working on the site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

Committee Report

Committee Date: 13 June 2012

Printed: 30 May 2012

Case Officer **Amie Baxter**

EN/12/00488/FUL

| Date received | Date valid | Overall Expiry | Ward | Parish |
|----------------------|----------------------|--------------------|-----------------|-----------------|
| 19 March 2012 | 19 March 2012 | 14 May 2012 | Stanwick | Stanwick |

Applicant **P Whitlock - Paul Whitlock**

Location **49 East Street Stanwick Northamptonshire NN9 6PX**

Proposal **The erection of one detached private dwelling with associated improvements to the existing access.**

This application is brought to committee as Members have had previous interest in the application site and as there has been an objection from the Parish Council.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application seeks planning permission for the erection of a two storey detached single dwelling. Improvements to the existing access into the site are also proposed.

2.2 Outline consent was given for a single dwelling on this site in 2011 (ref: EN/11/00764/OUT). The dwelling proposed in this full application fits within the maximum dimensions set as part of the outline application.

3 The Site and Surroundings

3.1 The application site is an irregular shaped plot, measuring approximately 0.2 hectares. Residential development surrounds the site in all directions and there is open countryside to the south, beyond the existing bungalow at 49 East Street. The surrounding dwellings are mixed in style, age and design. Number 49 is a modern rendered brick built bungalow and there is a mix of two storey terraced, detached and semi-detached dwellings in the immediate vicinity. The closest dwelling to the application site is 51 East Street, which is a two storey end terraced property with a front and rear garden.

3.2 The northern boundary of the application site is defined by a 1.2 metre high stone wall and there are several trees (not protected) and shrubs close to the boundary wall.

3.3 The application site and the existing dwellings to the east are at least one metre higher than the level of the adjacent highway. The stone wall to the front of the application site acts as a retaining wall. Land levels at the highway also slope down gently from west to east. Therefore, the dwellings to the west of the application site are slightly higher than those further along the street to the east.

3.4 East Street is narrow and has several pinch points where only a single vehicle can pass at a time and on-road parking can sometimes be restrictive. The road begins to widen as it progresses to the east.

- 4 Policy Considerations
 - 4.1 National Planning Policy Guidance:
National Planning Policy Framework
 - 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. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's was a material consideration. This decision was however challenged. The Court of Appeal has however recently ruled that the Government's intention to abolish Regional Strategies is a material planning consideration.
Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 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
 - 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 Area Preferred Options document. (Jan 2007)
- 5 Relevant Planning History
 - 5.1 EN/07/01150/OUT – Demolition of existing dwelling (number 49) and erection of four new dwellings with associated private drive (all matters reserved). Permitted with conditions on 25.07.2007
 - 5.2 EN/09/01374/OUT- Erection of two detached dwellings (at the rear of number 49) and associated improvements to the existing access. Permitted with conditions on 02.11.2009.
 - 5.3 EN/11/00764/OUT – Erection of one detached dwelling with associated access improvements. Permitted on 27/07/11 with conditions.
 - 5.4 EN/12/00303/FUL – Conversion of an existing outbuilding into a separate dwelling. This application is currently being considered.
- 6 Consultations and Representations
 - 6.1 Neighbours: 4 letters of objection have been received from the occupants at 43, 45, 60 and 64 East Street. Their comments are summarised below:
 - This application should be considered in conjunction with all other applications at this

site.

- The proposed dwelling is too large for the site and would be overbearing.
- The proposed dwelling would overlook the existing dwellings at 49 and 60 East Street and the dwellings to the north.
- The dwelling as proposed would overshadow 45 East Street.
- Numerous trees have been felled at the site over the past two years.
- East Street is very tight and emergency vehicles struggle to pass by. Perhaps the existing front boundary wall should be rebuilt further back to allow additional parking adjacent to the road?
- The rear garden and conservatory of 64 East Street would be overlooked. 64 is positioned lower than all surrounding dwellings and would be more affected than most.
- A bungalow on this site would be less imposing.
- East Street is dangerous for pedestrians and the proposal would exacerbate this.
- The design and construction materials proposed are inappropriate.
- The gravel driveway would be close to 45 East Street and this would result in noise disturbance.

6.2 Stanwick Parish Council: Object on the following grounds;

- The proposed dwelling is overly large for the site and will dwarf adjacent dwellings.
- The stone wall to the front of the site should not be removed or reduced in length.
- East Street already suffers from accessibility and parking problems.
- If permission is granted then a condition is to be used requiring all construction traffic to reach the site via the B663 and Chelveston Road, rather than from the A45 and through the village.
- All current applications on this site should be considered by the same officer and should be considered at the same time.

6.3 Local Highway Authority: No objection on highway related issues.

6.4 Northamptonshire Archaeology: no objection although the same conditions should be used on this full application as was used for the outline, to request a programme of archaeological works

7 Evaluation

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

7.2 Principle of Development

7.2.1 The principle of development for a single dwelling on this site was established by the recent outline planning permission (Ref: EN/11/00764/OUT) which is still live. The site was considered suitable for residential development because it lies within the built up part of Stanwick, within an established residential area and is close to local services. Local Planning Authorities should take a positive, constructive approach to determination because the development has been judged to be acceptable at an earlier date.

7.2.2 Given that the principle for a single dwelling has already been established, this full application for planning permission is essentially equivalent to a reserved matters application to look at the finer detail of the proposal. The reason that this scheme has been submitted as a full application is because the applicant has now purchased a slightly larger area of land than was detailed in the outline application (and therefore the red line has been extended) and also, a timber shed is now proposed in the rear garden. This plot has now been sold and is under separate ownership to the remainder of the original plot.

7.2.3 Therefore, the pertinent issues with this application are the visual impact, scale, positioning, impact on neighbours and impact on highway safety.

7.3 Scale, Positioning and Visual Impact

7.3.1 The scale parameters for a dwelling on this site were set originally as part of the outline application. The maximum ridge height was set at 8 meters, the eaves height 5.5 metres and the maximum footprint at 97.5 square metres. The positioning of the dwelling in this full application is the same as that previously shown on the indicative plan submitted at outline stage and falls in line with the neighbouring dwelling at 51 East Street.

7.3.2 The applicant is proposing a dwelling which would conform to these parameters, with the exception of the proposed shed which would slightly exceed the maximum floor area set. However, the shed would not need planning permission in its own right if erected after the proposed dwelling is occupied.

7.3.3 Therefore, the proposed scale and positioning has therefore already been considered acceptable. It would be unreasonable to now determine otherwise.

7.3.4 The design of the proposed dwelling has purposefully been kept simple, to ensure that it matches the style of those surrounding it. The dwelling would include a subservient two storey element to the east elevation and a small lean-to style element to the west elevation. The proposed shed would sit discreetly at the rear.

7.3.5 The dwelling would be constructed from brick under a slate roof, to enable it to sit comfortably in visual terms with the existing dwelling at 45 East Street. A condition is recommended to ensure that a sample of all external materials is submitted to the Local Planning Authority for approval prior to commencement of development.

7.4 Neighbouring Amenity

7.4.1 The scale parameters were set at the outline stage to limit the impact on neighbouring dwellings in terms of overshadowing and overbearing impact and the proposed dwelling in this application would not exceed these limits. Therefore, the proposed scale and positioning of the proposed dwelling would not result in undue levels of overshadowing or an overbearing impact, and the only other considerations outstanding in this sense are overlooking and noise disturbance.

7.4.2 There would be a distance of 15 metres between the north elevation of the proposed dwelling and the south elevation of the closest dwelling opposite the site, 62 East Street, and 20 metres between the proposed dwelling and the conservatory at 64 East Street. The proposed dwelling would also be off-set. This distance and positioning is considered sufficient to prevent overlooking of properties to the north.

7.4.3 The west gable of the proposed dwelling would be positioned approximately 13 metres away from the north east elevation of number 45 and there are no windows proposed in this elevation. No overlooking to the west would occur.

7.4.4 There are no windows proposed for the east elevation and again, no direct overlooking would occur. Views over the garden area of 51 East Street would be possible, however, this level of overlooking would not be unduly harmful and is to be expected in a built up area such as this.

7.4.5 There are to be two bedroom and two bathroom windows at first floor level in the south elevation of the proposed dwelling. There would be a distance of 10 metres between the south elevation of the proposed dwelling and the northernmost elevation of the existing bungalow at number 49. There is also a small window in this north elevation.

7.4.6 The proposed window for bedroom 2 would overlook the roof top of number 49 and so would not result in overlooking of sensitive areas. The garden area over which the window for bedroom 1 would overlook is a secondary area of amenity space, with the main garden area being to the south of the bungalow. No objections have been raised

by the occupiers of 49 East Street. Therefore, on balance, it is considered that the proposed development would not result in a level of overlooking which would warrant the refusal of this application.

7.4.7 A condition is recommended to ensure that all bathroom windows are obscure glazed.

7.4.8 Overall, the level of overlooking would be acceptable and given the careful positioning and modest scale of the proposed dwelling, overshadowing and overbearing impact would not be a concern.

7.5 Access and Parking

7.5.1 The proposed dwelling would be considered as frontage development and would not therefore be included in the number of dwellings which could be accessed off a private drive. This dwelling would take all of its services directly from East Street. The Highways Authority supports this approach and has no objection to the proposed development, subject to standard conditions.

7.5.2 As with the previous outline for this site, and for the previous outline approval for two dwellings to the rear of the site, the access into the site needs to be improved to accommodate an intensification of use.

7.5.3 In line with advice from the Highways Officer, the applicant proposes to increase the width of the access to 4.5 metres for the length which would be used to access this particular site. A condition has been placed upon the outline application for the two dwellings to the rear and for the conversion of the Coach House to ensure that the access is widened to 4.5 metres for a length of 10 metres and hard surfaced for a length of 5 metres from the edge of the highway, once the temporary surface is removed. A similar condition is recommended for this application.

7.5.4 Such duplicate conditions must be imposed on each of the applications, including this one, to ensure that the necessary access improvements are made, which ever part of the development is begun first.

7.5.5 The wall to the front of the site would need to be modified to make sure that the necessary visibility spays could be achieved. This would mean demolishing a 0.5 metre long portion of the wall completely and then reducing the height of the wall to 0.6 metres for a distance of 2 metres, measured from the access point. A condition is recommended to ensure that this is carried out, in the interests of highway and pedestrian safety.

7.5.6 Concerns have been raised by the neighbour at 45 East Street over the potential for noise disturbance with an increased number of vehicles travelling over the gravelled drive way particularly if all of the proposed dwellings on the wider site are constructed.

