

APPLICATIONS FOR DETERMINATION

DEVELOPMENT CONTROL COMMITTEE - 25 July 2012

INDEX OF APPLICATIONS FOR CONSIDERATION

Application	Location	Recom.	Page No.
11/00827/FUL	Longbrook Farm Winwick Road Thurning Peterborough Northamptonshire PE8 5RG	Grant	2
08/01591/FUL	Garages Between 15 And 17 Denton Close Rushden Northamptonshire	Grant	21
11/01483/FUL	1 Club Lane Woodford Kettering Northamptonshire NN14 4EY	Grant	31
11/01780/FUL	The Estate Office The Green Ashton Peterborough Northamptonshire PE8 5LD	Refuse	46
11/01846/FUL	The Mansion Ashton Wold Ashton Northamptonshire PE8 5LZ	Grant	54
11/01847/LBC	The Mansion Ashton Wold Ashton Northamptonshire PE8 5LZ	Grant	64
12/00070/OUT	Motel Block The Red Lion Inn Main Street Clopton Northamptonshire NN14 3DZ	Grant	71
12/00152/FUL	30 Woodnewton Road Nassington Peterborough Northamptonshire PE8 6QQ	Grant	81
12/00277/FUL	50 Bridge Street Kings Cliffe Peterborough Northamptonshire PE8 6XH	Grant	98
12/00785/FUL	28 Griffith Street Rushden Northamptonshire NN10 0RL	Refuse	109

Committee Report

Committee Date : 11 July 2012

Printed: 27 June 2012

Case Officer **Samantha Hammonds**

11/00827/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
26 May 2011	30 June 2011	25 August 2011	Barnwell	Luddington

Applicant **N C Paske Farming**

Agent **Segen Ltd - Henrietta Hopkins**

Location Longbrook Farm Winwick Road Thurning Peterborough Northamptonshire PE8 5RG

Proposal **Installation of a 11KW wind turbine mounted on an 18 metre lattice mast on a 5m2 concrete base.**

1. Summary of recommendation

1.1 That the initial officer recommendation be reversed, and planning permission be GRANTED subject to conditions.

2. Background

2.1 This application was originally on the agenda for the 11 July 2012 committee, with an officer recommendation for refusal on the grounds of highway safety (original report is appended to this report). To re-cap this highway safety concern emanated from the potential for horses to react adversely to moving shadows cast upon the adjacent road and bridleway by the turbine blades. It was felt that this would pose a highway safety risk and would also have an adverse impact on the leisure amenity of this area as riders may be deterred from using the road and bridleway due to safety fears.

2.2 Before the 11 July 2012 meeting this application was withdrawn from the agenda by officers to allow further investigation into a late submission by the applicant. The application was not discussed on 11 July 2012.

3. Agent's submission - suggested condition

3.1 In response to the report that was published for the 11 July committee, the agent suggested that a condition could be used to overcome the concern about shadow flicker on the road and bridleway, his logic being as follows. Using computer modelling it is relatively straightforward to calculate when shadow flicker would occur in a given area. It can therefore be calculated to the minute when shadow flicker would theoretically occur over the affected road/bridleway and the turbine can be programmed to stop at those times where shadow flicker can theoretically occur. This could also be combined with a light sensor which would ensure the turbine would only need to be halted when there was sufficient daylight for shadows to be cast.

3.2 A condition was suggested by the agent, and officers have tightened this up so that it reads as follows:

"The turbine hereby permitted shall not be brought into operation until a scheme and programme has been submitted to and approved in writing by the local planning authority providing for the avoidance of moving shadows being cast along Thurning Road and bridleway NK1. The scheme shall include: precise details of when such shadows may theoretically be cast; technical details of the means for halting the turbine at such times; details of monitoring and maintenance of the system within the scheme; and a procedure that would ensure that the turbine would cease operation completely in the event of any kind of malfunction of the system within the scheme until such time as the malfunction has been rectified. The turbine shall operate only in accordance with this approved scheme, or any such amended scheme that has first been agreed in writing by the local planning authority."

3.3 Officers have considered this proposed condition against the tests of circular 11/95 and, although it may be a little intricate, the various tests would appear to be passed. The scheme itself would have to be "precise" in relation to the exact times of day and light intensity that would create conditions for shadow flicker on the respective highways, together with the technical means for halting the turbine if these conditions are met. In terms of "enforceability", it would be possible to ascertain from a site visit if the turbine does actually stop when it is meant to and alleged breaches could be investigated by our enforcement team on an ad-hoc basis against the scheme by way of site visits.

3.4 The condition is felt to be "reasonable in all other respects", despite the fact that it would place a further restriction on the turbine's operation and an additional burden on the applicant in terms of commissioning the necessary modelling to compile the scheme and installing the necessary sensors / braking systems. As the agent has proposed the condition on behalf of the applicant it can be reasonably concluded that the applicant is happy to accept the restrictions / burdens that it imposes.

3.5 Finally the condition is "necessary", "relevant to planning" and "relevant to the development to be permitted". Therefore all the tests of circular 11/95 would be met.

3.6 Planning authorities are advised by the NPPF that planning permission should be granted where conditions can be used to overcome concerns. Therefore in this instance, now we have a condition that would overcome the only reason for refusal of the scheme, your officers would now recommend that planning permission be granted, subject to the conditions set out below.

4. Chelveston wind farm appeal decision

4.1 The Secretary of State issued his formal decision to allow the Chelveston wind farm proposal on 29 June 2012. Paragraphs 135-137 of the appeal decision (also appended to this report) relate to rights of way and the impact of turbines on horses. Two issues within the inspector's reasoning are of particular relevance to the current proposal at Longbrook Farm.

4.2 Firstly, the inspector reported that, since the Companion Guide to PPS22 was published, the BHS has modified its stance to the extent that it now suggests a separation distance of three times the height of wind turbines. In the case of Longbrook Farm this would equate to a distance of only 75 metres, rather than the 200 metres sought in the BHSs representation and in the Companion Guide. Nonetheless, the inspector concluded on this matter that "unless and until the Government modifies its own guidance....this is not a matter to which I attach any significant weight".

4.3 Secondly, the inspector's overall conclusion on the impact on horses was that "while the potential for shadows would act as something of a constraint on the use of the bridleways by riders and their horses that is insufficient, on its own, to warrant dismissing the appeals". This view clearly contrasts that of the previous inspector for the Longbrook Farm appeal, but this more recent view is a highly relevant material consideration. Given that we have established in this case that a condition could be used to overcome this issue, the

Chelveston inspector's view is arguably even more reason why the recommendation should be reversed to one of approval.

5. Conclusion

5.1 It is recommended that planning permission be granted, subject to the conditions set out below:

Recommended Conditions

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 permission hereby granted shall be limited to a period of 25 years from the date when the turbine is first operational. Written notification of the first operation of the turbine shall be given to the local planning authority within 14 days of the event.

Reason: To clarify the terms of the permission and facilitate decommissioning and site restoration following the end of the turbine's life.

3. No later than 12 months before the expiry of this permission a decommissioning and site restoration scheme shall be submitted to and approved in writing by the local planning authority. Decommissioning and site restoration shall be completed in accordance with the approved details within 12 months of the expiry of this permission.

Reason: To ensure that the site is restored to its former state at the end of the turbine's life, in the interests of visual amenity.

4. The turbine hereby permitted shall not be brought into operation until a scheme and programme has been submitted to and approved in writing by the local planning authority providing for the avoidance of moving shadows being cast along Thurning Road and bridleway NK1. The scheme shall include: precise details of when such shadows may theoretically be cast; technical details of the means for halting the turbine at such times; details of monitoring and maintenance of the system within the scheme; and a procedure that would ensure that the turbine would cease operation completely in the event of any kind of malfunction of the system within the scheme until such time as the malfunction has been rectified. The turbine shall operate only in accordance with this approved scheme, or any such amended scheme that has first been agreed in writing by the local planning authority.

Reason: To minimise the potential risk of horses being affected by moving shadows on the road and bridleway, in the interests of highway safety and leisure amenity of the area.

5. The turbine shall be switched off and the turbine blades kept at rest between the following times: half an hour before sunset until half an hour after sunrise during the period 1 April to 31 October every year.

Reason: To minimise the potential for harm to bats.

6. 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 by the applicant and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF Paragraph 141.

7. This permission authorises the specific turbine detailed in the application particulars, not an alternative, and the precise siting of the turbine shall be within the tolerance zone given by the red line on the submitted location plan. The mast shall be finished in light grey, in accordance with the submitted application details, unless otherwise agreed in writing.

Reason: To clarify the terms of the permission, in the interests of visual and residential

amenity.

8. A construction management scheme that shall include measures to minimise noise and vibration and restricted hours for noisy works shall be submitted to and approved in writing by the local planning authority prior to the commencement of works. Construction shall proceed only in accordance with this scheme.

Reason: In the interests of residential amenity and the amenity of the area.

9. Turbine noise shall not exceed 35dB(A) when measured as a 5 minute LAeq in the garden of the nearest residential property, and independent noise consultants shall be commissioned by the operator to investigate any noise complaints in accordance with procedures agreed by the planning authority. In the event of any breakdown notification and the timescales for repair shall be given to the local planning authority within 28 days of the breakdown. In the event that the unit is non-operational for six consecutive months it shall be removed and the site restored to its former condition, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity and the amenity of the area.

10. The works hereby permitted shall be carried out strictly in accordance with the approved plans: location plan received 2 June 2011 and GAIA-WIND 18-1L received 26 May 2011, unless otherwise agreed in writing by the local planning authority.

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

Recommended Informatives

1. In approving this application, the relevant planning guidance and policies were identified as NPPF; East Midlands Regional Plan policies 1 and 40; North Northamptonshire Core Spatial Strategy 2008 policy 13 and Rural North Oundle and Thrapston Plan policy 25. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as: policy and the principle of phased development; landscape impact; cumulative visual impact; highway safety; ecological impact; residential amenity; and archaeology. The application has been approved as:

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

- The landscape and visual impact would be acceptable when weighed against the benefits of renewable energy.

- The development would not have a significant impact on highway safety.

The development would not have a significant impact on local ecology or protected species. The development would not have an adverse impact on residential amenity.

The development would be acceptable in terms of its impact on potential archaeological remains.

APPENDIX - PUBLISHED REPORT TO THE COMMITTEE OF 11 JULY 2012
(withdrawn from the agenda and not discussed at the committee)

This application is brought before the Planning Committee due to the history of the site.

1. Summary of Recommendation

1.1 That planning permission be REFUSED.

2. The Proposal

2.1 The proposal is for the erection of a twin bladed wind turbine mounted on an 18m high lattice mast. The hub height would be 18.3 metres, the length of each blade would be 6.5 metres giving a blade sweep of 13 metres and an overall height of 24.8 metres. The diameter of the lattice mast would be 1.8 metres at it's widest point (ground level) narrowing to 0.5 metres at the very top of the mast.

2.2 The turbine would be situated in the middle of an open meadow area to the front (south) of the main dwelling, Longbrook Farm house.

2.3 The life span of the turbine would be 20-25 years, after which time it would be removed and the site re-instated. It is estimated that the turbine would generate around 22,690 kWh of energy per year, representing an annual CO2 saving of approximately 12.9 tonnes.