7.5.7 An obvious solution to this would be to hard pave the driveway. However, if the drive way were to be hard paved before the dwellings to the rear of the site were constructed, it is likely that the surface would be damaged by construction vehicles. It would therefore be sensible to suggest that a temporary hard surface is laid beyond the first 5 metres into the site (as the first 5 metres must be formally hard paved and an Acco drain installed) to prevent noise disturbance in the interim, whilst work is undertaken on this proposal and the conversion of the Coach House. This temporary surface would also serve for the construction of the two dwellings to the rear, without worry that it may be damaged. The temporary surface can then be removed and formal hard surfacing laid once all construction work is complete. A condition is therefore recommended.

7.5.8 In terms of parking, the proposed development would be self-sufficient, with the

provision of two off-road parking spaces. No on-street parking would be lost as a result of this development. A condition is recommended that these spaces be retained.

8 Other Issues

8.1 Consideration of Application- Both current applications on the overall site have been considered by the same officer and both will now appear at Development Control Committee together.

8.2 Routing Agreement – The Parish Council suggest that a routing agreement is put in place to prevent HGVs from travelling to the site through the village. However, it would not be reasonable to enforce such a restrictive condition upon a small development such as this. It is not anticipated that the number of vehicles associated with the site would warrant a routing agreement.

8.3 Permitted Development – Given that the proposed dwelling is close to some of the neighbouring dwellings, any extension or alteration to it would need to be carefully assessed, to ensure that it did not have a detrimental impact on neighbours. Therefore, a condition is recommended to remove all permitted development rights.

9 Recommendation

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

Conditions/Reasons -

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

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

2. Notwithstanding the submitted details and before any work is commenced on the development hereby permitted, details showing the slab levels of the proposed buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings (including the ridge heights and eaves height of neighbouring buildings of 51 and 45 East Street) shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall thereafter be constructed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

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

3. Notwithstanding the submitted details, pedestrian visibility splays of 2.4m x 2.4m shall be provided on both sides of the vehicular access. 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.

4. Before the dwelling hereby permitted is first brought into occupation, all W/C and bathroom windows shall be fitted with obscured glazing to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and this obscure glazing shall thereafter be retained permanently.

Reason: To ensure adequate standards of privacy for neighbours and occupiers.

5. Notwithstanding the submitted details and before any work is commenced on the development hereby permitted, details of the means of drainage to prevent the discharge of surface water onto the highway boundary shall be submitted to and approved in writing by the Local Planning Authority. The drainage facilities shall thereafter be implemented in accordance with the details so approved, before the first occupation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending or re-enacting that Order with or without modification), there shall be no development within classes A, B, C, D, E of Part 1 of Schedule 2 and classes A, B, C, D, E and F of Part 40 to that Order without the prior written approval of the Local Planning Authority.

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

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

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

8. Before commencement of the development hereby permitted, details and samples of all external roofing and facing materials (including windows and doors) to be used for the construction of the dwelling shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved detail, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory appearance for the development.

9. Notwithstanding the submitted information, once altered in accordance with the requirements for visibility splays, the existing stone boundary wall to the front of the site shall be made good using matching materials, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

10. Prior to the occupation of the dwellings hereby permitted, a copy of the Final Certificate (or any replacement for this) shall be provided to the Local Planning Authority to demonstrate that the unit has been constructed to achieve a minimum under the Code for Sustainable Home of Code Level 3, the relevant BREEM and Code for Sustainable Home Level, and any replacement standards, in accordance with the submitted Sustainability and Energy Efficiency Statement, 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 the NPPF and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

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

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

12. 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 building(s) hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved 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 the NPPF and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

13. Notwithstanding the submitted details, a temporary hard surface (not gravel) shall be laid for the access road within the site (from the highway boundary to the extent of the red lined site boundary) to accommodate construction and domestic vehicles during the construction process. This temporary surface shall be laid prior to the commencement of construction and shall be removed once all construction within the original site (including the two dwellings permitted at outline stage to the rear and the single dwelling permitted to the front of the site) has ceased. The details of the type of temporary surface to be laid shall have been submitted to and approved in writing by the local planning authority, prior to the commencement of any development and the surfacing shall be carried out in strict accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of neighbouring amenity.

14. Once all construction for the wider site has ceased and the temporary surfacing is no longer required, the temporary surfacing shall be removed and a formal, permanent form of hardsurfacing shall be laid in the following manner: the vehicular access shall have a gradient not exceeding 1 in 15 for a distance of 5.0 metres back from the rear of the highway boundary (back of footway) and shall be a minimum width of 4.5 meters for a distance of 10 metres from the rear of the highway boundary and with a hard bound surface for a minimum of 5.0 metres back from the highway boundary. The details of the proposed permanent hard surfacing shall have been submitted to and approved in writing prior to it being laid and the surfacing shall be carried out and retained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of residential and visual amenity.

15. Notwithstanding the submitted details, the two parking spaces shown on plan ref: 1030/80P1 shall be retained and maintained in a serviceable manner in perpetuity for the sole use of the occupier of the dwelling hereby permitted, unless otherwise agreed in writing.

Reason: To prevent the need to park on East Street.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as: the National Planning Policy Framework (NPPF) 2012; Policies 1, 2, 3, 27, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 7, 9, 10, 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Design SPD 2009; Raunds Area Preferred Options Document and Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on neighbouring amenities 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 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. Waste and recycling storage can be reasonably provided for the dwelling.
6. The proposal is unlikely to have an adverse effect on archaeology or any other heritage

asset.

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: 13 June 2012

Printed: 30 May 2012

Case Officer **Anna Lee**

EN/12/00611/LBC

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|----------------------|----------------------|---------------------|---------------------|---------------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 10 April 2012 | 16 April 2012 | 11 June 2012 | Kings Forest | Kings Cliffe |

Applicant **Hereward Homes Ltd - Mr J Gibbison**

Agent **Iplan - Mr T Musgrove**

Location 13 Bridge Street Kings Cliffe Peterborough Northamptonshire PE8 6XH

Proposal **Part removal of existing stone wall (southern boundary) to allow formation of new access**

The application has been brought to Development Control Committee because of an objection from King Cliffe Parish Council. The Parish Council objects to the application which proposes the construction of a dwelling on the site EN/12/00612/FUL, and therefore, also objects to this listed building consent application.

1 Summary of Recommendation

1.1 That listed building consent be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes part removal of the south facing stone wall to allow formation of a new vehicular access.

2.3 The original proposal was for a dwelling to be positioned up to the front of the street. Amended plans were received to show retention of the majority of the front boundary wall on 2 May 2012. The Parish Council and neighbours were re-consulted on these proposals.

3 The Site and Surroundings

3.1 The application site forms part of the garden curtilage of 13 Bridge Street. The property is also known as Tudor House.

3.2 13 Bridge Street is grade II listed.

3.3 The land levels are slightly raised at the back, in the northern direction. The levels towards the front of the site are almost the same as Bridge Street.

3.4 The site is mainly surrounded by traditional style residential development, with also some modern development. 9 Bridge Street is a detached 1960s style bungalow, located on higher level ground and 15 Bridge Street further to the east is a recently constructed residential development.

3.5 The site falls within a designated conservation area, covered by an Article 4 Direction.

4 Policy Considerations

4.1 National Planning Policy Guidance:
National Planning Policy Framework (NPPF), 2012

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 RSSs 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 have not yet been revoked.

Policy 2 – Promoting Better Design

Policy 27 – Regional Priorities for the Historic Environment

4.3 North Northamptonshire Core Spatial Strategy, June 2008: Policy 13 – General Sustainable Development Principles

4.4 Rural North, Oundle and Thrapston Plan, 2011

4.5 Supplementary Planning Document: Design SPD, March 2009

5 Relevant Planning History

5.1 An application was previously submitted for the construction of a new dwelling and garage on the site under ref EN/11/01876/FUL. This application was withdrawn because of design issues.

5.2 Listed building consent was applied for part removal of the existing stone wall under EN/11/01883/LBC. This application was withdrawn because of concerns about the effect of the proposal on the setting of the listed building and design issues associated with the dwelling proposed under EN/11/01876/FUL.

5.3 An application was previously submitted for conservation area consent under EN/11/01932/CAC. This application was withdrawn because conservation area consent was not required for the construction of a new dwelling and the removal of the front boundary wall would be covered by the listed building consent application.

6 Consultations and Representations

6.1 Neighbours: One letter of objection received from 17 Bridge Street, “this stone wall forms an important part of the street scene in the conservation area and frames the position of 13 (Tudor House). Removal of any part of this wall will detract from the nature of this part of Bridge Street.”

6.2 Kings Cliffe Parish Council: “The Parish Council has objected strenuously to the plans for a house on this land, therefore, we obviously object to removal of this stone wall.”

6.3 Senior Conservation Officer: No objection.

6.4 Site notice posted: No other representations received.

7 Evaluation

7.1 The main consideration is the impact of the proposed development on the character, appearance, setting and historic fabric of the listed building.

7.2 The application proposes to demolish a section of the front boundary wall, measuring 7 metres, to accommodate a vehicular entrance. Given that the majority of the front boundary wall, measuring some 12 metres, would be retained, there would be no significant harm on the character and appearance of the listed wall.

7.3 The Senior Conservation Officer is satisfied that the proposed works would not have a adverse impact on the character, setting and historic fabric of the listed building.

8 Recommendation

8.1 That listed building consent be GRANTED subject to the following conditions:

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. All disturbed surfaces on the southern boundary wall shall be made good in materials, mortar and finish to match the existing stone wall.

Reason: To maintain the character and appearance of the structure as a structure of acknowledged architectural and historic interest.

3. The development hereby permitted shall be carried out strictly in accordance with the approved plans; amended plans received by the Local Planning Authority on 2 May 2012: drawing numbers: 2011/66-10A, 2011/66-17A, 2011/66-11A, 2011/66-12A, 2011/66-15A, 2011/66-14A, 2011/66-18.

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:

Heritage Statement, received on 16 April 2012; and Impact and Justification Statement, received 2 May 2012.

2. In approving this application, the relevant planning guidance and policies were identified as the NPPF 2012; Policies 2 and 27 of the East Midlands Regional Plan 2009; Policy 13 of the North Northamptonshire Core Spatial Strategy 2008; the Rural North, Oundle and Thrapston Plan 2011; and Design SPD 2009.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the impact on the character, appearance, setting and historic fabric of the listed building.