2.4 The council issued an EIA screening opinion on 11 March 2011 (ref: 11/00331/QRV) advising that an Environmental Statement is not required.

3. Site and surroundings

3.1 The site is located in a fairly isolated and elevated position in the open countryside between Thurning and Winwick. The surrounding countryside is undulating and is predominantly agricultural but punctuated by dense wooded areas.

3.2 Longbrook Farm accommodates a substantial detached farmhouse set well back from the road behind an open meadow. To the north west of the farmhouse, and set at a slightly lower ground level is a group of large agricultural buildings.

3.3 Three dwellings (Luddington Farm, Luddington Hall and Luddington Lodge) are situated to the north east, the nearest being 310 metres away from the proposed turbine location. There are no other nearby neighbours.

3.4 A series of public highways surround the site at varying degrees of proximity to the proposed turbine location:

- Thurning Road to the south-west is 60 metres away
- Public footpath NK3 to the north-west is approx 250 metres away.
- Bridleway (NK1) (which is also the access drive to the neighbouring dwellings) to the south-east is 110 metres away.
- Gibbet Lane (byway NK2) begins to 170 metres away to the south.

3.5 The site is not close to any listed buildings or conservation areas.

4 Policy Considerations

4.1 National Planning Policy Framework (2012) (see section 7.2 of this report for details of the relevant paragraphs)

4.2 Planning for Renewable Energy: Companion Guide to PPS22 (although NPPF has replaced PPS22 itself, DCLG has confirmed that the companion guide remains extant and is still a material consideration)

4.3 Government Energy Policies

4.3.1 Energy White Paper: Meeting the Energy Challenge (2007) and Energy Act 2008 - outlines the Government's strategy for cutting carbon emissions to tackle global warming and ensuring secure clean and affordable energy as imports replace declining production from North Sea oil and gas. The paper sets specific targets for reduced carbon emissions and

increased renewable energy uptake.

4.3.2 Climate Change Act (2008) - set out a target of at least an 80% cut in greenhouse gas emissions by 2050, to be achieved through action in the UK and abroad, and a reduction in emissions of at least 34% by 2020.

4.3.3 National Policy Statement for Renewable Energy Infrastructure (EN-3) July 2011 and Overarching National Policy Statement for Energy Infrastructure (although this advice is geared towards commercial scale turbines and wind "farms").

4.4 Regional Plan (RSS8)

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

Policy 1(i) - Regional Core Objectives - reducing climate change

Policy 40 - Regional Priorities for Low Carbon Energy Generation

4.5 North Northamptonshire Core Spatial Strategy 2008

Policy 13 – General Sustainable Development Principles, in particular:

- 13(h) design to respect character of surroundings
- 13(l) neighbour amenity
- 13(n) impact on highway network and highway safety
- 13(o) landscape character and biodiversity

4.6 Rural North, Oundle and Thrapston Plan (adopted 18 July 2011)

Policy 25 - Farm Diversification

5 Relevant Planning History

5.1 07/00758/FUL. In 2008 the Development Control Committee overturned officers' recommendation for approval and refused an application for a 15m wind turbine at Longbrook Farm (ref: 07/00758/FUL). The proposed location of the refused turbine was 160 metres north-west of the current proposed location, in front of the agricultural barns and closer to Thurning Road. The committee's reasons for refusal were that the applicant had failed to demonstrate there would be no adverse impact on:

(1) bats

(2) "the safety of horse riders using the (road and) bridleway due to the potential effects of flicker and movement of turbine blades, with particular regard to the turbine's close proximity".

5.2 The applicant appealed against the council's refusal but the appeal was dismissed (decision attached at appendix 3). The inspector agreed that the proposal would have an adverse effect on highway safety by virtue of its effect on horses. The inspector also agreed that the proposal would be likely to cause harm to the local bat population, caused by the occasional fatal collision of individuals with the rotating blades. Furthermore, due to the absence of a wind speed survey, the inspector was not convinced that the slight harm to bats would be outweighed by the need for, and benefits of the proposed development.

5.3 Despite the inspector agreeing with both of the council's reasons for refusal he awarded partial costs against the council. He felt the council had acted unreasonably and created unnecessary expense for the appellant, as follows:

(1) the council's evidence, given at the hearing, in respect of impact on highways and impact on bats contradicted the committee's decision to refuse the application, and the council had

failed to submit any further evidence to substantiate the refusal reasons.

(2) the council did not make clear its position on bats at an early enough stage, resulting in unnecessary expense for the applicant in commissioning further bat advice and requesting a hearing.

(3) no reasonable planning grounds were given for taking a decision contrary to advice from officers and statutory bodies.

6. Consultations and Representations

6.1 Neighbours - 4 letters of objection have been received from Luddington Hall, Luddington Farm and residents of Winwick:

- visual impact (industrialisation) on the rural landscape / countryside, this alien feature would appear out of context and would be too familiar to neighbours
- noise impact
- wildlife / ecological impact (bats, red kites, skylarks, owls and newts)
- impact on footpaths and bridleways, including risk to horseriders
- the anticipated modest production of sustainable electricity, purely for the benefit of the applicant, would not materially contribute to tackling climate change
- only the applicant will benefit financially, whilst the rest of the community are left disadvantaged and uncompensated
- no wind speed survey has been carried out, only assumptions and modelling
- access onto a narrow country road with hidden bends and blind summits

6.2 Hemington, Luddington and Thurning Parish Council - object.

- no wider benefit would be created, no wider need would be satisfied
- no actual wind speed survey has been carried out - only online estimates have been used
- inconsistency in presented wind speed figures and the corresponding electricity output
- likely that the site is not windy enough and that the applicant is overstating the energy output and the carbon savings. The benefits will certainly not outweigh the harm.
- more visually intrusive than the previous proposal as it would be higher and closer to the highway
- proximity of roads and bridleways, heavily used by horse-riders and horse-drawn vehicles
- shadow flicker onto the roads and bridleways particularly in the evenings when many less experienced leisure riders are out (both road and bridleway are within ten rotor diameters of the turbine)
- unpredictable reaction of horses being ridden along the roads and bridleways (NB: the findings of a parish council representative who investigated the true impact of turbines on horses are described at length in the parish council's letter, much of which contradicts the information given by wind turbine companies about the safe co-existence of wind farms and equestrian activities).
- potential conflict between spooked horses and vehicular traffic (on both road and bridleway)
- wish to protect the currently safe 5-mile hack around this bridleway and Thurning and Luddington villages
- concern that turbine may not be monitored or maintained, so may break down and then suddenly start up with a screeching sound
- need for noise monitoring to avoid disturbance to neighbours - this is a quiet area with very low background noise levels to mask any new noise source
- potential for ice daggers to be thrown off turbine blades (eg at Kings Dyke near Whittlesey, Peterborough, December 2008 -quoted from BBC website)
- inadequate tree screening to the south-east
- impact on bats has not been properly assessed
- impact on birds
- visual impact of this incongruous industrial feature, emphasised by the unusual 2-blade design
- intrusion on amenity value of the footpath, bridleway and byway green network

- impact on neighbour amenity (visual, noise, safety of bridleway)
- low level frequency noise will prevent enjoyment of countryside
- Wind Farm policy that was initially proposed for RNOTP (removed by the inspector) emphasised landscape, biodiversity, residential amenity and public rights of way
- Farm Diversification policy (RNOT) criteria not met
- concern about future applications for additional turbines and their consequential cumulative impact

6.3 Corby resident (an independent local ornithologist) - object.

- the turbine will pose a threat to the successful establishment of red kites
- the turbine will threaten peregrine, hobby, kestrel, sparrowhawk, hen harrier, barn owl, tawny owl, short-eared owl.
- the construction of a wind turbine in an area in which kites and hobbies are nesting and through which they will travel and forage creates a risk of mortality and injury which, if such occurs, will inevitably pose a risk to the stability of a population in this particular area.

6.4 Huntingdonshire District Council - it is not considered that there will be any detrimental harm to Huntingdonshire residents.

6.5 ENC Environmental Health (noise) - following detailed consideration of the history of this site, the EH officer has lifted her initial objection subject to the imposition of the following conditions to ensure that the turbine performs in accordance with the current guidance:

- any approval would be for this specific turbine, not an alternative, and the siting should be within a 30m diameter tolerance zone of the location shown on the location plan.
- turbine noise should not exceed 35dB(A) when measured as a 5 minute LAeq in the garden of the nearest residential property
- independent noise consultants shall be commissioned by the operator to investigate any noise complaints in accordance with procedures agreed by the planning authority
- construction management to minimise noise and vibration and restricted hours for noisy works
- notification to the planning authority of any breakdown and the timescales for repair
- removal of the unit if it is non-operational for six consecutive months
- submission of methodology for decommissioning the turbine at the end of its life

6.6 NCC Highways – No objection.

6.7 NCC Archaeology - Lifted initial objection subject to condition.

- The County Archaeologist initially objected, recommending that an archaeological field evaluation be undertaken prior to determination to ascertain the existence and state of preservation of any buried remains. This is due to the known presence of archaeological sites in the vicinity of the site, most undated but some thought to be prehistoric.
- However, the County Archaeologist advised she does not feel that the absence of pre-determination archaeological works would stand up as a sole reason for refusal, particularly as there is a recent example of a turbine in Wellingborough where such works have been required by condition. She therefore concluded that it may be acceptable to use a condition for this application.

6.8 Wildlife Trust – recommend following the advice from all available relevant statutory and non-statutory consultee bodies. In relation to bats, the Wildlife Trust says that it leaves the Northants Bat Group and Natural England to comment but recommends that the application is not progressed until the concerns about bats has been resolved. Should permission be granted strongly worded conditions will be needed to demonstrate how the future welfare and monitoring of bat and bird species will be ensured.

6.9 Natural England – comment.

- The proposals have no implications for any designated sites and does not fall within the scope of consultations that we would routinely comment on. Generic issues relating to bats (turbine location, consideration of foraging and commuting activity) should be taken into

consideration as part of your authority's decision making process.

- Micro-turbines are not considered a significant risk in terms of Natural England's interests, so a standard response is usually issued. Any response received from Natural England should not be taken as over-riding advice on the local natural environment where other views have been provided.
- While a limited body of evidence suggests there is the potential for micro-turbines to impact on bats (particularly where the turbines are located close to roosts), the actual impacts on bats in the UK are poorly understood. Until we have further evidence we will continue to refer to micro-turbines as low risk, especially if they are over 50 metres from the nearest potential roosting, foraging and commuting habitat. The Ecological Survey suggests the proposal is in an area of low-medium risk and more than 50 metres away from relevant habitat. We therefore have no further detailed comment. Please refer to the local Bat Group for more detailed, local, contextual information on the generic issues we have referred to.

6.10 Northants Bat Group – initial objection overcome by suggested condition.

- o The Bat Group criticised the applicant's initial supporting information on bats as being inadequate and advised that the application be refused unless suitable bat surveys were carried out to determine how the turbine would affect local bat populations. They highlighted the following shortcomings in the initial submission:
 - o wrong to assume a 50m separation from hedges/trees eliminates impact
 - o wrong to rely on Natural England's guidance as this is not intended to cover micro-turbines, only single large turbines of greater than 250kW
 - o wrong to assume that a smaller mast poses less threat (the blade sweep of a smaller mast is more likely to be in the flight path of bats than higher masts)
 - o insufficient search range for database records (should be 5-10km, not just 2km)
 - o no mention of presence of barbastelle 5km away
 - o insufficient consideration of potential nearby roosts (farm buildings, trees, hedges)
 - o incorrect to say the site is of poor foraging potential, it is at least medium given the adjacent Luddington Spinney and associated insect habitat
- o The Bat Group remained critical of a subsequent Bat Survey Report submitted to the council on 27 October 2011. They upheld their objection as they still felt that this additional survey work was not satisfactory, giving a lengthy description of the detailed shortcomings, much of which was about the timing of the work.
- o An acceptable compromise was however put forward. Turning off the turbine during the hours of darkness would satisfactorily eliminate the risk of bats colliding with turning blades and overcome this issue for the current application.

6.11 British Horse Society (BHS) - object.

- BHS have been pressing for a 200m distance from roads and bridleways in any revision of PPS22. Whilst there has been no such revision, it is a distance which has been supported by the Secretary of State in the case of other appeals.
- The quoted 150m distance from the bridleway and 75m distance from the road are still insufficient to prevent shadowing and flicker which is likely to cause disturbance to horses being ridden along the road and bridleway.

6.12 Ramblers – No comment

6.13 NERL (Defence Infrastructure Organisation in respect of safeguarding controlled airspace) - no objection.

7. Evaluation

7.1 The issues which need to be considered are: policy; landscape impact; cumulative visual impact; highway safety; ecological impact; residential amenity; and archaeology.

7.2 Policy Consideration

7.2.1 The central thrust of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Proposals should be approved:

- o where they accord with the development plan; or
- o (where the plan is silent) unless adverse impacts would outweigh the benefits when assessed against the NPPF as a whole (para 14).

7.2.2 The NPPF is highly supportive of proposals for renewable energy generation, and contains the following specific guidance relevant to the current proposal:

- supporting the delivery of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development (para 93)
- a core planning principle is to encourage the use of renewable resources and the development of renewable energy (para 17)
- planning authorities should support sustainable growth and expansion of all types of enterprise in rural areas (para 28)
- concerns about incompatibility with landscape should not be a reason for refusal if these concerns have been mitigated by good design (para 65)
- planning authorities: should not require applicants for energy development to demonstrate the overall need for renewable energy; should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and should approve applications whose impacts are (or can be made) acceptable (para 98)
- proposals should aim to conserve and enhance biodiversity: if significant harm cannot be avoided mitigated or compensated then permission should be refused (para 118)
- planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions (para 203)

7.2.3 The proposed development would be in accordance with all the above national planning policy advice and would contribute to the aim in the Energy White Paper of generating 20% of UK electricity from renewable sources by 2020. The principle of the proposed development should therefore be supported, subject to other material considerations outlined below.

7.2.4 At footnote 17, the NPPF advises planning authorities to assess wind energy applications following the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure). However it should be noted that these Policy Statements refer to large scale (100m+) turbines and commercial wind farms and so are of little use when determining the current application for a single domestic scale turbine.

7.2.5 The Companion Guide to PPS22 however remains a relevant material consideration so the detailed guidance contained within this document is referred to in the remainder of this report.

7.3 Landscape Impact

7.3.1 Objectors feel that the turbine would appear as an alien industrial structure, out of keeping with the traditional farming landscape and that it would be insufficiently screened by vegetation. Neighbours and locals, far from feeling that the turbine would add interest to the landscape, fear that they would quickly tire of the sight of it.

7.3.2 The site is located in a fairly isolated and elevated position in the open countryside between Thurning and Winwick. The surrounding countryside is undulating and is predominantly agricultural but punctuated by dense wooded areas and broken up by fields. The site is exposed and open to short-distance views from the surrounding public highways, although views are punctuated by vegetation along these routes.

7.3.3 The site is categorised in the county-wide Landscape Character Assessment as "Farmed Claylands", which is defined by a broad and open landscape with an uncluttered character and uninterrupted views across the Nene valley to the north of the county. The

associated landscape strategy for the area includes a need to ensure the simplicity and boldness of the landscape is not diminished, ensuring development is confined to farm holdings and villages close to existing structures, and avoiding development that breaks the skyline.

7.3.4 There would be no ground based equipment housing or compound fencing, so the visual impact to be considered arises purely from the turbine itself. The overall maximum height of the turbine would be 24.8 metres (to blade tip). This is considerably smaller than turbines which are proposed for large wind farms which are typically over 100 metres.

7.3.5 The lattice design of the mast would be more visually permeable and would hence enable the turbine to blend in with the landscape better than a solid tower might. From several viewpoints in the vicinity, the backdrop and frame of Longbrook Farm house or trees would serve to reduce the overall impact of the turbine on the skyline. From other viewpoints, where there is no such backdrop, the submitted photomontages illustrate that the light grey mast would be barely visible against the backdrop of a cloudy sky, even at fairly close range. Given the relatively small scale of the mast and its lattice design, its visual impact would substantially diminish with distance so that longer views across the landscape would not be dominated by the structure. With only two blades and no tail-fin, the hub and moving parts would be less obtrusive than the usual three-blade turbines.

7.3.6 Vegetation would screen the proposed turbine from several vantage points but it would be unrealistic to expect it to be completely screened from all directions, particularly in such an open landscape. The fact that the turbine would be visible from some vantage points does not automatically render it demonstrably harmful to the landscape. Given its association with the farm holding and the nearby structures, your officers consider that the impact of the turbine on the fabric, character and quality of the surrounding rural landscape would be modest and its existence would not result in a harmful change to its overall character.

7.3.7 There would be no significant adverse impact on the visual amenity of local residents. Whilst the proposal would be visible, the sight of the mast would not be so offensive as to create harm that would justify refusal of the application.

7.3.8 The Companion Guide advises that local planning authorities should recognise that the landscape and visual effects will only be one consideration to be taken into account in assessing planning applications, and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects (para 5.4). In this instance, particularly when weighed against the benefits of this renewable energy proposal, the slight landscape and visual impact would be acceptable.

7.4 Cumulative visual impact

7.4.1 Officers have produced a plan showing all the wind turbine proposals in a 5 mile radius, which spans both East Northamptonshire and Huntingdonshire districts (appendix 1). The nearest proposals are some 2.5 miles away at Hamerton Zoo where two 25 metre turbines have been permitted and two 35 metre turbines are pending consideration. This is the only site that might combine with the Longbrook Farm proposal to give rise to a successive-cumulative impact when travelling along the route between Alconbury and Barnwell. However, as this is not a major route and as the proposals are small scale, this cumulative impact would not be significant.

7.4.2 The remaining wind turbine proposals in the search area are far enough away and on sufficiently different routes to not lead to a cumulative impact.

7.5 Highway Safety

7.5.1 Although objectors refer to the site being accessed off a narrow country road with hidden bends and blind summits, the Highway Authority is not concerned about this and has

stated it has no objection to the proposed turbine. The turbine itself would not be an obstruction and is unlikely to create significant distraction for motorists.

7.5.2 The Companion Guide suggests that turbines should be positioned at least the "fall over" distance from a public right of way (para 57). In this case the fall over distance (the height to-tip) of the turbine would be 24.8 metres compared to the nearest highway / right of way being 60 metres away.

7.5.3 The potential for ice to be thrown off the blades is minimal. The possibility of turbine blades icing up is unlikely throughout most of the country, with such days occurring on average less than once per year. Ice formation on turbine blades is generally associated with large turbines, at altitude where the blades are commonly shrouded in cloud at sub zero temperatures. Ice formation is therefore extremely unlikely on a turbine of this scale in this location. Turbines can also have sensors built in which detect any build up of ice and can stop a turbine (para 79). In the current proposal the agent has confirmed that part of the turbine safety system is a vibration sensor. This is designed to automatically shut down the turbine should any abnormal vibration of the blades be detected. Should ice form on the blades this would cause an imbalance which would be detected when the blades began to move, and the turbine would automatically brake and shut down. A manual override would be required to restart the turbine, and this would only take place after an inspection of the blades to ensure that they were not damaged. If ice were present on the blades the turbine would not be restarted.

Horses and Highway Safety

7.5.4 The issue of horses and highway safety was a pivotal consideration at the appeal relating to the 2007 proposal. The inspector felt that that turbine "would have an adverse effect on highway safety by virtue of its effect on horses". The inspector noted the appellant's evidence about the successful co-existence of horses and turbines, and the lack of objection from the highway authority. However, the weight of evidence led the inspector to conclude that passing horses are likely on occasion to be alarmed by the sight or shadow of moving wind turbines. Given that the adjacent road is well-used by equestrians, the inspector was concerned that the turbine would have been visible from the road and that the moving shadow of its blades would have fallen on the nearby road for part of the morning. The inspector was not convinced by the argument that vehicles can be more disturbing to horses than wind turbines, and he stated that "to add one hazard to another cannot be other than harmful".

7.5.5 In response to the current application residents and the Parish Council highlight that the local roads, bridleways and byways close to the site are extremely well-used by horse riders. They are frequently used by equestrians at weekends, early mornings and evenings and there are regular weekend equestrian events locally. The British Horse Society (BHS) has added its objection to that of the Parish Council and local residents. The objections are broadly twofold, but related. It is felt that the proposal would:

- o create potential conflict between spooked horses and vehicular traffic, to the detriment of highway safety
- o adversely impact on the amenity of equestrians who would be deterred from using the local routes due to the safety concerns

7.5.6 The Parish Council submission details the findings of a parish council representative who investigated the impact of turbines on horses, much of which contradicts the information given by wind turbine companies about the safe co-existence of wind farms and equestrian activities. The letter gives several examples of horse owners and event organisers avoiding turbines when selecting routes and an example of where turbines had to be switched off during a gymkhana as ponies were trying to jump moving shadows.

BHS exclusion zone

7.5.7 The BHS advises that horses may react in a potentially dangerous manner to:

- the sudden appearance within the horses' sight-line of turning blades
- the low frequency noise punctuated by "whoomph" (thought to be felt not heard)
- shadows sweeping the ground or bushes
- unexpected start-up of turbine if wind builds as horse approaches

7.5.8 Reacting to concerns such as these the BHS has long been promoting a 200 metre exclusion zone around bridle paths. Although this is mentioned in the Companion Guide, the guide goes on to state that, "whilst a 200 metre exclusion zone could be deemed desirable, it is not a statutory requirement, and some negotiation should be undertaken if it is difficult to achieve this" (para 56).

7.5.9 The nearby highways that can be used by horses and therefore must be considered in this section are:

- Thurning Road
- Bridleway NK1 (driveway to neighbouring dwellings)
- Byway NK2 (Gibbet Lane)

7.5.10 The proposed turbine at Longbrook Farm would be only 60 metres from Thurning Road, 110 metres from bridleway NK1 and 170 metres from byway NK2, all three equestrian highways therefore being much closer than the 200 metre distance advocated by the BHS. (By way of comparison the appeal proposal was approx 25 metres from Thurning Road, 250 metres from bridleway NK2 and 300 metres from byway NK3). Objectors suggest that the positioning of the turbine should comply with BHS guidance. However, the Companion Guide's emphasis that the 200 metres is not a statutory distance and negotiation should be possible leaves the matter open to debate. The arguments on both sides are as follows:

o In favour of the proposal: it would be difficult to insist upon the BHS' notional 200 metre clearance given that it is a non-statutory guideline.

o Against the proposal: reference to negotiation on the 200 metres suggests that a slight compromise on this amount may be acceptable, but in the current application we would be talking about a significant breach of this guideline distance (down to 60 metres at the closest point).