The application has been approved as:

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

2. The development would not result in the significant loss of historic fabric.

3. The proposed works would not harm the character, appearance or setting of the listed building(s).

4. The proposed development makes use of materials and treatment appropriate to the listed building. A

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

Committee Report

Committee Date: 13 June 2012

Printed: 30 May 2012

Case Officer **Anna Lee**

EN/12/00612/FUL

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|----------------------|----------------------|---------------------|---------------------|---------------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 10 April 2012 | 16 April 2012 | 11 June 2012 | Kings Forest | Kings Cliffe |

Applicant **Hereward Homes Ltd - Mr J Gibbison**

Agent **I Plan - Mr T Musgrove**

Location 13 Bridge Street Kings Cliffe Peterborough Northamptonshire PE8 6XH

Proposal **Four bed dwelling with detached garage and formation of new access**

The application has been brought to Development Control Committee because Kings Cliffe Parish Council has objected on grounds of the height and size of the proposed dwelling and the effect on the setting of the listed building. A separate listed building consent application has been submitted for alterations to the front boundary wall ref EN/12/00611/LBC and both applications have been brought to committee to be considered together.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes the construction of a four bedroom dwelling with detached garage and new vehicular access.

2.2 The application is a resubmission, following the withdrawal of a previous similar application EN/11/01876/FUL.

2.3 The original proposal was for a dwelling to be positioned up to the front of the street. Amended plans were received to show the proposed dwelling positioned 4 metres back and retention of the front boundary wall on 2 May 2012. The Parish Council and neighbours were re-consulted on these proposals.

3 The Site and Surroundings

3.1 The application site forms part of the garden curtilage of 13 Bridge Street. The property is also known as Tudor House.

3.2 13 Bridge Street is grade II listed.

3.3 The land levels are slightly raised at the back, in the northern direction. The levels towards the front of the site are almost the same as Bridge Street.

3.4 The site is mainly surrounded by traditional style residential development, with also some modern development. 9 Bridge Street is a detached 1960s style bungalow, located on higher level ground and 15 Bridge Street further to the east is a recently constructed residential development.

3.5 The site falls within a designated conservation area, covered by an Article 4 Direction.

4 Policy Considerations

4.1 National Planning Policy Guidance:

National Planning Policy Framework (NPPF), March 2012

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 RSSs 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 have not yet been revoked.

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 7 – Delivering Housing

Policy 9 – Distribution & Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

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

Policy 1 – Settlement Roles

Policy 2 – Windfall Development in Settlements

Policy 6 – Residential Parking Standards

4.5 Supplementary Planning Document:

Design SPD, March 2009

4.6 Other Documents:

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

5 Relevant Planning History

5.1 The previous application EN/11/01876/FUL was withdrawn because of design issues.

5.2 Listed building consent was applied for part removal of the existing stone wall under EN/11/01883/LBC. This application was withdrawn because of concerns about the effect of the proposal on the setting of the listed building and design issues associated with the dwelling proposed under EN/11/01876/FUL.

5.3 An application was previously submitted for conservation area consent under EN/11/01932/CAC. This application was withdrawn because conservation area consent was not required for the construction of a new dwelling and the removal of the front boundary wall would be covered by the listed building consent application.

6 Consultations and Representations

6.1 Neighbours: 5 Letters of objection received from the occupants at 100A Wood Road, 8 Bridge Street, 9 Bridge Street, 15A Bridge Street and 17 Bridge Street. The reasons for objection are summarised below:

- Overdevelopment;

- The house would be too big and tall and would harm the street scene;
- A smaller property with a lower roof line and dormer windows should be considered;
- The proposed dwelling would be imposing due to levels;
- Overshadowing on the solar panels of 9 Bridge Street and 13 Bridge Street;
- Poor design;
- The site provides an 'open space' in the street scene, which is important to the conservation area;
- The proposal would have an detrimental/adverse effect on the character and setting of the existing listed building;
- Effect on highway safety;
- Increase in traffic.

6.2 Kings Cliffe Parish Council: Objection, "The proposed house is far too high and too large for the site, and it would be within the curtilage of 13 Bridge Street (Tudor House), allegedly the oldest house in Kings Cliffe. If allowed, the house would completely dwarf the historic building. The Council has twice refused plans for 31 West Street, Kings Cliffe (ref: EN/12/00189/FUL) – this, we believe sets a precedent to refuse this application for the same reasons."

6.3 Senior Conservation Officer: No objection and the full comments will be added to the committee update sheet.

6.4 Local Highway Authority: No objection in principle to the proposed access. Conditions are recommended to require (1) construction details; (2) details to show relocation of the channel gully and lateral drainage connection; (3) that no gates be provided; and (4) details to show relocation of a light column at the front of the site.

6.5 Environment Agency: No objection, the proposal lies in Flood Zone 1 and is 'lower risk' development.

6.6 Northamptonshire Archaeology: No objection, subject to a condition to ensure that adequate provision is made for the investigation and recording of any remains that may be affected.

6.7 Site notice posted: No other representations received.

7 Evaluation

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

7.2 Principle of Development

7.2.1 The National Planning Policy Framework (NPPF) seeks to resist inappropriate development of residential gardens (paragraph 53). However, it also advises that Local Planning Authorities should seek to promote sustainable development in existing villages and make allowance for windfall development (paragraphs 55 and 48). Given the desirability of using land efficiently and the characteristics of the area, the proposal would be in accordance with the NPPF.

7.2.2 Policies 1, 7, 9 and 10 of the North Northamptonshire Core Spatial Strategy (NNCSS) seek to strictly control new development in the open countryside, and to direct new development to sites within and adjoining settlement boundaries.

7.2.3 Kings Cliffe is identified in the Rural North and Oundle Plan (RNOTP) as a Local Service Centre, where windfall development is normally permitted. The application site lies within the settlement boundary defined for the village, and therefore, policies 1 and 2 of the RNOTP are relevant. Policy 1 allows windfall development subject to the criteria set out in Policy 2. Policy 2 states that planning permission will be granted for windfall development within settlement boundaries providing the scale and siting of the dwellings accord with the character of the surrounding properties and are satisfactorily

integrated into the settlement and surrounding area.

7.2.4 Therefore, the principle of residential development on the site is acceptable, subject to the issues set out below.

7.3 Visual Impact/Impact on Conservation Area

7.3.1 The proposed dwelling would have a road frontage and would be positioned behind the existing boundary wall. The dwelling would be positioned broadly in-line with the other buildings along the street and would be in character in terms of layout with the existing development on Bridge Street.

7.3.2 The proposed dwelling would have a building length similar to the adjacent property 13 Bridge Street. It would be approximately 0.5 metres taller than the adjacent property. However, there would be no significant visual impact on the street scene, as the dwelling is designed with low eaves to match the existing property and 9 Bridge Street to the west is a bungalow positioned on higher ground level. Providing the proposed dwelling is constructed to appropriate levels, it would relate well with the immediately adjacent dwellings and would be no taller than the other existing two storey houses along the street.

7.3.3 The materials proposed for the construction of the dwelling are timber for the windows and doors, natural stone for the walls and 'blue slate' for the roof. The proposed use of 'blue slate' would not be in-keeping with the roofing materials used on other properties in the conservation area. Therefore, a condition is recommended to require that alternative roofing materials be used.

7.3.4 The proposed garage would be set back behind the proposed dwelling and given that the adjacent dwelling 13 Bridge Street has a similar garage, there would be no visual harm from the proposed garage.

7.3.5 The proposal to retain the majority of the existing front boundary wall, would add visual interest to the development and help to preserve the character and appearance of the conservation area.

7.3.6 Overall, subject to conditions to ensure that sympathetic materials be used in the construction of the development, there would be no significant impact on the street scene or conservation area.

7.4 Impact on Listed Building

7.4.1 The relationship of the development with the adjacent listed building, 13 Bridge Street, is described in paragraph 7.3.2 above. As mentioned, the proposed dwelling would have a building length similar to the listed building. Whilst the dwelling would be approximately 0.5 metres taller than the listed building, there would be no significant impact on the setting of the listed building as the dwelling is designed with a sympathetic building form and would have low eaves.

7.4.2 The Senior Conservation Officer is satisfied that the proposed development could be accommodated without having an adverse impact on the character and setting of the listed building. Also, sufficient garden space would remain available for the listed building.

7.4.3 The application proposes to demolish a section of the front boundary wall, measuring 7 metres, to accommodate the vehicular entrance. Given that the majority of the front boundary wall, measuring some 12 metres, would be retained, there would be no significant harm on the character and appearance of the listed wall.

7.4.4 Furthermore, the use of sympathetic materials for the construction of the dwelling and garage would also ensure that the character and appearance of the listed building

would not be harmed.

7.5 Neighbouring Amenity

7.5.1 The proposal to position the dwelling 4 metres back would help to prevent overbearing and overshadowing on the neighbouring property and garden of 9 Bridge Street. 9 Bridge Street has a single-storey extension on the east side of the property, with a study room window at the front and solar panels in the roof. It would be extremely difficult to justify a refusal of planning permission on the basis of overbearing or overshadowing on the neighbouring property, as the proposed dwelling would be positioned on lower ground level of approximately 1.6 metres and would be positioned approximately 2.5 metres away from the neighbouring property. Also, with the neighbouring window and solar panels being south facing, they would retain adequate natural light levels during the main part of the day.

7.5.2 13 Bridge Street has a bay window and other secondary windows in the west elevation. As the proposed dwelling would be positioned 5 metres away from 13 Bridge Street, and given that there are other windows serving the rooms on the front and rear elevations, the proposal would not result in an unacceptable loss of amenity for the neighbouring occupiers. There would be no significant overlooking on 13 Bridge Street, as the utility door, toilet and ensuite windows proposed in the east side of the dwelling could be conditioned to be obscured glazed, and a condition is recommended.

7.5.3 The proposed garage, by being single storey in height and as it would be positioned over 6 metres away from the rear of 13 Bridge Street, would not have an undue overbearing or overshadowing impact on the neighbouring property. The condition recommended on levels would furthermore help to prevent undue harm on the neighbouring property.

7.5.4 The proposed dwelling would be positioned approximately 17 metres away from the front of 8 Bridge Street. There would be no overbearing impact on the neighbouring property due to this distance. It would be extremely difficult to justify a refusal of planning permission based on overlooking, given that there is a similar distance between the other properties along the street.

7.5.5 All other properties would be sufficiently located away and therefore would not be adversely affected.

7.5.6 Overall, the impact on neighbour amenity is insufficient to justify a refusal of planning permission on this application.

7.6 Highway Impact

7.6.1 It is proposed to construct a new access off Bridge Street to serve the proposed dwelling and this has been assessed by the Highway Officer. The proposed new access would be located within a 30 mph speed limit zone. In accordance with NCC requirements, the proposed access would measure 3.0 metres in width and adequate pedestrian and vehicular visibility splays would be provided on each side. Providing conditions are imposed, in accordance with the Highway Officer's recommendations, to ensure that the vehicular access is constructed to appropriate standards, then there would be no significant highway issues from this proposal.

7.6.2 The Highway Officer has recommended a condition to require the relocation of a lighting column. The existing lighting column is located within the application site behind the front boundary wall and clarification is being sought from the Highway Officer about the need for this work, given that the column does not affect the proposed access and visibility splays. The Highway officer's response on this matter will be reported on the committee update sheet.

7.6.3 Adequate off-road parking would be available for the proposed dwelling and existing

dwelling. In accordance with the requirements of Policy 6 of the RNOTP, at least two off-road parking spaces would be available for the proposed dwelling, within the proposed garage and within the curtilage of site. Also, 13 Bridge Street would still have two off-road parking spaces.

7.7 Sustainable Construction and Energy Efficiency

7.7.1 Policy 14 of the NNCSS requires new development to incorporate techniques of sustainable construction, provision for waste reduction and recycling, and water efficiency and recycling. The application is accompanied by a Sustainability Appraisal and Energy Efficiency Statement and the following measures are proposed:

- Compliance with Building Regulations;
- The materials would be supplied by local merchants;
- Materials sourced from recognised licensed sustainable producers;
- Low energy light fittings;
- Energy efficient appliances;
- The house has been designed to maximise solar gain;
- Low flush WC cisterns;
- Rain water collected and discharged into soakaways.

7.7.2 Given the need to preserve the character and appearance of the conservation area and adjacent listed building, on balance, the proposed measures would be sufficient. A condition is recommended to require that these measures be implemented.

7.7.3 There would be room for storing waste and recycling bins within the front and rear garden of the proposed dwelling.

7.8 Archaeology

7.8.1 The County Archaeologist advises that there is potential for archaeological interest to survive on the application site, as the site lies within the setting of a 17th century listed building and the site lies close to a Norman hunting lodge and chapel. Therefore, in order to ensure that the proposal would not have an adverse effect on any remains which may be present, a condition is recommended to ensure that adequate provision is made for the investigation and recording of any remains that may be affected.

8 Other issues

8.1 Withdrawal of Permitted Development Rights – In the interest of preserving the conservation area, listed building and to safeguard neighbour amenity a condition is recommended to withdraw permitted development rights from the proposed dwelling. This is in respect of extensions, outbuildings and microgeneration equipment. Also, a condition is recommended to require that no new window openings be created in the east and western sides of the proposed dwelling, in order to prevent overlooking on the immediately adjacent properties 9 and 13 Bridge Street.

8.2 Loss of Open Space - Whilst comments have been received from local residents to say that the proposal would lead to the loss of open space, the application site forms part of the private garden of a residential property and is not public open space. Therefore, there is insufficient justification to prevent development on the site for this reason.

8.3 31 West Street – The Parish Council refers to a development at 31 West Street submitted under planning references EN/12/00189/FUL and EN/12/00190/LBC, which it believes sets a precedent for refusing the submitted application. These applications are different in nature to the submitted application as the proposal was for the conversion of some outbuildings into two separate dwellings and involved the subdivision of the garden curtilage of a listed building into three parts. These applications were refused permission on grounds of harm on the character and fenestration of the listed buildings and the ‘fragmentation’ effect on the setting of the listed building. As the proposal at 13 Bridge Street is significantly different, it is not considered that these previous applications would set a precedent for refusing the current application and Members

are advised to consider the application on its individual planning merits.

9 Recommendation

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

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 external walls of the dwelling and garage hereby permitted shall be faced in limestone. Prior to commencement of development, a sample panel to show the stone work and mortar 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: To achieve a satisfactory elevational appearance for the development, to ensure that the development would not detract from the character and appearance of the conservation area and in the interest of preserving the setting of the adjacent listed building.

3. Notwithstanding the submitted details, a sample and details of an alternative roofing material(s) to 'blue slate' shall be submitted to and approved in writing by the Local Planning Authority before commencement of development. The roof of the dwelling and garage shall thereafter be constructed in accordance with the material(s) so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory elevational appearance for the development, to ensure that the development would not detract from the character and appearance of the conservation area and in the interest of preserving the setting of the adjacent listed building.

4. In accordance with the submitted details, the windows and doors of the dwelling and garage shall be in timber. Full details of the materials to be used for the windows and doors, including colour and finish details, shall be submitted to and approved in writing by the Local Planning Authority before commencement of development. The development shall thereafter be implemented in accordance with the details so approved.

Reason: To achieve a satisfactory elevational appearance for the development, to ensure that the development would not detract from the character and appearance of the conservation area and in the interest of preserving the setting of the adjacent listed building.

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

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

6. Notwithstanding the submitted details and before any work is commenced on the development hereby permitted, details showing the slab levels of the proposed buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings (including the ridge heights and eaves height of neighbouring buildings of 9 Bridge Street and 13 Bridge Street) shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall thereafter be constructed in accordance with

the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

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

7. Notwithstanding the submitted details, pedestrian visibility splays of 2.4m x 2.4m shall be provided on both sides of the vehicular access. 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. The vehicular access shall have a gradient not exceeding 1 in 15 for a distance of 5.0 metres back from the rear of the highway boundary (back of footway). 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.

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

Reason: In the interest of highway safety and to ensure the development would not detract from the character and appearance of the conservation area.

10. Notwithstanding the submitted details and before any work is commenced on the development hereby permitted, details of the means of drainage to prevent the discharge of surface water onto the highway boundary shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details to facilitate the relocation of the existing channel drainage gully and lateral connection. The drainage facilities shall thereafter be implemented in accordance with the details so approved, before the first occupation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

11. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2008 (or any Order amending or re-enacting that Order with or without modification), no gates or other form of barrier shall be erected at the point of access.

Reason: In the interest of highway safety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending or re-enacting that Order with or without modification), there shall be no development within classes A, B, C, D, E of Part 1 of Schedule 2 and classes A, B, C, D, E and F of Part 40 to that Order without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of adjacent occupiers, to ensure a satisfactory elevational appearance for the development and in the interest of preserving the character and appearance of the conservation area.

13. Before the dwelling hereby permitted is first brought into occupation, the utility door, toilet and ensuite window in the east facing elevation shall be fitted with obscured glazing to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and this obscure glazing shall thereafter be retained permanently.

Reason: To ensure adequate standards of privacy for neighbours and occupiers.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that Order), no windows or other form of opening, other than those shown on the drawings hereby approved, shall be inserted in the east and west facing walls and roofs of the dwelling and garage hereby approved.

Reason: To ensure adequate standards of privacy for neighbours and occupiers.

15. The sustainable construction, waste reduction/recycling, water efficiency/recycling and energy efficiency measures detailed within the submitted Sustainability Appraisal and Energy Statement, received by the Local Planning Authority on 10 April 2012, shall be implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with the National Planning Policy Framework and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded.

17. All disturbed surfaces on the southern boundary wall shall be made good in materials, mortar and finish to match the existing stone wall.

Reason: To maintain the character and appearance of the structure as a structure of acknowledged architectural and historic interest.

18. The development hereby permitted shall be carried out strictly in accordance with the approved plans; amended plans received by the Local Planning Authority on 2 May 2012: drawing numbers: 2011/66-10A, 2011/66-17A, 2011/66-11A, 2011/66-12A, 2011/66-15A, 2011/66-14A, 2011/66-18, .

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 10 April 2012: Sustainability Appraisal and Energy Statement; Design and Access Statement; Heritage Statement, received on 16 April 2012; and Impact and Justification Statement, received 2 May 2012.

2. In approving this application, the relevant planning guidance and policies were identified as: the National Planning Policy Framework (NPPF) 2012; Policies 1, 2, 3, 27, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 7, 9, 10, 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Policies 1, 2 and 6 of the Rural North, Oundle and Thrapston Plan 2011; Design SPD 2009; and Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008.

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

The application has been approved as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national planning policies.
2. The proposal would not harm visual amenity or the character and appearance of the area.
3. The proposal would not harm the conservation area.
4. The proposal would not harm the listed building or its setting.
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 meets the sustainable construction and energy efficiency standards.
8. Waste and recycling storage can be reasonably provided for the dwelling.
9. The proposal is unlikely to have an adverse effect on archaeology or any other heritage asset.

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 may not commence without the written permission of the Local Highway Authority and this planning permission does not give or infer such permission.

Committee Report

Committee Date: 13 June 2012

Printed: 30 May 2012

Case Officer **Carolyn Tait**

EN/12/00628/FUL

| | | | | |
|----------------------|----------------------|---------------------|------------------------|-----------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 16 April 2012 | 26 April 2012 | 26 July 2012 | Irthlingborough | Waterloo |

Applicant **Mr Peter Wilson**

Agent **ABDS Ltd - Mr Alan Brown**

Location Sports And Exhibition Centre Station Road Irthlingborough Wellingborough Northamptonshire NN9 5QF

Proposal **Change of use from D1/D2 (Non-residential Institutions/Assembly and Leisure) Mixed Use to D1/D2/B1 (Non-residential Institutions/Assembly and Leisure/Business) use classes and alteration of exiting windows in side elevations**

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

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions and the expiration of consultations.

2. The Proposal

2.1 The application proposes a change of use from D1/D2 (Non-residential institutions) to mixed use B1/D1/D2 (Non-residential institutions and business).

2.2 The application also proposes the alteration of some existing windows in the side elevations.

2.3 The building is currently sub-divided into the following uses:

- Day nursery
- Ground floor changing rooms, treatment room and rehabilitation gym
- Main entrance and foyer
- Gymnasium/sports hall with changing facilities
- First floor offices, kitchen and exhibition/dining space.

The day nursery is currently leased by a private company and this would be retained.

The gym is also leased by a private organisation and this would also be retained as part of any planning permission granted. The remaining areas (changing rooms, office space and exhibition/dining area) are redundant and no longer used. Drawing no. W/NI/12/011 shows that the redundant floor space would be converted to B1 use for a high tech equipment provider to the medical industry.

2.4 Approximately 30-35 jobs would be created.

2.5 There are a total of 144 parking spaces associated with the site, of which four are allocated for disabled users.

3 The Site and Surroundings

- 3.1 The application site forms part of the former Rushden and Diamonds site. The building was originally constructed to serve as a daily training base for the squad of Rushden and Diamonds Football Club.
- 3.2 The site is located to the north east of Irthlingborough. The A6 is aligned in a south – north direction to the west of the site, the River Nene is to the east and the remainder is surrounded by open countryside.
- 3.3 The site is located within a SPA Ramsar site. As this is for a major proposal, Natural England has been consulted.
- 3.4 The site is located within flood zones 2 and 3. The proposed development is classed as less vulnerable in accordance with the Technical Guidance to the National Planning Policy Framework. The existing use is also classed as less vulnerable/more vulnerable and therefore there would be no change to the vulnerability classification. As such the Environment Agency has not been consulted.