Shadow flicker as a horse distraction

7.5.11 Shadow flicker occurs when the sun shines through the moving blades of a turbine, meaning that it is not constant but is governed by the position and intensity of the sun. The Companion Guide suggests the effect of shadow flicker diminishes with distance where flicker effects have been proved to occur only within ten rotor diameters of a turbine and only within 130 degrees either side of north relative to the turbines (para 76).

7.5.12 Using these guidelines, there would be potential for the current proposal to cast shadow flicker over a 130 metre stretch of Thurning Road and a 60 metre stretch of bridleway NK1 (as illustrated in the attached plan at appendix 2).

7.5.13 This demonstrates the likelihood that the moving shadows of the turbine blades would be cast over a total of 190 metres of equestrian highway. Given the inspector's concern about this issue at the appeal for the 2007 proposal, this must be given significant weight. In the interests of consistency, officers feel that the application should be refused on this ground, unless there are very strong arguments that would suggest otherwise.

7.5.14 The agent has highlighted that the moving shadow effect would only occur in certain conditions, i.e. clear, sunny days with wind for the turbine to be operating, and that it would also be quite limited in duration at the times where it could occur. The agent has suggested

that this could be dealt with by condition restricting the use of the turbine at the times where moving shadows could be cast upon the road. However, officers struggle to see how such a condition could meet the tests for conditions in circular 11/95, as it would not be sufficiently precise or enforceable.

Unexpected start-up of turbine if wind builds as horse approaches

7.5.15 The agent has stated that turbine blades would not suddenly start to turn. The turbine has a constant rotational speed of 56rpm independent of wind speed. As the cut in wind speed is approached the turbine blades slowly start to rotate, gradually building up speed until 56rpm is reached. The time taken to transition between the two states will vary a little depending upon the conditions at the time, but does not take long. Where the wind speed is fluctuating around cut in speed, the turbine motor can maintain the 56rpm, so the turbine is not constantly switching on and off. There should therefore be no problems in this regard.

Sight of turning blades

7.5.16 The blades of the turbine would never whip round at speed so to cause alarm. Rather, the slow rotational speed should ensure that the sight of the turbine is no more distracting to a passing horse than any other object in the landscape. For these reasons your officers do not share the concern of the inspector at the appeal for the 2007 proposal in respect of the sight of the turbine.

Comparison to other distractions

7.5.17 The Companion Guide is at odds with the inspector's reasoning in regard to other distractions in the highway. In his decision the inspector was not convinced by the argument that vehicles can be more disturbing to horses than wind turbines, and he stated that "to add one hazard to another cannot be other than harmful". However the Companion Guide states that wind turbines should not be treated any differently to other distractions to road users, suggesting that if horses are able to cope with the distractions of a road there is no reason to presume that they will not be able to cope with a small wind turbine. Which of these two arguments should carry more weight is not clear.

Conclusion on highways

7.5.18 This is a very balanced issue. On the one hand the Highway Authority has not objected, there is no statutory exclusion zone to be applied, and the relevant source of guidance on determining wind turbine applications (the Companion Guide) suggests that horses should be able to cope with the distraction of a wind turbine. On the other hand, in the appeal against the 2007 proposal the inspector chose to attach more weight to the evidence presented by the BHS than to the advice in the Companion Guide. The appeal is a highly relevant material consideration, not only because it is more recent than the Companion Guide, but as it is concerned with broadly the same site and circumstances as the current proposal.

7.5.19 It is necessary to consider what has changed since the date of the appeal. There have been changes to the planning policy framework, but the overall thrust of policy remains the same and if anything is now more pro-development, particularly renewable energy development. In terms of the proposal itself, the current application is for a slightly taller turbine which would be located differently, further away from Thurning Road. Applying the shadowing guidance (given in para 7.5.11):

- o the 2007 proposal would have cast shadow over a 100 metre stretch of Thurning Road during the morning.
- o the current proposal would cast shadow over a 130 metre stretch of Thurning Road during the morning AND over a 60 metre stretch of bridleway NK1 in the evening.

7.5.20 We have heard from local residents that the early mornings and evenings are times when equestrians most often use the local roads and bridleways. Given that the revised location of the current proposal does not eliminate the negative impact that was found by the inspector, and that it seems to exacerbate the impact by also now affecting bridleway NK1 (which is also a driveway serving three dwellings), it would be difficult to conclude that the current proposal is acceptable. On balance, your officer's recommend that the application be refused on the grounds that it would have an adverse effect on highway safety by virtue of its effect on horses.

7.6 Ecological Impact

Bats

7.6.1 One of the committee's reasons for refusing the 2007 application was that the applicant had failed to demonstrate there would be no adverse impact on bats. At appeal the inspector concluded that the proposal would be likely to cause harm to the local bat population, caused by the occasional fatal collision of individuals with the rotating blades. Furthermore, due to the absence of a wind speed survey, the inspector was not convinced that the slight harm to bats would be outweighed by the need for, and benefits of the proposed development.

7.6.2 There are two points in this last sentence where it is clear that current guidance conflicts with the approach taken by the inspector. Firstly, as detailed further in section 8.1, there is no requirement for a wind speed survey to support a wind turbine application and the decision on whether to carry this out rests with the applicant. Secondly, as outlined in section 7.2.2, planning authorities should not require applicants to demonstrate the overall need for renewable energy and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. A final point to note is that the inspector at the time felt that the harm to bats from the previous proposal would be "slight". Nonetheless, the current application must be looked at afresh on its own merits.

7.6.3 In response to the current application the Northants Bat Group criticised the applicant's initial supporting information on bats as being inadequate and advised that the application be refused unless suitable bat surveys could be carried out to determine how the turbine would affect local bat populations. The Northants Bat Group highlighted the following shortcomings in the initial bat submission:

- wrong to assume a 50m separation from hedges/trees eliminates impact
- wrong to rely on Natural England's guidance as this is not intended to cover micro-turbines, only single large turbines of greater than 250kW
- wrong to assume that a smaller mast poses less threat (the blade sweep of a smaller mast is more likely to be in the flight path of bats than higher masts)
- insufficient search range for database records (should be 5-10km, not just 2km)
- no mention of presence of barbastelle 5km away
- insufficient consideration of potential nearby roosts (farm buildings, trees, hedges)
- incorrect to say the site is of poor foraging potential, it is at least medium given the adjacent Luddington Spinney and insect habitat

(It should be noted that this is contrary to the inspector's view at the appeal against the 2007 proposal, where he concluded that a bat appraisal of a similar level of detail, together with the other available evidence "...provide enough information to allow a sound assessment of the effect the appeal proposal would have on bats".)

7.6.4 Further bat survey work was carried out in September 2011, and a supplementary Bat Survey Report submitted to the council on 27 October 2011. However, the Northants Bat Group upheld their objection as they still felt that this additional survey work was not satisfactory, giving a lengthy description of the detailed shortcomings, much of which was about the timing of the work.

7.6.5 In response to the current application, Natural England did not comment specifically on the bat submission, but they wished to highlight that "the lack of comment from Natural England should not be interpreted as a statement that there are no impacts". They acknowledge that there is a limited body of evidence that suggests there is potential for micro-turbines to impact on bats, but this area is poorly understood. They go on to state that they will continue to regard micro-turbines as relatively low-risk until there is a wider understanding of the issues and the development of standard guidance for micro-turbines. The Wildlife Trust deferred to the advice of the Northants Bat Group and Natural England on the subject of bats.

7.6.6 During the course of the current application the case officer received conflicting views from the agent and consultees about the applicability of a 50 metre guide separation-distance from bat habitat given in the Natural England Guidance note (TIN059) and a locally agreed protocol for Cornwall. However it was concluded by the case officer, on the advice of the relevant consultees, that these could not be assumed to be directly relevant to the current application as they concern large wind turbines of greater than 250kW.

7.6.7 Following further discussions with the Northants Bat Group a compromise was put forward. It was suggested that turning off the turbine during the hours of darkness would eliminate the risk of bats colliding with turning blades. The Northants Bat Group agreed that this mitigation measure would overcome the risk to bats in the case of the current application. The agent requested that a condition be used restricting the operation of the turbine at times when bats are likely to be active (ie overnight during the summer months). Whilst the condition would be quite restrictive the agent felt that it would enable the development to proceed whilst allowing the opportunity to undertake further bat surveys in future. Should future bat surveys demonstrate that the turbine would not pose a risk to bats the applicant though then seek to have the relevant condition removed.

7.6.8 The Northants Bat Group has confirmed that this condition would be acceptable and that it's imposition would remove their objection. The condition would be enforceable given that the turbine would be visible from the public highway, and would be precise if related to met office sunrise and sunset time charts. A condition is therefore recommended.

Birds

7.6.9 Evidence suggests that the risk of collision between moving turbine blades and birds is minimal both for migrating birds and for local habitats (para 59 of the Companion Guide). In terms of the current application, there are no SSSIs, County Wildlife Sites, or Local / National Nature Reserves in the vicinity of the site. Whilst the Wildlife Trust advise that there are five points at which notable species have been recorded within a 2km radius of the proposed turbine site but they have not commented any further than this, and have not objected. They advise the planning authority instead to take the advice of specialist consultees.

7.6.10 The RSPB has considered the detail of this application offered the following detailed comment:

"Collision risks to red kites from this proposal would not be a sound basis for refusing this application. By way of further explanation, following the successful reintroductions to England, Scotland and Northern Ireland, we now consider the red kite population to be sustainable without further reintroductions being necessary. Red kites are now breeding in many English counties and we fully expect them to continue to expand their range and numbers back to natural levels. While one cannot completely rule out the risk of collisions involving kites, all the evidence suggests this would be a rare event. Our opinion is that the potential risk to red kites could only be judged as significant in a very local, site based context. We do not think this proposal would have any measurable impact on the overall populations of red kites or their continued recovery".

7.6.11 When pressed further on this, in the light of the detailed and informed objections made by a local ornithologist in respect of risk to red kites and other bird species, the RSPB advised that the rate of red kite population increase is extremely high and this increase would not be threatened by a single turbine. The other species that have been mentioned by the objector may be scarce but they are widespread and are no more likely to be present in this vicinity than anywhere else in lowland England.

7.6.12 The RSPB's position is clear, that it is unwise to refuse an application on the basis of impact on birds. If an application were refused on these grounds the RSPB would not speak in support of the refusal at any subsequent appeal.

7.7 Residential Amenity

7.7.1 Noise is a material consideration, particularly in terms of the relationship of turbines with noise sensitive development - for example residential properties. In this case the nearest residential properties are more than 300 metres away. Environmental Health do not object to the proposal and are satisfied that noise would not be an issue subject to the following conditions to make sure the turbine is performing in accordance with the current guidance for wind turbines:

- any approval would be for this specific turbine, not an alternative, and the siting should be within a 30m diameter tolerance zone of the location shown on the location plan.
- turbine noise should not exceed 35dB(A) when measured as a 5 minute LAeq in the garden of the nearest residential property
- independent noise consultants shall be commissioned by the operator to investigate any noise complaints in accordance with procedures agreed by the planning authority
- construction management to minimise noise and vibration and restricted hours for noisy works
- notification to the planning authority of any breakdown and the timescales for repair
- removal of the unit if it is non-operational for six consecutive months
- submission of methodology for decommissioning the turbine at the end of its life

7.7.2 The site is far enough from other residential properties to ensure that they will not be effected by shadow flicker. The Companion Guide says research and computer modelling on flicker effects has demonstrated that there is unlikely to be a significant impact on occupied buildings at distances greater than ten rotor diameters from a turbine. The intensity of the shadow of rotating blades at distances of ten rotor diameters and beyond is sufficiently diminished so as to have no significant impact on occupied buildings. In the current application ten rotor diameters equates to 130 metres, far less than the 300 metre separation between the nearest neighbours and the proposed turbine.

7.7.3 The applicant's own dwelling is close enough to the proposed turbine location to potentially be affected by shadow flicker, but as the turbine would be in his ownership and control so would be the impact on his own residential amenity.

7.8 Archaeology

7.8.1 There are a number of archaeological sites in the vicinity, most undated but some are thought to be pre-historic. There is potential for further unrecorded sites in the vicinity and hence a potential for archaeological remains to exist on the application site.

7.8.2 The county Archaeologist recommends that further evaluation is required in the form of targeted trial trenching. She initially requested that one trench on the site of the proposed turbine be undertaken prior to determination in line with guidance in the former PPS5.

7.8.3 However, in the current policy background, and following further discussion with the County Archaeologist, officers now feel that the absence of pre-determination trenching works would be a weak reason for refusal. In recent months there have been examples

elsewhere in the county where conditions have been used to overcome the issue of potential archaeology on the site of small turbines. There is also the more recent guidance in the National Policy Statement for Renewable Energy Infrastructure (2011) which suggests that authorities should consider granting consents which allow for micro-siting within a specified tolerance to cater for the event that archaeological remains are discovered (para 2.7.45).

7.8.4 To condition archaeological works would be more onerous than the pre-determination trenching as it would require the developer to strip the full footprint of the turbine works and cabling runs and undertake any mitigation that may be necessary. However, as a condition could be applied that would satisfactorily overcome the concerns in respect of archaeology, the lack of pre-determination trenching works is not a sound reason for refusal.

8. Other Issues

8.1 Wind Speed and Output

8.1.1 Objectors have expressed a view that the anticipated modest production of sustainable electricity, purely for the benefit of the applicant, would not materially contribute to tackling climate change. However, paragraph 98 of NPPF advises to the contrary, that planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. It is clear that where the impacts of an application can be made acceptable, permission should be granted, regardless of the level of renewable energy generated.

8.1.2 Notwithstanding this, it is worth clarifying the situation with respect to wind speed and output of the current proposal, given that the parish council has raised concern about inconsistencies in the submission.

8.1.3 The parish council points out that the D&A assumes annual average windspeed of 4.3m/s (to generate 22,690 kWh electricity per year), but the manufacturers data sheet states 4.5m/s will generate only 19,000 kWh per year. Furthermore the parish council highlight that the manufacturers website suggests an annual mean wind speed of at least 5m/s, ideally 5.5m/s, is required for this turbine and that very little energy would be harvested at wind speeds less than 4m/s.

8.1.4 The agent has responded to these questions as follows. The Gaia turbine has a peak rated output of 11kw and a slow rotation speed of 56rpm which is independent of wind speed. The energy calculation for the proposed site is based on the NOABLE database with suggests a wind speed of 4.9m/s at a height of 10m. Standard wind modelling techniques are then applied to derive the increase in wind speed up to the 18m hub and a reducing factor is applied to account for the roughness effect of the surrounding trees. By this method the resulting hub height wind speed of 4.3m/s has been derived. The difference between the suppliers estimated figures and those in the application arise from the different topographic characteristics of the site, informed by the site survey. This method produced the estimated output of 22,690 kWh of electricity per year.

8.1.5 In response to objector's assertion that a wind speed survey should have been submitted with the application, the National Policy Statement for Renewable Energy Infrastructure (2011) states that, whilst applicants will often install temporary anemometry masts on the site to ascertain precise onsite wind speeds prior to submitting their wind farm application, it is the decision of individual applicants as to whether this is necessary (para 2.7.5).

8.1.6 Turning back to the appeal against the 2007 proposal, the inspector did refer to the lack of a wind speed survey in his decision. The Inspector stated:
"....a sustainable source of electricity is clearly beneficial in principle, but because there has been no wind speed survey at the site, the amount of electricity that would be produced is

not known. Therefore it is not the case that the need for and benefits of the development clearly outweigh the harm caused".

8.1.7 However, as outlined above, the current national policy guidance is now clear that a wind speed survey is not necessarily a requirement. Every application must be considered on its own merits in the light of current policy. In this instance the applicant's decision to rely on wind speed modelling and a topographical survey, together with a reasonable explanation of how the figures have been arrived at, would seem to meet the requirements of the current guidance.

8.1.8 Given that planning authorities are guided by government not question the need for renewable energy and to recognise the benefit of even small contributions, it is not considered that there are any outstanding issues in this regard.

8.2 Economic imbalance

8.2.1 Objectors suggest that the applicant will secure significant financial benefit from the proposal whilst the local community will be disadvantaged and would receive no compensation. This is not a material planning consideration.

9 Conclusion

9.1 As outlined in the Companion Guide, the planning system exists to regulate the development and use of land in the public interest. The material question is whether the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected.

9.2 As part of the analysis in this report the best available guidance has been applied to this proposal. Whilst most concerns could be overcome by the imposition of conditions, the matter of the turbine's proposed location and proximity to the adjacent road and bridleway are insurmountable under the current application (whose red line is specifically drawn giving very little tolerance for micro-siting). The inspectors view at the appeal against the 2007 proposal was that the moving shadows cast by a turbine over the highway would be detrimental to highway safety by virtue of its effect on horses. This must be given due weight in relation to the current application, which has been found through the analysis in this report to have the potential to similarly affect both Thurning Road (in the morning) and bridleway NK1 (in the evening).

9.3 The moving shadows that may be cast would not only be a physical risk to highway safety, but it would also potentially adversely affect the amenity enjoyed by equestrians in the area who may be deterred from using the surrounding bridleways because of the safety risk. It is therefore recommended that the current application be refused.

Proposed reason for refusal:

The proposed wind turbine, by reason of its location and proximity to the adjacent road (Thurning Road) and bridleway (NK1) is likely to have an adverse effect on highway safety by virtue of its effect on horses. This in turn would have a detrimental impact on the leisure-based amenities currently enjoyed by the surrounding population, who may be deterred from using the affected equestrian highways because of the highway safety risk. This would be contrary to Policies 13(n) and 13(j) of the North Northamptonshire Core Spatial Strategy (2008) and contrary to the NPPFs core planning principles relating to health, social and cultural wellbeing.

Committee Report

Committee Date : 25 July 2012

Printed: 13 July 2012

Case Officer **Amie Baxter**

08/01591/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
28 August 2008	11 September 2008	6 November 2008	Rushden Hayden	Rushden

Applicant **Spire Homes**

Agent **Architectural And Surveying Services Ltd**

Location **Garages Between 15 And 17 Denton Close Rushden Northamptonshire**

Proposal **Removal of existing garages and replacement with new housing**

The application has been brought to Development Control Committee because Rushden Town Council object to the scheme and at the request of the local councillor.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application seeks full planning permission for the construction of three dwellings: two, two storey, three bedroomed semi-detached dwellings and a one bedroomed detached bungalow.

2.2 A single attached garage would be provided for each dwelling.

2.3 Two off-road parking spaces would be provided for each dwelling (one garaged).

2.4 The applicant is Spire Homes and it is envisaged that these properties would be for sale on the open market to fund other affordable housing schemes.

2.5 The applicant has submitted revised drawings during the determination period, moving the dwelling proposed for Plot 2 away from an existing protected Horse Chestnut tree in the grounds of Denfield Park School.

3 The Site and Surroundings

3.1 The application site is a late 1950s garage court and contains 27 single flat-roofed garages. It is surrounded by residential properties of the same era and there is a school playing field to the west. The street scene along Denton Close is characterised by two storey dwellings arranged in semi-detached pairs.

3.2 Access to the site is gained by a surfaced, single width road from Denton Close.

3.3 The existing garages were previously associated with the occupation of the nearby properties in Denton Close and the surrounding area when they were built by the Council. The garages are now rented out by Spire Homes to occupants in the nearby properties, some of whom are private tenants.

3.4 There are two Horse Chestnut trees just outside the western boundary of the site (in the grounds of Denfield Park School) which are subject to tree preservation orders.

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 45 – Regional Approach to Traffic Growth Reduction

Policy 48 – Regional Car Parking Standards

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

Policy 1 – Strengthening the Network of Settlements

Policy 7 – Delivering Housing

Policy 9 – Distribution & Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

4.4 Supplementary Planning Guidance:

Planning Out Crime in Northamptonshire, Feb 2004

4.5 Supplementary Planning Document:

Design SPD, March 2009

4.6 Other Documents:

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

Three Towns Preferred Options Document

5 Relevant Planning History

5.1 None.

6 Consultations and Representations

6.1 Neighbours: 5 Letters of objection have been received from numbers 9, 11, 13, 15, 19, Denton Close. The neighbours object to the proposed development on the following grounds:

- There are a number of established trees near to the site and the plans do not indicate whether these trees will be left undisturbed
- School traffic already causes problems in Denton Close
- Noise levels will increase as the level of traffic at the site increases
- Existing parking problems get worse at certain times of the day (associated with school times). Denton Close is very narrow and parking with two wheels on the pavement is necessary.
- It would be a good idea to convert some of the existing grassed verges in Denton Close to parking areas (but with priority given to residents)
- Parking for the school should be provided within the site
- The minimum access width for a fire engine is 3.8 metres but the existing access width is only 2.9 metres.
- Secure garages would be lost and more cars will need to park on the road.
- The proposed car parking spaces are positioned where people would walk through the site and because of this, vandalism is likely to occur.

- Spire Homes did not advertise the garages, otherwise there would have been more people interested in renting one.
- The residents at 15 Denton Close are concerned about the loss of access to their garage (which opens out onto the application site)

6.2 A letter of objection has also been received from the Headteacher and Denfield Park School, who objects on the following grounds:

- The development could result in damage to the two protected Horse Chestnut trees which are close to the western boundary of the application site.
- The additional parking spaces within the site are directly adjacent to the pathway and entrance gate to the school and a significant number of children use this access each day. There would not be sufficient space within the site for cars and pedestrians to co-exist and there would need to be a footpath running through the site.

6.3 Rushden Town Council: Object on the following grounds:

- Concerned that trees adjacent to Plot 2 will be damaged
- The parking area is used by parents dropping off and collecting children from Denfield Park School and the proposed development would raise road safety issues
- It is questionable whether the existing drainage system could cope with the additional dwellings.