4 Policy Considerations

4.1 National Planning Policy Framework

4.2 East Midlands Regional Plan

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 18 – Regional Priorities for the Economy

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies have not yet been revoked.

4.3 North Northamptonshire Core Spatial Strategy

Policy 8 – Delivering Economic Prosperity

Policy 9 – Distribution and Location of Development

Policy 11 - Distribution of Jobs

Policy 13 General Sustainable Development Principle

4.4 East Northamptonshire Local Plan

Policy IR2 – Provision for industrial and commercial development in Higham Ferrers

4.5 Other Documents

Parking SPG

Three Towns Plan, Preferred Options Document

5 Relevant Planning History

- 5.1 EN/94/00345/OUT Recreational/industrial/commercial development and infrastructure. PERMITTED.
- 5.2 EN/96/00273/FUL Permanent use of land for sports pitches, the siting of portable buildings and spectator stands, radio aerial and car park area.. PERMITTED.
- 5.3 EN/96/00709/FUL Headquarters and warehouse buildings, vehicular access and car parking areas. PERMITTED.
- 5.4 EN/97/00207/FUL Pavilion to serve all-weather and practice pitches. PERMITTED.

- 5.5 EN/98/00415/FUL Grass training pitch and associated boundary fence. PERMITTED.
- 5.6 EN/99/00211/FUL Sports centre, car parking and associated external works. PERMITTED.
- 6 Consultations and Representations
- 6.1 Neighbours: No comments received.
- 6.2 Town Council: No comments received.
- 6.3 Local Highway Authority: No comments received at the time of writing this report.
- 6.4 Environmental Protection: Verbally confirmed that they have no comments to make.
- 6.5 Senior Planning Policy Officer: No objection to this proposal on planning policy grounds.
- 6.6 Natural England: No comments received. This consultation has not yet expired and therefore any comments will be added to the update sheet.
- 6.7 Site notice posted: 17 May 2012 on a post to the front of the site.
- 7 Evaluation
- 7.1 The following considerations are relevant to the determination of this application.
- 7.2 Principle of development
- 7.2.1 The National Planning Policy Framework states that main town centre uses should be located in town centres, and that out of centre sites should only be considered when no other sites are available. However, this application is for a change of use and the principle of a main town centre use has already been established on this site through the use of leisure units. The proposal would create 30 to 35 jobs and would bring a vacant building back into use.
- 7.2.2 The North Northamptonshire Core Spatial Strategy supports office use on prominent sites at the edge of towns. However, these will need to be in locations that are or can be made accessible by a range of transport modes. The site is located close to the town of Irthlingborough and adjacent to the A6. It can be well accessed by a variety of means of travel.
- 7.2.3 Saved policy IR2 of the East Northamptonshire Local Plan states that development within existing commercial areas, will provide Irthlingborough with a range and choice of opportunities for industrial and commercial development.
- 7.2.4 For the reasons stated above, the principle of development is considered acceptable subject to the following material considerations being satisfactorily addressed.
- 7.3 Visual impact
- 7.3.1 The only external changes to the existing building are the alteration to a number of windows from high level windows to standard windows to match those in the existing buildings and some level changes to the access points to create disabled accesses. As the proposed windows would match those of the existing building they do not raise any concerns and would not result in a detrimental visual impact on the character and appearance of the surrounding area or the existing building. The proposed level access would be typical of this type of building and again raise no concerns.
- 7.4 Impact on neighbouring amenity
- 7.4.1 The proposal would utilise the existing building and therefore there would be no

overshadowing or overbearing impact as a result of the change of use.

7.4.2 There are no nearby residential properties and as such the proposed new windows would not cause any undue overlooking to neighbouring amenity.

7.5 Highway safety/parking

7.5.1 The site has 144 existing car parking spaces. This is more than the number of spaces which are required for the proposed uses of this building. The parking SPG calculates that only 97 spaces would be required as a maximum. However, as this is an existing building with existing car parking spaces, this does not raise any concerns.

7.5.2 The proposal would use the existing access and would not result in any intensification of use. Therefore the proposal would not result in a detrimental impact on highway safety.

7.6 Archaeology

7.6.1 The site has been identified as a site of major archaeological importance. However, the proposal would utilise the existing building and therefore would not result in any harm to any archaeological remains.

7.7 Flooding

7.7.1 The Technical Guidance which supports the National Planning Policy Framework classifies the proposed development as less vulnerable. The existing uses are classified as both more and less vulnerable and therefore there would be no change or a reduction in the vulnerability of the proposal. Therefore the proposal does not raise any concerns with regards to flooding.

7.7.2 The Environment Agency's Standing Advice states that a sequential test may be appropriate for the proposal and this is up to the Local Planning Authority to consider if it is necessary. Given that the proposal would utilise an existing building, it is considered that a sequential test would not be necessary in this case.

7.8 Biodiversity

7.8.1 The site is located within a SPA Ramsar site. As this is a major development, Natural England have been consulted. However, at the time of writing this report no comments have been received. Any comments from Natural England will be reported on the update sheet at Development Control Committee.

7.8.2 Officers are of the view that as this is utilising an existing building, which is currently occupied; it is unlikely that there would be any impact on protected species.

8 Other issues

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

8.2 Access for Disabled – The proposal includes creating levelled accesses and therefore does not raise any concerns.

9 Recommendation

9.1 That the application be GRANTED subject to the following conditions and the expiry date for consultation responses:

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 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. The use hereby permitted shall be restricted to B1/D1/D2 use only and shall not be used for any other purpose without the prior written approval of the local planning authority.

Reason: To clarify the terms of this planning permission.

4. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 16 April 2012 and 23 April 2012, drawing numbers: W/NI/12/001 Existing ground floor plan, W/NI/12/002 Part existing ground floor plan, W/NI/12/003 Existing first floor plan, W/NI/12/004 Part existing first floor plan, W/NI/12/005A Part proposed ground floor plan, W/NI/12/006 Part proposed first floor plan, W/NI/12/007A Existing site plan, W/NI/12/008 Proposed site plan, W/NI/12/009B Existing elevations, W/NI/12/010A Proposed elevations and W/NI/12/011 Indicative plan showing use classes, 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 the National Planning Policy Framework, East Midlands Regional Plan policies 2, 3 and 18, the North Northamptonshire Core Spatial Strategy 2008 policies 8, 9, 11 and 13, Policy IR2 of the East Northamptonshire Local Plan, Parking SPG and the Three Towns Plan, 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, the visual impact, the impact on neighbouring amenity, the impact on highway safety, the impact on flooding, the impact on archaeology and the impact on biodiversity. The application has been approved as:

1. The principle of development is considered acceptable and complies with all relevant planning policy.
2. The minimal external changes would be in keeping with the character and appearance of the existing building and therefore would not result in a detrimental visual impact.
3. There are no nearby neighbours that would be affected by the proposal.
4. The proposal does not include any changes to the existing vehicular access and therefore does not raise any concerns. Sufficient parking is provided.
5. The proposed change of use would create a less vulnerable development and therefore is less likely to be impacted by flooding.
6. The proposal is utilising an existing building and therefore there would be no harm caused to archaeological remains or biodiversity.

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

Committee Report

Committee Date: 13 June 2012

Printed: 30 May 2012

Case Officer **Anna Lee**

EN/12/00744/NCC

| | | | | |
|-------------------|-------------------|--------------------|---------------------|---------------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 2 May 2012 | 2 May 2012 | 23 May 2012 | Kings Forest | Kings Cliffe |

Applicant **Augean South Limited**

Agent **Northampton County Council- Mark Laurenson**

Location **Slipe Clay Pit Landfill Site Stamford Road Kings Cliffe Northamptonshire**

Proposal **Variation of conditions of planning permission EN/05/01264/NCC for hazardous waste landfill and associated operations (Condition 32 requiring all works to be removed by 31 Aug 2013 change to requiring all works to be removed by 31 Dec 2016, Condition 33 development permitted shall cease by 31 Aug 2013 change to development permitted shall cease by 31 Dec 2016)**

This application is brought forward for consideration by Members of Development Control Committee because of the planning history and because it is considered that the proposal has the potential to have a significant impact on the District and therefore does not fall within the Scheme of Delegation.

1 Summary of Recommendation

1.1 That Northamptonshire County Council be advised that East Northamptonshire Council has no objection to the proposed development.

2 The Proposal

2.1 The application proposes to vary two planning conditions imposed on the planning permission EN/05/01264C which granted consent for the storage of up to 100,000 tonnes of hazardous waste at the landfill site in 2005. The conditions proposed to be varied are Conditions 32 and 33.

2.2 Condition 32 relates to the final restoration of the site and requires all buildings, plant, machinery, foundation, hardstanding, roadway and structure used in connection with the development to be removed by no later than 31 August 2013 and upon their removal the land to be restored in accordance with the agreed restoration Scheme.

2.3 Condition 33 requires the storage of hazardous waste at the site to cease by no later than 31 August 2013 and that the land and access be restored.

2.4 The proposal is for an extension of time, for a further three years, so that the landfill of hazardous waste can continue until 31 December 2016 and so that the site can be restored by this date. The reasons for submitting the application have been explained in paragraph 3.5 of the Background Report.

3 The Site and Surroundings

3.1 A description of the site and surroundings is provided in the Background Report.

4 Policy Considerations

- 4.1 National Planning Policy Guidance:4.1
PPS10 – Planning for Sustainable Waste Management
National Planning Policy Framework (NPPF), March 2012
- 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. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's was a material consideration. This decision was however challenged. The Court of Appeal has however recently ruled that the Government's intention to abolish Regional Strategies is a material planning consideration.
- 4.3 North Northamptonshire Core Spatial Strategy, June 2008:
Policy 8 – Delivering Economic Prosperity
Policy 9 – Distribution & Location of Development
Policy 13 – General Sustainable Development Principles
- 4.4 Northamptonshire Minerals and Waste Development Framework Core Strategy, 2010
- 4.5 Rural North, Oundle and Thrapston Plan, July 2011
- 4.6 Other Documents:
Northamptonshire Minerals and Waste Development Framework Locations for Waste Development DPD, 2011
- 5 Relevant Planning History
- 5.1 All the relevant planning history is detailed in the Background Report.
- 6 Consultations and Representations
- 6.1 East Northamptonshire Council is being consulted by Northamptonshire County Council (NCC) as the determining Authority for minerals and waste related applications. NCC will therefore undertake all external consultations and determine the planning application. However, the ENC's Environmental Protection Team has been consulted on the application and their comments are provided below.
- 6.2 ENC Environmental Protection Officer: "The applicant seeks to extend these dates to 31 December 2016. Environmental Protection does not object to these proposals as all matters of pollution control will continue to be addressed under the Environmental Permit issued by the Environmental Agency".
- 7 Evaluation
- 7.1 The following issues are relevant to the determination of this application:
- 7.2 Principle of Development
- 7.2.1 The National Planning Policy Framework (NPPF) replaces all Planning Policy Statements with the exception of PPS10: Planning for Sustainable Waste Management. Whilst the NPPF contains no specific waste policies, paragraph 5 states that national waste planning policy will be published as part of the National Waste Management Plan for England. As this is not expected until the end of 2013, the NPPF states that PPS10 remains in force.
- 7.2.2 PPS10 seeks to drive waste management up a 'waste hierarchy', addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for; enable sufficient and timely provision of waste management

facilities to meet the needs of their communities; and to help implement the national waste strategy, and supporting targets, which are consistent with the obligations required under European legislation and other guidance and legal controls (PPS10, paragraph 3).

7.2.3 The site is identified in the Waste Local Plan (adopted May 2006) as an existing landfill site and its capacity has been included in the capacity requirements to meet Northamptonshire's landfill disposal needs until 2016. The existing landfill is only one of two in England (and one of only eight in England and Wales) which can accept a wide range of hazardous wastes; and the site is the only hazardous waste infill site in the East Midlands. Therefore the need for waste storage has been demonstrated and the proposal to extend the storage time to 2016 would appear to be in-line with the Waste Local Plan and PPS10.

7.2.4 As the Local Planning Authority for determining minerals and waste applications, it falls to NCC to be satisfied that the development accords with relevant policy.

7.2.5 Members are reminded that the Council was consulted on the original planning application EN/05/01264C in 2005 and did not object to the infill of up to 100,000 tonnes of hazardous waste at the site. The current submitted application only proposes an extension of time, as the studies carried out by the operator (Augean) suggests that the landfill site is unlikely to be completed by 2013 due to the recession and the general reduction in the quantities of wastes which are deposited. The current landfill comprises of five phases of landfilling with each phase divided into two cells. It is understood that landfilling operations are complete in Phases 1, 2 and 3, which subsequently have been capped; landfilling operations are being completed in cell 4B; and cell 5A has been recently engineered to accept waste (Augean PLC Planning Statement, Paragraph 2.4). This leads your Officers to believe that two of the cells (5A and 5B) have yet to be landfilled.

7.2.6 Overall, your Officers are of the view that it would be difficult to put forward a policy objection to the principle of the proposal, subject to the detailed considerations below.

7.3 Pollution Control

7.3.1 The East Northamptonshire RMF has three Environmental Permits for the landfill of hazardous waste and the flaring of landfill gas, the operation of the soil treatment facility and the landfill disposal of LLW. Any extension to the waste management operations at the site will be the subject also of an Environment Permit issued and regulated by the Environment Agency.

7.4 Environmental Impact Assessment (EIA), Impact on the Environment

7.4.1 The Town and Country Planning EIA Regulations 2011 specify the projects that will and may be the subject of an EIA. Schedule 1 of the Regulations lists the projects for which it is mandatory to undertake an EIA and Schedule 2 of the Regulations lists projects for which an EIA may be necessary. The proposed development falls under paragraph 13 of Schedule 2 of the Regulations and an Environmental Impact Assessment has been undertaken and the application is accompanied by a Environmental Statement (ES), which includes the impacts associated with the proposed time extensions.

7.4.2 The findings of the ES are summarised below:

- Socio-economics - There is no evidence that the proposal would have an adverse effect on the local economy. The proposal would lead to spending on local services, support King's Cliffe Village as a service centre and support activities in the nearby villages through the Landfill Tax Contributions.

- Air Quality – There would be negligible impact on air quality. Emissions from the site will be controlled to levels which are below the relevant exposure criteria which are protective for human health. The management and monitoring of emissions to the atmosphere will continue to be implemented in accordance with the Environmental Permits and will be regulated by the Environment Agency.
- Ecology – There would not be any significant adverse effects on ecology. Ecology surveys have been undertaken. All habitats and communities in the area of the consented landfill are of negligible biodiversity value and their loss will have no significant impact. In 2010, Great Crested Newts were identified in the western landfill area and in 2011 were removed and relocated in accordance with the planning consent and under a licence issued by Natural England.
- Water Resources – There are existing controls and mitigation measures in place as part of the existing management systems. The proposed development can be undertaken without significant adverse impact in the short, medium or long term on surface water or ground water flow or quality.
- Flood Risk – The proposal would not result in an increase of flood risk at the site or in the surrounding area.
- Landscape and Cultural Heritage – There are no designated cultural heritage assets within 1 km of the site and there are no listed buildings or Schedule Ancient Monuments. The site is generally well screened in the landscape and therefore the impact on landscape character and visual impact would be limited.
- Noise – The noise associated with the landfill operations, clay extraction, operation of the soil treatment plant and the gas flare have been assessed. The noise assessment shows that the combined operations at the site can be completed within the current noise limits in the current planning permission which do not give rise to nuisance.
- Dust and Pollution – The potential for nuisance caused by litter, odour, vermin, mud on the road and dust have been considered to have negligible impact.

7.4.3 Overall, the submitted ES demonstrates that extensive technical studies have been undertaken and these all demonstrate that the development can be undertaken without significant adverse effects on workers, local residents and the environment.

7.5 Highway Impact

7.5.1 The proposed development would not give rise to any more traffic than is currently consented for the site. The submitted Traffic Assessment takes into account potential other developments in the area and it shows that the proposals would have negligible effect on the operation of Stamford Road or the A47 including the junction with the A43.

7.5.2 It is proposed that procedures will remain in place to direct site waste traffic other than traffic making deliveries from a local source to only enter and exit the site to and from the north along Stamford Road. Signs are in place to state that vehicles must turn left on leaving the site. Also, all vehicles associated with delivering waste to the site must make use of the wheel wash before exiting onto the road network.

7.5.3 As the determining authority, NCC has consulted the Local Highway Authority on the proposal. From previous planning history, it is noted that the Local Highway Authority has not objected to the original application (proposed under EN/05/01264/C) and the cumulative effects from other proposals, including the most recent LLW proposals (EN/09//01269/C). Therefore, it is unlikely that they would object to time extensions proposed in this application.

7.6 Residential Amenity

7.6.1 The closest residential properties are Westhay Cottages, located approximately 40 metres to the east of the site. The waste management operations at the site will not change as a result of the proposal. A condition controlling the hours of working has already been imposed on the planning permission and this would help safeguard the residential amenities of the nearby occupiers. Condition 11 of EN/05/01264C requires all waste disposal, site preparation, levelling and restoration operations and any

associated activities to be restricted to between the hours of 7:00am to 6:00pm on Mondays and Fridays and 7:00am and 1:00pm Saturdays, with no operations being carried out on Sundays and Public Holidays.

7.6.2 Therefore, there are no issues of residential amenity which would justify the Council raising an objection.

8 Other issues

8.1 Site Security – In the Council's comments to NCC for EN/09/01269/C, Members raised concerns over the level of security at the site. A CCTV camera is installed at the site entrance and this is monitored from the 'weighbridge office'. Also, the site has an enclosed fencing environment and other safety arrangements have been put in place in accordance with the Environmental Permit.

9 Recommendation

9.1 That Northamptonshire County Council be advised that East Northamptonshire Council has no objection to the proposed development.

Informatives

1. The information to which this decision relates are as follows:
Information received by the Local Planning Authority on 2 May 2012: Documents prepared by MJCA: Volume A1; Environmental Statement Volume B1; Volume B2; Volume B3; Volume C1; Volume C2; Volume C3.

Committee Report

Committee Date : 13 June 2012

Printed: 30 May 2012

Case Officer **Anna Lee**

EN/12/00745/NCC

| | | | | |
|-------------------|-------------------|--------------------|---------------------|---------------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 2 May 2012 | 2 May 2012 | 23 May 2012 | Kings Forest | Kings Cliffe |

Applicant **Augean South Limited**

Agent **Northampton County Council- Mark Laurensen**

Location **Slipe Clay Pit Landfill Site Stamford Road Kings Cliffe Northamptonshire**

Proposal **Variation of condition of planning permission 07/00048/WAS at the existing soil treatment facility (Condition 22 requiring all works to be removed by 31 Aug 2013 change to requiring all works to be removed by 31 Dec 2016)**

This application is brought forward for consideration by Members of Development Control Committee because of the planning history and because it is considered that the proposal has the potential to have a significant impact on the District and therefore does not fall within the Scheme of Delegation.

1 Summary of Recommendation

1.1 That Northamptonshire County Council be advised that East Northamptonshire Council has no objection to the proposed development.

2. The Proposal

2.1 The application proposes to vary a planning condition imposed on the planning permission EN/07/0048/WAS which granted consent for a soil treatment and recycling facility at the site in 2007. The condition proposed to be varied is condition 22.

2.2 Condition 22 relates to the final restoration of the site and requires all buildings, plant, machinery, foundation, hardstanding, roadway and structure used in connection with the development to be removed by no later than 31 August 2013 and upon their removal the land to be stored in accordance with the restoration scheme agreed under the 2005 hazardous waste permission, EN/05/01264C.

2.3 The proposal is for an extension of time, for a further three years, so that the site can be restored by 31 December 2016.

2.4 The already permitted soil treatment and recycling facility is located in the northwest corner of the site. The existing planning consent includes a soil washing plant, an immobilisation unit, a laboratory office and an area for bioremediation. All treatment and storage of soil takes place on an impermeable pad with integrated drainage system.

2.5 The operational period of the soil treatment facility is restricted to the same period as the landfill site which is to 31 August 2013. The reasons for submitting the application is to allow the soil treatment and recycling facilities to be extended for a further three years, to the same time as the other existing operations at the site. The reasons for extending the time limit of the other waste infill operations at the site have been

explained in paragraph 3.5 of the Background Report.

3 The Site and Surroundings

3.1 A description of the site and surroundings is provided in the Background Report.

4 Policy Considerations

4.1 National Planning Policy Guidance:

PPS10 – Planning for Sustainable Waste Management
National Planning Policy Framework (NPPF), March 2011

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. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's was a material consideration. This decision was however challenged. The Court of Appeal has however recently ruled that the Government's intention to abolish Regional Strategies is a material planning consideration.