6.4 Conservation Officer (Trees): The Conservation Officer has visited the site and has conducted a simple assessment of the trees adjacent to the application site, most notably, the Horse Chestnut tree to the west of the site. The proposed garage for Plot 2 would just breach the root protection zone for the horse chestnut but the garage could still be constructed, provided that appropriate construction methods were employed. It is possible that the Horse Chestnut tree would have an overbearing impact on Plot 2 and the crown spread of the tree is likely to cover around a third of the proposed garden area. This could lead to future pressures to prune the tree if it becomes a nuisance. The applicant has since revised the layout of the proposed development to mitigate this issue. Therefore the Conservation Officer has no objections, subject to appropriate conditions being used which require that a tree protection plan, an arboricultural method statement and further details on the garage are submitted.

6.5 Local Highway Authority (NCC): No objection to proposed development. Recommend that highways standing advice is applied.

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 (para 17, Core Planning Principles and para 111) advocates the reuse of previously developed land and Policies 1 and 9 of the NNCSS encourage this type of development in locations which are well served by existing services and transport. The site is located within the town centre of Rushden as identified in the Three Towns Plan. It would therefore be in a sustainable location for residential development and would comply with Policies 1 and 9 of the North Northamptonshire Core Spatial Strategy. The replacement of the garage block with three dwellings would represent an efficient use of land.

7.2.2 Therefore, the principle of development is acceptable, subject to the issues set out below:

7.3 Visual Impact

7.3.1 The site is situated to the rear of a number of existing dwellings which front onto Denton Close. Therefore, the proposed dwellings would hold very little prominence when viewed from Denton Close.

7.3.2 Most dwellings in the immediate area are two storey but there are a number of bungalows spread throughout the wider estate. The proposed bungalow would be hidden from view from Denton Close and would not therefore be obviously out of character. The view from the school would be softened by the existing trees near to the western boundary of the site and the proposed dwellings would have a limited visual impact.

7.3.3 The scale of the proposed dwellings would be appropriate for the site. The layout is appropriate, giving room for landscaping, garden area and parking and the site would not appear overdeveloped.

7.3.4 The design of the proposed dwellings is simple and in-keeping with the existing dwellings closest to the site. A condition is recommended to ensure that the proposed materials are first agreed in writing by the local planning authority.

7.3.5 Overall then, the proposed development would not be detrimental in visual terms.

7.4 Neighbouring Amenity

7.4.1 The proposed dwellings have been carefully positioned so as not to have a detrimental impact on the amenity of neighbouring occupiers.

7.4.2 Plot 1 (two storey) would be positioned at a distance of 15 metres from the existing dwelling at 17 Denton Close, with a gable to gable relationship. This is considered sufficient to prevent any overshadowing or an overbearing impact.

7.4.3 Plot 1 is positioned far enough to the north east to prevent any overlooking of the garden at number 17. There would be no windows in the north elevation of Plot 1 to prevent overlooking. A condition is recommended to ensure that no windows are inserted in the north elevation in the future.

7.4.4 There would be a single storey garage along the northern boundary of plot 3 but this would not be harmful to neighbouring amenity, given its modest, single storey nature.

7.4.5 Plot 2 (two storey) is positioned to the centre of the site and so would have the least impact on neighbouring dwellings. There would be a distance of 19 metres between the front elevation of Plot 2 and the gable end of 15 Denton Close and this is sufficient enough to prevent any overlooking, overshadowing or overbearing impact.

7.4.6 Plot 3 (bungalow) would be single storey and there would be at least 11 metres between the north east corner of plot 3 and the southern corner of number 15 Denton Close. There would be no windows which would overlook neighbouring plots and as the dwelling would be single storey, there would be no overbearing impact or overshadowing.

7.4.7 There would be a single storey garage along the northern boundary of plot 3 but this would not be harmful to neighbouring amenity, given its modest scale and single storey nature.

7.4.8 Overall, the proposed development would be acceptable in terms of residential amenity.

7.5 Parking

7.5.1 The proposed development for 3 dwellings would provide two off road parking spaces each. This is considered to be adequate and would mean that the development would itself be self-sufficient in terms of parking.

7.5.2 The agent has submitted a statement confirming the status of the existing garages. According to this statement, out of the 27 garages, 16 are unoccupied/empty, and six are

used as lock up's or by residents outside of a 200 metre walking distance from the site. A 200 metre distance was agreed with officers as an indication as to the likely distance an occupier would be prepared to walk to reach their garage on a daily basis. It is reasonable to suggest that if a garage was over 200m away from a dwelling then the occupier would instead park on the road outside their house or that their garage is used as a lock up and is not used for parking a vehicle on a daily basis. Therefore, there appear to be only 6 garages which are currently used for parking.

7.5.3 In order to help compensate for the loss of those 6 parking spaces, the applicant has included 3 additional car parking spaces as part of the development. This leaves a deficit of 3 spaces.

7.5.4 Members therefore need to consider whether the overall loss of 3 parking spaces is detrimental enough on the wider parking provision to warrant the refusal of this application.

7.5.5 There are a number of designated off-road parking areas in reasonably close proximity to the site and also, many of the dwellings in Denton Close already have a front driveway which helps to reduce the demand for parking on the road.

7.5.6 Whilst it is acknowledged that parking is sometimes difficult along Denton Close at certain times of the day, on the whole, it appears that there is the capacity to accommodate three additional vehicles.

7.5.7 On balance, and taking the above points into account, the impact of the proposed development on parking provision along Denton Close would not be overly harmful.

7.6 Access

7.6.1 The existing access into the site has been used to serve the 27 garages since they were built. The access has a width of 3 metres and passes through a break in the built form along Denton Close. There is a 1 metre high wall along the eastern side of the access and a 1.2 metre high hedge along the western side. The initial stretch of the access has a grassed area on both sides and visibility along Denton Road is very good.

7.6.2 The access once served 27 garage spaces and, potentially, accommodated 54 trips per day (two per garage). The proposed development is for three dwellings plus three additional parking spaces and so it would be reasonable to assume that approximately 12 trips (2 per dwelling and 2 per parking space) would take place for the site as a whole each day.

7.6.3 This is clearly a significant reduction in the number of trips per day, than when the site operated as a garage court and therefore, there would be no additional impact in terms of traffic using the access. For the reasons set out above, the access does not need upgrading.

7.6.4 In addition to this, local residents have pointed out that parents pull into the garage court to drop their children off at school time. It is likely that, by developing the site and giving it the feel of a private road, parents would be less inclined to access the site to drop off and pick up children. This would also reduce the number of trips along the access road.

7.6.5 It is noted that children often use the access to the site as a route (on foot) to and from school and local residents are concerned that the development is likely to result in safety issues. However, as noted above, the daily trip rate to and from the site is likely to decrease overall than with the present situation. This would actually reduce the opportunity for conflict between vehicles and pedestrians.

7.6.6 Nevertheless, the applicant has indicated that there would be a marked footpath running from Denton Road through the site to link with the access to the school. This would not be practical for the single width access leading into the site as it would leave only one metre for a vehicle to pass but it would be useful further into the site to mark a safe area for

pedestrians. A condition is recommended to ensure that this footpath is marked out and details of the demarcation are to be approved by the local planning authority prior to commencement of development.

7.6.7 Overall then, it is considered that the proposed development would not be detrimental in terms of highways safety.

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. According to the submitted Sustainability Statement, the following measures would be provided:

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

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

7.8 Impact on Trees

7.8.1 The Conservation Officer has acknowledged that the proposed garage and dwelling at Plot 2 are now at an appropriate distance away from the canopy and root areas of the protected Horse Chestnut and the dwelling could be constructed without harm if appropriate protection methods were used. A condition is recommended which would require an arboricultural method statement, tree protection plan and details of construction for structures on plot 2. In addition, a condition is required to obtain full details of the removal of the existing hard surfacing and demolition of the existing garages.

7.8.2 As the proposed dwelling and garage at Plot 2 have been repositioned, a reasonably sized area of amenity space would be provided which is not overshadowed by the tree. The new layout would also reduce the pressure to prune the tree in future.

8 Other issues

8.1 Drainage – The submitted application forms suggest that the proposed dwelling would be connected to a main sewer. However, no other information has been provided on drainage. As in any other development, it is the developer's responsibility to ensure adequate drainage and sewerage systems are put into place. However, in the interest of residential amenity and to safeguard public health, a condition to require the submission of drainage details to the Local Planning Authority before commencement of development is recommended.

8.2 Access for Disabled – The proposal does not raise any significant disabled access issues.

8.3 Withdrawal of Permitted Development Rights - Due to the size and other constraints at the site, and in the interest of preserving the residential amenities of the neighbouring occupiers and the wellbeing of nearby trees, it is recommended that permitted development rights be withdrawn from the properties in respect of extensions, porches, roof alterations and outbuildings.

8.4 Right of Access - The adjacent neighbour has raised concerns regarding a right of access currently enjoyed by the occupiers of 15 Denton Close to park vehicles in a garage at

the bottom of their garden. The proposed development would allow for pedestrian access to the existing garage but would prevent vehicles being parked within it. Whilst this is not ideal, it is a civil matter between the neighbour and Spire Homes and is not a material planning consideration. If a right of access does exist, then clearly the proposed development cannot proceed without an agreement between the two parties.

8.5 Anti-Social Behaviour and Safety – The site has long been an attraction for congregating and anti-social behaviour, as it does not benefit from an adequate level of natural surveillance at present. The site can sometimes feel hostile, particularly during the hours of darkness, and is not an ideal area for children to cross. The proposed development would introduce a sense of ownership, with each dwelling having a private character, and this is likely to deter anti-social congregating and anti-social behaviour in the site. Also, the dwellings would provide natural surveillance and create an altogether safer and more child friendly environment to walk through on the way to and from school.

8.6 Demolition – To ensure that all waste material from the demolition of the garages is dealt with appropriately, a Site Waste Management Plan is required. A condition is therefore recommended.

8.7 Noise from Traffic – The noise generated by traffic is likely to decrease in comparison to the current situation as it is likely that traffic movements along the access into the site will decrease as a result of the proposed development.

8.8 Alternative Use of Grass Verges – One neighbour has suggested that some of the existing grass verges/open areas are converted into off road parking areas. Whilst this seems like an obvious solution, it is often discouraged as it would eventually erode the original open character of the estate. It could also lead to a car dominated appearance along the streetscene.

9 Recommendation

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

Conditions/Reasons -

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

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

2. Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, details and samples of the external roofing and facing materials to be used for the construction of the buildings hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory appearance for the development.

3. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of boundary treatment indicating the positions, design, materials and type of any fences, railings, walls, gates and bollards to be erected around and within the site. The approved boundary treatment shall be completed before any of the dwellings are occupied and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual and residential amenity.

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include the proposed parking and hardstanding areas, marked footpath areas

(including materials to be used) as shown on plan PE57/03/01 and refuse collection areas as well as the landscaped/planted areas. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interest of visual amenity.

6. Before any work is commenced on the development the subject of this permission, full details of the proposals for external lighting of the development and its maintenance shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and public safety.

7. Notwithstanding the submitted details and before commencement of development hereby permitted, a sustainability strategy, including a Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority to demonstrate that the development would meet requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy and Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Spatial Strategy. The development shall be implemented in accordance with the details so approved, unless otherwise agreed in writing by the local planning authority.