4.3 North Northamptonshire Core Spatial Strategy, June 2008:

Policy 8 – Delivering Economic Prosperity
Policy 9 – Distribution & Location of Development
Policy 13 – General Sustainable Development Principles

4.4 Northamptonshire Minerals and Waste Development Framework Core Strategy, 2010

4.5 Rural North, Oundle and Thrapston Plan, July 2011

4.6 Other Documents:

Northamptonshire Minerals and Waste Development Framework Locations for Waste Development DPD, 2011

5 Relevant Planning History

5.1 All the relevant planning history is detailed in the Background Report.

6 Consultations and Representations

6.1 East Northamptonshire Council is being consulted by Northamptonshire County Council (NCC) as the determining Authority for minerals and waste related applications. NCC will therefore undertake all external consultations and determine the planning application. However, the ENC's Environmental Protection Team has been consulted on the application and their comments are provided below.

6.2 ENC Environmental Protection Officer: "The applicant seeks to extend these dates to 31 December 2016. Environmental Protection does not object to these proposals as all matters of pollution control will continue to be addressed under the Environmental Permit issued by the Environmental Agency".

7 Evaluation

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

7.2 Principle of Development

7.2.1 The National Planning Policy Framework (NPPF) replaces all Planning Policy Statements with the exception of PPS10: Planning for Sustainable Waste Management. Whilst the NPPF contains no specific waste policies, paragraph 5 states that national waste planning policy will be published as part of the National Waste Management Plan for England. As this is not expected until the end of 2013, the NPPF states that PPS10 remains in force.

7.2.2 PPS10 seeks to drive waste management up a 'waste hierarchy', addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for; enable sufficient and timely provision of waste management facilities to meet the needs of their communities; and to help implement the national waste strategy, and supporting targets, which are consistent with the obligations required under European legislation and other guidance and legal controls (PPS10, paragraph 3).

7.2.3 The site is identified in the Waste Local Plan (adopted May 2006) as an existing landfill site and its capacity has been included in the capacity requirements to meet Northamptonshire's landfill disposal needs until 2016. The existing landfill is only one of two in England (and one of only eight in England and Wales) which can accept a wide range of hazardous wastes; and the site is the only hazardous waste infill site in the East Midlands. Therefore the need for waste storage and its associated ancillary facilities, such as the proposed soil treatment facility, has been demonstrated and the proposal to extend the storage time to 2016 would appear to be in-line with the Waste Local Plan and PPS10.

7.2.4 As the Local Planning Authority for determining minerals and waste applications, it falls to NCC to be satisfied that the development accords with relevant policy.

7.2.5 Members are reminded that the Council was consulted on the original planning application EN/07/00048/WAS (under ENC consultation reference: EN/07/01838/NCC) in 2007 and the Council did not object to the soil treatment facility at the time. The current submitted application only proposes an extension of time, to allow the site to provide soil treatment and recycling facilities until the end of December 2016.

7.2.6 Overall, your Officers are of the view that it would be difficult to put forward a policy objection to the principle of the proposal, subject to the detailed considerations below.

7.3 Pollution Control

7.3.1 The East Northamptonshire RMF has three Environmental Permits for the landfill of hazardous waste and the flaring of landfill gas, the operation of the soil treatment facility and the landfill disposal of LLW. Any extension to the waste management operations at the site will be the subject also of an Environment Permit issued and regulated by the Environment Agency.

7.4 Environmental Impact Assessment (EIA), Impact on the Environment

7.4.1 The Town and Country Planning EIA Regulations 2011 specify the projects that will and may be the subject of an EIA. Schedule 1 of the Regulations lists the projects for which it is mandatory to undertake an EIA and Schedule 2 of the Regulations lists projects for which an EIA may be necessary. The proposed development falls under paragraph 13 of Schedule 2 of the Regulations and an Environmental Impact Assessment has been undertaken and the application is accompanied by a Environmental Statement (ES), which includes the impacts associated with the proposed time extensions.

7.4.2 The findings of the ES are summarised below:

- Socio-economics - There is no evidence that the proposal would have an adverse effect on the local economy. The proposal would lead to spending on local services, support King's Cliffe Village as a service centre and support activities in the nearby villages through the Landfill Tax Contributions.
- Air Quality – There would be negligible impact on air quality. Emissions from the site will be controlled to levels which are below the relevant exposure criteria which are protective for human health. The management and monitoring of emissions to the atmosphere will continue to be implemented in accordance with the Environmental Permits and will be regulated by the Environment Agency.

7.3.5 Before the LLW is brought to the site it will be subject to pre-acceptance tests. The waste will be transported to the site in double sealed bulk bags or drums as per existing regulations for the transport of radioactive waste. It will be checked on arrival at the landfill and it will then be checked once it arrives at the site, to ensure it meets the acceptance criteria of up to 200 Bq/g. The waste will be handled within the site in enclosed containers and disposed of immediately after receipt.

7.3.6 The Environment Agency is the principal regulator of the disposal of LLW in England and disposal is authorised under the Radioactive Substances Act. The occupational safety of workers and the public is regulated by the Health and Safety Executive and the transport of radioactive materials is regulated by the Department for Transport.

Human Radiation Exposure

7.3.7 The application documentation states that risk assessments have been undertaken to assess the potential of site workers and the public to be exposed to radioactive gaseous emissions. The assessments conclude that there will be no unacceptable risk to air quality or to human health as a result of the disposal of LLW.

7.3.8 The site is currently the subject of an Environmental Permit for the landfill disposal of hazardous waste. The disposal of LLW at the site will require Authorisation under the Radioactive Substances Act 1993, for which the regulator is the Environmental Agency (EA). An application for Authorisation under this legislation has been submitted to the EA in parallel with the planning application to NCC. The risk assessments for human exposure to radiation form part of the application for Authorisation.

7.3.9 In terms of risks to workers specific personal protective equipment will not be necessary during normal site operations in addition to the standard equipment used and worn by workers at the site currently. The application documentation states that passive dosimeters will be worn by staff in the LLW reception and disposal areas, as reassurance to confirm that the exposures received are in accordance with the predictions. However, the predicted doses of radiation which the workers will be subjected to are below those set out in the Ionising Radiation Regulations 1999.

7.3.10 The Council's Environmental Protection Officer has commented that it is not clear within the application documents whether the received waste will be transported using hoists or on pallets. However, discussions with the applicant have indicated that the LLW will be palletised which is considered to pose a lesser handling risk than using a hoist. It is therefore recommended that NCC be requested to ensure that the operator manages the movement of waste within the site in this way to minimise the risk of exposure. It is noted that the waste will immediately be provided with 300mm of cover resulting in a dose rate at 1m above ground level of <2MicroSv/hr.

7.3.11 In addition to the above, the Environmental Protection Officer has also noted that the International Atomic Energy Agency (IAEC) guidance states the general public should not be exposed to radiation greater than 1mSv per annum above background. The applicant has submitted detailed risk assessments for all phases of the disposal operation from transportation to deposition and environmental monitoring. From these they conclude the maximum exposure to the general public will be no greater than 0.02mSv/year from the landfilling of LLW. This is within guidance levels set by the IAEC and from the same document as mentioned above can be equated to the equivalent exposure from one transatlantic flight.

Ecology

7.3.12 Collyweston Great Wood borders the northern boundary of the site and to the east north east of the site is the woodland of Easton Horstocks. Parts of these woodlands comprise a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR).

7.3.13 As set out above, the LLW is proposed to be located within the cells currently approved for hazardous waste and as such will be no closer to the important ecological areas. The application states that the radiological exposure of non-human species has been assessed and that the estimated radiation dose to wildlife is significantly below the level at which a more detailed assessment should be considered.

Water Resources

7.3.14 The surface water from the site is currently collected and monitored in line with the Surface Water Management Plan under the Environmental Permit. The leachate collected at the site is removed and stored until it is removed for off site treatment. This will not alter as a result of the proposals.

7.3.15 Assessments have been undertaken to establish the potential risks to surface and ground water quality from radioactive contaminants leached from the LLW. The application documentation states that it has been demonstrated that there will be no unacceptable impacts on surface or ground water quality. These risk assessments also form part of the Authorisation which the applicant is seeking from the Environment Agency.

Air Quality

7.3.16 The application documentation states that the LLW deposited at the site will have very limited degradable material and a low potential for the generation of carbon based gases or odour. Gas management and control systems are currently in place at the site and the applicant states that these will continue to be operated in the same way. As noted above, the LLW will arrive in sealed packages; as such the potential for dust generation is negligible.

7.3.17 A risk assessment of the potential exposure to gas emitted through the surface of the site has been carried out and it concluded that the doses of radiation to which the workers and members of the public would be exposed to as a result of gas emissions are below the assessment criteria.

Transportation

7.3.18

The transportation of waste is regulated by the Department of Transport and all waste carriers are responsible for ensuring compliance with this legislation. However, a risk assessment of the potential for exposure to waste following a vehicle accident was carried out. It concluded that the doses of radiation to which members of the public would be exposed as a result of a traffic accident falls below the level which requires further assessment.

Cumulative Effects

7.3.19 The application documentation states that the potential for adverse chemical reactions between the LLW and the hazardous waste deposited at the site is negligible.

Monitoring

7.3.20 The applicant has stated that a site wide radiochemical monitoring scheme will be prepared and will be subject to approval by the EA and the Health Protection Agency (HPA). Augean will monitor the site including groundwater, surface water, leachate, air and dust, as well as measurements of direct radiation levels at the site boundary. Augean is required to provide its monitoring results to the Agency quarterly and annually. If there are any exceedances Augean is required to report them immediately.

7.3.21 The applicant has also stated that under the Environmental Permit there is already an extensive and regular regime of daily, weekly, monthly, quarterly and annual monitoring. The monitoring includes locations within the site, at the site boundary and beyond the site as appropriate. The monitoring will be extended to include radiological parameters in all media.

Augean is required under the permitting regime to continue to monitor and manage the site until the site without control no longer represents a risk to the environment and human health. Augean has put in place with the Environment Agency a financial provision so that in the event Augean no longer exists the funds are available to ensure that the site continues to be managed effectively.

7.3.22 The Council's Environmental Protection Officer (EPO) has noted that the details in the application provide for around 60 years of post closure monitoring and aftercare at the site. The EPO has stated that East Northamptonshire Council needs to be fully aware of site conditions during and after this period. It is therefore recommended that NCC be requested to ensure that any planning permission / permit requires details of where the LLW is placed within the site be provided to ENC as well as the Environment Agency. In addition, it should also require that results/reports of all environmental monitoring at the site is provided to ENC as per the existing and any future arrangements with the Environment Agency.

7.5 Traffic Impacts

7.5.1 The application states that there will be no change to the volume of waste deposited at the landfill or the level of traffic associated with the site. The currently permitted annual importation rate of 250,000 tonnes will not increase as a result of the proposals. The deposition of LLW will not result in any change to the use of the highway or require any alterations to the site access, which is currently located off Stamford Road, close to the A47.

7.5.2 The proposal will not result in an increase of lorries or other vehicles associated with the site and the number of staff at the facility will not increase.

7.6 Visual Impact

7.6.1 The proposal will not change the level of waste currently permitted for deposit at the site or the physical features assessed during the consideration of the current planning approval. Furthermore, the application documentation confirms that the proposals will not change the restoration profile or restoration proposals for the site. As such the proposals will not affect the visual amenity of the surrounding area.

7.7 Residential Amenity

7.7.1 With the exception of the change in waste types, the waste management operations at the site will not change as a result of the proposal. The application documentation states that there are not likely to be any additional impacts from the deposit of LLW in terms of dust, noise, litter, vermin, flies or light spillage.

7.7.2 It is considered that there are no issues of residential amenity which warrant the Council raising an objection to the proposal.

7.7 Other Issues

7.7.1 It is considered that there are no other material planning considerations which warrant an objection to the application as proposed.

8. Recommendation

8.1 It is concluded that the proposal is unlikely to significantly impact the district of East Northamptonshire and it is therefore recommended that East Northamptonshire Council raises no objection to the proposals subject to the following comments:

9 Conditions/Reasons -

1. Northamptonshire County Council should ensure that the planning approval (if granted) requires details of where the LLW is placed within the site be provided to ENC as well as the Environment Agency. In addition, the planning permission should also require that results/reports of all environmental monitoring at the site is provided to ENC as per the existing and any future arrangements with the Environment Agency.
2. Northamptonshire County Council should ensure that the operator manages the movement of waste within the site in a manner which ensures the risk of radiation exposure is minimised. It is considered that the movement of palletised waste is likely to pose less of a risk the use of hoists.

Informatives

1. At the 30 September meeting of the DC Committee members agreed to object in the strongest possible terms to the proposals for the deposit of low level radio active waste at this site.
The main reasons for the objection were as follows:-
 - The level of lorry movements associated with the transport of the waste to the site.
 - The capacity of the site to deal with the waste.
 - There are both schools and a new leisure complex in close proximity to the site.
 - Concerned over the level of security that is / will be provided at the site.
 - Waste should be controlled by the appropriate body and Augeon should not self monitor.
 - Concerns over the possible effects of leaching on the waste, what happens after 500 years?
 - This will set a precedent for both this District and also for the Country as a whole if this application is approved.
 - The waste should be left where it is if it's such low level.
 - Issues in Corby in relation to lack of proper disposal of hazardous waste in the past are only now coming to a head.
 - Nuclear waste isn't the same as toxic waste.
 - The type of radio active waste is the key issue, not the amount.
 - It is not clear what chemical reactions will result from the decomposition of the waste and how the waste may be transformed.
 - The effect of heating and cooling may well impact upon the potential for leaching from the site over hundreds of years to come.
 - There is the potential for chemical reactions between toxic and nuclear waste.
 - Concern over the ability of terrorists to extract the waste and use the material in the future - if it were to become transformed.
 - Potential for natural causes to result in a breach of the containment in the pits either by geological impacts or animal activity.
 - There is a need for further research.
 - The waste could be converted into a form that we haven't yet experienced in our lifetime.
 - Nuclear waste is normally disposed of in a salt mine (due to lack of water ingress), or granite formation.
 - Are the risk assessments adequate? Who carried them out?
 - Potential impact from other contaminants
 - Future viability of the company, what happens after 2013?
 - Lack of material technical evidence to support approval of the application.
 - We are dealing with known unknowns.
 - We don't know what will be going into the pits and the type of radiation and the way in which this is emitted.
 - There is a significant risk of harm to the community which we currently cannot quantify. In the circumstances there is the potential for significant risk to the public.
 - No political or legal system has ever survived the expected lifetime of this waste.

From: Gene Wilson [mailto:GeneWilson@augeanplc.com]
Sent: 31 May 2012 16:44
To: James Wilson
Cc: Phil Watson; Mark Laurenson; Leslie Heasman; Brook, Claire; Eleanor Nicholson
Subject: FW: ENRMF - Section 73 Applications to extend the life of the site

James

Further to our conversation on the 29th May I have given some thought to your suggestion that ENDC, in responding to the Section 73 Applications, may rely on the previous 2009 response of the Development Control Committee. I should like to make some observations which I hope may be of assistance in the preparation of your report.

As you are no doubt aware the Section 73 Applications relate to the hazardous waste disposal and treatment operations as well as the LLW disposal. The previous response related solely to the planning application to accept LLW at the ENRMF landfill site as an additional waste stream hence did not address the landfill of hazardous waste or the waste treatment facility.

Against officer recommendation the DC Committee determined to object to the application. The reasons for objection were put forward entirely by the members of the Committee. The letter of objection to Northamptonshire County Council is dated 12th October 2009 which was at a relatively early stage in the LLW planning application process. It is a long time since October 2009 and the LLW proposals have been subject to a great deal of scrutiny addressing many of the issues raised in the ENDC response as well as those raised by other consultees. In particular the Environment Agency has issued an Environmental Permit for the disposal of LLW, the planning application has been subject to detailed examination of technical evidence at a planning inquiry and approved by the Secretary of State furthermore Augean has continued throughout to engage with the local community to provide reassurance and minimise concerns. For your assistance I have attached the Secretary of State's decision letter, the Inspector's Report and our document Frequently Raised Issues in which you will find the majority of issues previously raised by the DC Committee are addressed. I also include below some comments on the October 2009 response to provide an update and further clarification.

The vehicle movements for the site are based on the maximum consented input to the site of 249,999tpa for all wastes. The Highways Authority and the Highways Agency have no objection to the proposals. There will be no change in this input rate.

Since 2009 Augean has installed additional security at the site including a fence around the entire boundary and upgrading of the 24/7 cctv coverage. Notwithstanding this the wastes including LLW do not represent a security risk as they have no intrinsic value and the LLW is too low in activity to be able to be used in terrorism as suggested in the objection letter.

Several of the reasons given for objection by the DC committee relate to their uncertainty regarding the nature and behaviour of the LLW together with the potential risks. At the time of the DC Committee response the Environment Agency had not completed its consideration of the proposals and was not in a position to give full advice to the Committee. The risks to the environment and human health as described in the risk assessments prepared by recognised experts and presented in the LLW application have subsequently been scrutinised in detail, validated, approved and the Agency has issued the Environmental Permit. I draw to your attention that Northamptonshire County Council commissioned its own expert on the technical aspects of the LLW proposal who concluded that there was negligible risk. NCC did not object to the proposals on technical grounds.

Augean is required to undertake a comprehensive suite of monitoring of the site however we note that the DC Committee considered that independent monitoring should be undertaken. We confirm that as well as reviewing and auditing the environmental monitoring undertaken by Augean the Environment Agency is undertaking monitoring of the site and the surrounding area including springs and watercourses in the locality. As reassurance to the community Augean has since December published its monitoring results on its web site.

An important theme of the reasons for objection relates to the perception of harm. As you will see from the SS decision letter and the Inspector's report perception was given detailed consideration at the planning inquiry in November 2010. Augean accepts that there is a perception of harm by some in the community and has continuously sought to promote understanding through extensive engagement, openness and transparency. The Inspector refers to Augean's consultation programme as

comprehensive and prodigious. This is an ongoing programme of presentations, exhibitions, open days, workshops and drop in sessions. We believe that together with the Environment Agency's engagement with the community this has provided considerable reassurance to the vast majority of local residents. We note that up to 31st May the County Council has received very few public objections to the Section 73 Applications.

The purpose of the Section 73 Applications is to allow time for the site to be completed in accordance with the original planning consent. This clearly is a desirable outcome in planning and environmental terms. This is a site that on a day to day operational basis is the subject of little concern to the local community as is evidenced by the extremely low level of complaint.

I trust that the DC Committee will take into consideration that circumstances have significantly changed since October 2009 and be able to reconsider its position in respect of the section 73 applications that are now being determined by NCC.

Please do not hesitate to contact me should you have any queries. I confirm my offer to meet with you, your officers or members to discuss these applications and the NSIP application if this would be of assistance to you.

Regards

Gene

Gene Wilson
Group Technical Director

Augean PLC
East Northants Resource Management Facility
Stamford Road
Kings Cliffe
PE8 6XX

Committee Report

Committee Date : 13 June 2013

Printed: 31 May 2012

Case Officer **Anna Lee**

EN/12/00746/NCC

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|-------------------|-------------------|--------------------|---------------------|---------------------|
| Date received | Date valid | Overall Expiry | Ward | Parish |
| 2 May 2012 | 2 May 2012 | 23 May 2012 | Kings Forest | Kings Cliffe |

Applicant **Augean South Limited**

Agent **Northampton County Council- Mark Laurenson**

Location **Slipe Clay Pit Landfill Site Stamford Road Kings Cliffe Northamptonshire**

Proposal **Variation of conditions of planning permission APP/K2800/A/10/2126938/NWF for the landfill disposal of low level radioactive waste in phases 4B, 5A and 5B of the hazardous waste landfill (Condition 7 requiring vehicle access to be restored by 31 Aug 2013 change to requiring vehicle access restored by 31 Dec 2016, Condition 27 requiring all works to be removed by 31 Aug 2013 change to requiring all works to be removed by 31 Dec 2016, Condition 28 development permitted shall cease by 31 Aug 2013 change to development permitted shall cease by 31 Dec 2016)**

This application is brought forward for consideration by Members of Development Control Committee because of the planning history and because it is considered that the proposal has the potential to have a significant impact on the District and therefore does not fall within the Scheme of Delegation.

- 1 Summary of Recommendation
 - 1.1 That Northamptonshire County Council be advised that East Northamptonshire Council has no objection to the proposed development.
2. The Proposal
 - 2.1 The application proposes to vary three planning conditions imposed by the Planning Inspectorate on APP/K2800/A/10/2126938/NWF (NCC reference EN/09/01269/NCC) which grants consent for the landfill of Low Level Radioactive Waste (LLW) in Phases 4B, 5A and 5B of the hazardous waste landfill. The conditions proposed to be varied are Conditions 7, 27 and 28.
 - 2.2 Condition 7 requires the vehicular access to be reinstated to its former condition as an agricultural access, upon completion of the tipping operations, or by 31 August 2012, whichever is sooner.
 - 2.3 Condition 27 relates to the final restoration of the site and requires all buildings, plant, machinery, foundation, hardstanding, roadway and structure used in connection with the development to be removed by no later than 31 August 2013 and upon their removal the land to be restored in accordance with the agreed restoration scheme.
 - 2.4 Condition 28 requires the permitted development (infill of radioactive waste) to cease