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

8. Notwithstanding the submitted details, before the dwellings hereby permitted are first brought into occupation, all W/C and bathroom windows are to 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.

9. Notwithstanding the submitted details and prior to the commencement of the development hereby approved, the following details shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of any part of the development hereby approved and shall be retained thereafter:

- The access road into the site shall be paved with a hard bound material.
- The maximum gradient for each private driveway shall not exceed 1 in 15.
- A means of drainage, to prevent the unregulated discharge of surface water onto the highway

The hard surfacing shall be completed in accordance with the approved details agreed in writing by the local planning authority prior to the commencement of development. Development shall be constructed in strict accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety

10. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include drawings showing the slab levels of the

building in relation to the existing and proposed levels of the site and the surrounding land. The buildings shall thereafter be constructed in accordance with the details so approved in writing by the local planning authority, unless otherwise agreed in writing by the local planning authority.

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

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

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

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

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

13. Notwithstanding the submitted details, all three of the single garages hereby permitted as part of the proposed development shall be retained as a parking space and for no other use, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the need to park on Denton Close.

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

Reason: To ensure the protection of the tree on the adjacent site.

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

Reason: To ensure the protection of the tree on the adjacent site.

16. Notwithstanding the submitted details, a demolition statement for the garages and a method statement for the removal of the existing hard surfacing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of the tree on the adjacent site.

17. Notwithstanding the submitted information, details of the construction of the garage to Plot 2 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of the tree on the adjacent site

18. The development hereby permitted shall be carried out strictly in accordance with the approved plans: PE575/03/01B (not including location plan shown on this particular drawing as it refers to previously proposed layout), PE575/03/04, PE575/03/06, PE575/03/03, PE575/03/02A, PE575/03/05, received by the Local Planning Authority on

19.08.2012

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 recommending this application, the relevant planning guidance and policies were identified as National Planning Policy Framework, Policy 1, 2, 3, 45 and 48 of the East Midlands Regional Spatial Strategy, Policy 1, 7, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy 2008, Three Towns Preferred Options document, Planning out Crime in Northamptonshire SPG, Design SPD and Highway Authority Standing Advice for Planning Authorities 2008. Having regard to these, the representations received and any reasons, the main issues were identified as the principle of development, impact on neighbouring amenity, the design and visual impact, impact on the highway, parking and safety and trees. The application has been recommended for approval as:
 1. The proposal would be in accordance with the development Plan.
 2. The development would not harm the visual amenity or character of the area.
 3. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
 4. The proposed development would not harm the health of the protected Horse Chestnut tree.
 5. The proposed development would not result in a significant increase in on-street car parking.

Committee Report

Committee Date : 25 July 2012

Printed: 13 July 2012

Case Officer **Anna Lee**

11/01483/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
15 September 2011	23 January 2012	19 March 2012	Woodford	Woodford

Applicant **Woodford Development Co Ltd**

Agent **KB Architecture**

Location **1 Club Lane Woodford Kettering Northamptonshire NN14 4EY**

Proposal **Erection of two detached dwellings on former public house garden
(Re-submission of 11/00263/FUL)**

The application has been brought to Development Control Committee because Woodford Parish Council has objected to the application.

1 Summary of Recommendation

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

2. The Proposal

2.1 The application proposes the construction of two, detached four bedroom dwellings. A vehicular access and double garage is proposed off Club Lane to be shared between the two properties.

2.2 The scheme was amended in June to include, a minor reduction to the size of the dwellings; minor alterations to the design of the dwellings; provision of vehicular access details; and removal of the bin stores and pedestrian entrances from Club Lane. The Parish Council, local residents and other consultees were re-consulted on these details.

2.3 The application is a resubmission of a similar proposal submitted under EN/11/00263/FUL (see paragraph 5.2 for full details).

3 The Site and Surroundings

3.1 The site lies within the confines of the village, approximately 100 metres west from the village centre. The site lies at the rear of the former White Horse public house. The public house was recently converted into a residential property. The site was formerly used as a garden for the public house and over the past year the ownership of the site has been separated from the former public house.

3.2 The site is surrounded by Bakers Lane to the north and Club Lane to the south. Both lanes are narrow and are only suitable for single traffic to pass along certain parts. The surrounding properties are of mixed character and are mainly residential.

3.3 A row of trees, shrubs and low height stone walls border the northern and southern boundaries of the site.

3.4 The site lies within a conservation area. The closest listed building to the site is 5 Club Lane to the east.

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 Guidance:

Planning Out Crime in Northamptonshire, Feb 2004

4.6 Supplementary Planning Document:

Design SPD, March 2009

4.7 Other Documents:

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

5 Relevant Planning History

5.1 The application for a change of use of 1 Club Lane from the public house to a single dwelling was granted by Development Control Committee on 6 July 2011, under ref: EN/11/00243/FUL.

5.2 The current application is a resubmission of an application submitted to the Council in early 2011, under ref: EN/11/00263/FUL. This application was also for two detached dwellings, together with an associated access from Club Lane. The application was withdrawn on 24.06.2011 in order to allow the applicant to reconsider the design of the scheme and to prepare a noise assessment. Due to the proximity of the proposed dwellings to the former public house and the potential possibility that the public house could be brought back into use at the time, the Council's Environmental Protection team had concerns that there would be noise and odour issues from the pub house, which could have an adverse effect on the future occupiers of the proposed dwellings. However, since these concerns,

planning permission has been granted for the public house to be used as a dwelling and this permission has been implemented. Therefore, the Environmental Protection team no longer have these concerns and has confirmed that a noise assessment is no longer required for the development.

5.3 The Council refused planning permission for the construction of a detached house, garage and associated access off Club Lane opposite the site, under ref: EN/08/01228/FUL (the site is known as land rear of 3A De Capel Close). This application was granted at appeal and Members will recall that a renewal application was brought to Committee earlier this year (April 2012) under ref: EN/12/00198/RWL and was granted by Committee.

6 Consultations and Representations

6.1 Neighbours: 14 Letters received (13 objection and one with comments) from the occupier(s) at 3 Club Lane, 7 Club Lane (2 letters); 3A De Capel Close; 3 Bakers Lane (2 letters); 8 Church Street; 4 The Moorings; 4 Whittlesea Terrace, 14 Whittlesea Terrace, Spires Whittlesea Terrace; 9 Windmill Close (2 letters); and 4 Priory Mews. The reasons for objection and comments are summarised below:

Character and appearance:

- The proposed dwellings would be too large
- Overdevelopment of the site
- The development would be too cramped
- The dwellings would be out of scale and character with the surrounding area
- The dwellings would dominate the skyline and harm the street scene
- The houses would be elevated from the surrounding lanes
- The designs are unsympathetic to those in the immediate area and in the village
- The amended porch design would be even more obtrusive
- This part of the village is characterised by older style cottages
- A bungalow or a pair of semi-detached cottages would be more appropriate for the area

Heritage and Conservation:

- The development would destroy the character of the historic lane and the historic pattern, grain and scale of the village
- The development would detract/harm the conservation area
- The existing stone walls are essential to the character of Club Lane and are about 200 years old
- Loss of heritage assets, including archaeology
- Harm to the setting of the nearby listed buildings
- The removal of the trees and hedge along the northern boundary of the site will cause loss of amenity for residents and loss of habit for the local bird population

Neighbour Amenity

- Loss of privacy (3 Bakers Lane, 3 Club Lane)
- Loss of light (3 Bakers Lane, 3 Club Lane)
- Overbearing (3 Club Lane)
- Overshadowing (5 Club Lane)
- Overlooking on neighbouring gardens
- Plot 1 would be too close to the neighbour's boundary wall (3 Club Lane)
- Increase in noise disturbance

Highway Issues

- The proposed access appears contrived
- The vehicular access would have poor sight lines

- The existing lane is narrow and hazardous, “cars and vans travel at unsuitable speeds”
- Access problems for refuse, delivery and emergency vehicles
- No pathway would be provided
- The proposal would be dangerous for pedestrians
- The access will be on a blind-spot
- Traffic congestion
- Limited on-site parking
- More building work will result in heavy trucks using Club Lane
- One accident has been caused by parking congestion leading to poor visibility and a car travelling at an inappropriate speed down the lane

Environmental Issues

- Drainage, “there is a sewer serving 5 properties under Plot 1 which discharges into a manhole”

Other comments:

- That the highway requirements imposed on the nearby new build rear of 3A De Capel Close be similarly imposed on the new development, “specifically, the required access vision splays”
- Only single storey dwellings should be allowed, i.e. like the bungalow (Spires Whittlesea Terrace) granted at appeal in 2003
- There is little change to those drawings submitted before
- The site suffers from subsidence; three of the nearby properties have been underpinned once
- Woodford has plenty of houses for sale. Why do we need more?

6.2 Woodford Parish Council: Objection and the reasons are summarised below:

- The properties would dominate the street scene;
- Insufficient turning space for vehicles;
- Does the width of the access meet the minimum requirements?
- The listed building located less than 20 metres away would be dominated by development;
- The two properties in this confined space will be totally out of character with the surrounding low height cottages in the conservation area;
- No consideration has been given to the other development along Club Lane. Planning permission has been granted for one dwelling immediately opposite the site;
- Both plots seem extremely close to the front boundary wall to allow easy disabled access.

6.3 Senior Conservation Officer: Initially raised an objection, as the original proposals were considered out of scale with the narrow setting of Club Lane and the existing historic development adjacent to the site, and harmful to the conservation area. However, the scheme has been amended and the Conservation Officer notes that the dwellings have been reduced in scale, would be constructed at a lower level and greater attention has been given to their detailing. The Conservation Officer’s opinion, now, is that the development would be difficult to resist.

6.4 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.

6.5 Conservation Officer (trees): No objection, and recommends conditions to require the submission of Tree Protection Plan and Arboricultural details, to ensure that the proposed double garage can be installed without harming the trees on the northern boundary.

6.6 ENC Waste Management: No objection raised. Waste Management request that a Site Waste Management Plan be submitted for approval before commencement of development.

6.7 ENC Environmental Protection Officer: No objection on noise and contamination issues. "There were concerns that the two dwellings may have been built and the permission to convert the public house not acted upon thereby resulting in the potential for noise to affect the development. It would appear that this is no longer the situation, therefore, no objection".

6.8 North Northants Badger Group: No objection.

6.9 Natural England: No objection. "This application is in close proximity to the Upper Nene Valley Gravel Pitts Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out."

6.10 Wildlife Trust: Notes that very limited ecological information has been submitted in support of the application.

6.11 Crime Prevention Officer (Northamptonshire Police): No objection. The Design and Access Statement states that the Secure by Design guidelines will be followed where possible. The Crime Prevention Officer advise that the Secure by Design Award accredited by Northamptonshire Police is a minimum standard for safety and security and if due to planning restrictions on this particular development the award is not achievable then a 'Part 2' physical security award should be sought. This requires additional measures for the security of the property e.g. provision of doors, windows and locks which meet certain British Standards.

6.12 Local Highway Authority: Initially raised concerns that insufficient visibility splays would be provided for the proposed development. These concerns were subsequently addressed by the amended details received. The Highway Officer has no objection the proposal and recommends that the works be carried out in accordance with the submitted drawings. Also, an informative is recommended to advise the applicant that no works may be carried out within the existing public highway without the consent of the Local Highway Authority.

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) encourages the effective use of land by reusing land that has been previously developed (paragraph 17). Also, it advises that Local Planning Authorities should seek to promote sustainable development in existing villages and make allowance for windfall development (paragraphs 55 and 48).

7.2.2 Members are advised that before the White Horse public house was converted into a single dwelling, the building was vacant for several years and the area of land concerning this application has been vacant/unused for approximately 5 years. Given the desirability of using land efficiently and the fact that the proposal would bring the former pub gardens into use, the proposal would be in accordance with the NPPF.

7.2.3 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. Woodford is identified in the Rural North and Oundle Plan (RNOTP) as a Category A Village, where windfall development would normally be 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 the Conservation Area

7.3.1 The site is surrounded by two narrow lanes, Club Lane to the south and Bakers Lane to the north. Club Lane is characterised by residential properties of a mixture of styles, including a row of traditional stone cottages to the east, a large 1900s red brick property to the west (1 Club Lane and former public house), and a large stone dwelling to the south on De Capel Close. A dwelling was granted at appeal on Club Lane opposite Plot 1. This dwelling, once built, would be two storeys high, constructed from stone and have a one and a half storey garage on the side. The properties on Bakers Lane to the north are also of mixed character and styles and include a row of small terraces and two bungalows.

7.3.2 With the exception of the two bungalows located at the rear of the site on Bakers Lane and a bungalow on Club Lane (approximately 50 metres east of the site), the properties immediately surrounding the site are predominantly two storey. Therefore, it would be extremely difficult to insist that bungalow(s) be constructed on this site, as suggested by some neighbouring residents.

7.3.3 The proposal is to create two, two storey dwellings with a frontage on Club Lane. Whilst the proposed dwellings are designed with building widths measuring between 11 to 12 metres, they would have narrow building depths measuring 7 metres. Also, whilst the proposal is for two four bedroom dwellings, Members are advised to note that the fourth bedroom is very small. Discussions were undertaken with the agent to see if the applicant would be willing to further reduce the scale of dwellings and Officers were advised that the applicant would not be willing to do this. Given the fact that the proposed dwellings would have a footprint similar to other properties along the street; the prevailing street scene is characterised by two storey properties and the alterations proposed to the ground levels (see next paragraph below), your Officer's opinion is that the proposed dwellings would be difficult to refuse on grounds of scale.

7.3.4 The submitted street scene drawing shows that the proposed dwellings would be no taller than the adjacent dwellings (nos. 1 and 3 Club Lane) and the ground levels would be altered in order to accommodate the proposed dwellings. The dwellings would be 'built in to the ground' and the gardens proposed for the dwellings would be reduced to enable the overall development to relate better with the levels on Bakers Lane and Clubs Lane. The proposed change in levels would enable the development to be better assimilated in to the street scene and the precise alterations in the levels can be conditioned.

7.3.5 Local residents have commented that the proposal would be too cramped and would result in overdevelopment of the site. As the proposed dwellings and garage would be separated from each other by the proposed shared driveway and as reasonable size gardens are proposed for the dwellings, the development would not appear too cramped visually. Furthermore, consideration needs to be given to the fact that there are other properties in the area that have larger footprints and smaller gardens.

7.3.6 In terms of design, the proposed dwellings would have a traditional building form, which includes pitched roof and gable ends. Each dwelling would have a small porch on the front and a small single storey extension at the rear. The original proposal was to include gable copings on the ends of the buildings. However, these features were removed by the agent, following the advice that these would not be in-keeping with the buildings in the local area and would make the buildings look taller. Negotiations are currently being undertaken with the agent about replacing the front porch extension on Plot 1 with a storm porch to match Plot 2, and to remove the solar panels from the roof of the proposed garage. Any amended plans received will be reported on the committee update sheet.

7.3.7 The materials proposed for the construction of the dwellings and garage are stone for the walls, slate for the roofs and timber for the windows and doors. These materials would be in-keeping with the existing buildings on Club Lane and the conservation area. However, in order to ensure that the materials used would not detract from the conservation area, conditions are recommended to ensure that full details of these materials and samples be submitted for approval prior to commencement of development.

7.3.8 The existing wall on Club Lane would be retained. This wall is not listed and is made from stone on most parts, with also some rubble and brickwork on other parts. The application proposes to reduce some sections of the wall to create visibility splays for the access and to construct some new walls for the splays. Your Officers are satisfied that visibility splays could be provided with the wall in place. However, a condition is recommended to require the applicant to undertake a full assessment to determine which parts of this wall are suitable for retention and which would require reconstruction. Also, a more sensitive design for the top section of the wall (i.e. without the copings) needs to be submitted to ensure that wall is in-keeping with the conservation area.

7.3.9 The recommended conditions on materials, levels and construction details for the front boundary wall would help to ensure that there would be no significant visual impact from this proposal and the development would not harm the conservation area.

7.4 Impact on Setting of Listed Buildings

7.4.1 The proposed development would be located approximately 20 metres away from the closest listed building, 5 Club Lane to the east and would be separated away from the listed building by another residential property and its garden, 3 Club Lane.

7.4.2 Whilst the proposed dwellings would be larger than the nearby listed building, consideration needs to be given to the fact that 5 Club Lane is a small cottage and the size of the other surrounding buildings. The proposed dwellings would bear a closer relationship with the other buildings such as 1 Club Lane to the west and the dwelling granted at appeal opposite the site, where both of these are larger buildings. Also, due to the restricted views of the listed building from the front of the application site, it would be extremely difficult to justify that there would be harm on the setting of the listed building.

7.5 Archaeology

7.5.1 The County Archaeologist has assessed the site and consider there to be potential for archaeological remains to survive on the application site. This is because the site is located within the historic core of the village and further south of the site on Rectory Lane is an area of earthworks which represents part of the medieval settlement, which is now a Scheduled Monument. Also, on the south side of Club Lane, a medieval cess pit was recorded in the 1970s during some building works. In order to ensure that the proposal would not have an adverse effect on any remains which may be present, a condition is recommended, in accordance with the recommendations of the County Archaeologist to ensure that adequate provision is made for the investigation and recording of any remains that may be affected.

7.6 Neighbour Amenity

7.6.1 3 Club Lane is the closest property to the site. This neighbouring property is situated approximately 1.5 metres below the application site and appears to have two habitable room window at the ground floor and two windows at the first floor closest to Plot 1. Plot 1 would not obstruct any rear windows on the neighbouring property and the single storey rear extension has been reduced in length and positioned away from the neighbouring property in order to prevent any significant overbearing or overshadowing impact. There would be no adverse overbearing or overlooking effect on the first floor windows of the neighbouring property as these windows are obscure glazed. In terms of the ground floor windows, consideration needs to be given to the fact that these windows currently provide very limited outlook and low levels of natural daylight, due to the difference in levels. Also, consideration needs to be given to the fact that a 2 metre high fence can be installed without the need for

planning permission. Such a fence, together with the difference in levels are likely to further reduce the natural light levels to the ground floor windows of the neighbouring property and would prevent outlook to the neighbouring property. Given this 'fall-back' position, and given the fact that Plot 1 and its garden would be constructed on lower ground level, it would be extremely difficult to justify a refusal of planning permission on the basis of the harm on this property. Furthermore, it could be suggested that the proposed change in levels would have less of an impact on the neighbouring property. Providing adequate boundary screening is provided along the east boundary, this would help to preserve the privacy of the neighbouring occupants and prevent overlooking on the ground floor windows of the neighbouring property.

7.6.2 Properties on Bakers Lane (1, 3, 5 Bakers Lane, Spires Whittlesea and Scout Hut) – The proposed dwellings (Plots 1 and 2) would be positioned 18 metres away from these properties at the closest point and 20 metres at the furthest point. Given these distances, there would be no significant overlooking, overbearing or overshadowing impact. The retention of the existing boundary treatment and/or provision of alternative treatment along the northern boundary would help to preserve the privacy of the existing residents along Bakers Lane as well as the privacy of the future occupier of the proposed dwellings. The proposed garage would be located approximately 11 metres away from these properties. However, as the garage would be single storey and would be mostly concealed by the existing hedge and trees, there would be no significant overbearing or overshadowing effect.

7.6.3 1 Club Lane – Plot 2 would be positioned approximately 10 metres away from the rear of 1 Club Lane and would be constructed on lower ground level (by approximately 1.2 metres). Therefore, there would be no undue overbearing or overshadowing impact on this neighbouring property.

7.6.4 No windows are currently proposed in the side elevations of the proposed dwellings. In order to prevent overlooking on the immediately adjacent properties (nos. 1 and 3 Club Lane) and the dwellings themselves in the future, a condition is recommended to prevent any new openings being created.

7.6.5 3A De Capel Close – 3A De Capel Close has no habitable windows at the north side that would be harmed. Plot 2 would be positioned approximately 14 metres and at an oblique angle from the rear of the neighbouring property. There would be no undue overbearing or overlooking effect due to this arrangement. As the neighbouring property benefits from a substantial garden and as the proposed dwelling would be separated away from the neighbouring garden by the lane, there would be no significant overlooking from the first floor windows of Plot 1. The ground floor windows of this plot would be screened by the existing closed boarded fencing located along the northern side of the neighbouring property.

7.6.6 New dwelling at rear of 3A De Capel Close – Plot 1 would be positioned approximately 12 metres away from the front of the dwelling granted under ref: EN/08/01228/FUL (and renewed under ref: EN/12/00198/RWL). It would be difficult to justify a refusal of planning permission on the basis of overlooking, given that there are similar 'front to front' distances between other properties along the lane and in the village, and because this dwelling has not yet been constructed.

7.6.7 Overall, the conditions recommended on boundary treatments and prevention of new window openings would ensure that there would be no significant overlooking issues on the surrounding properties and would help to safeguard the privacy of the existing occupiers.

7.6.8 In the interest of safeguarding the residential amenity of existing local residents, an additional condition is recommended to control the construction and working hour times. This condition would be necessary and reasonable, given that the site is located very close to surrounding residential properties.

7.7 Highway Impact

7.7.1 A vehicular access is proposed off Club Lane to be shared between the two dwellings. The proposed access by measuring 4.5 metres in width for the first 10 metres back from the highway boundary would satisfy the Local Highway Authorities requirement for a shared access. The levels on the site would be reduced so that a maximum 1 in 15 gradient can be achieved for the driveway. Initially, the Highway Officer, had concerns that sufficient visibility splays could not be provided for the development. However, these concerns have been overcome by the amended proposals, which now shows that splays measuring 2.0 metres by 23.0 metres can be provided on both sides of the proposed access.

7.7.2 Given the sensitive location of the site, within a conservation area, it would normally not be desirable to introduce large visibility splays. However, in this instance, the submitted plans would demonstrate that the splays can be introduced, whilst retaining the majority of the existing front boundary wall. Therefore, subject to suitable design details being submitted for the front boundary wall (as discussed in paragraph 7.3.8), the splays could be provided without harming the character and appearance of the conservation area.

7.7.3 The concerns raised by some local residents about the narrow nature of the lane and speed of traffic has been noted. It is unlikely that the speed of traffic along the lane would be significant, because of the narrow nature of the lane. However, the proposed splays would help to ensure that sufficient visibility would be provided between vehicles turning out of the site and those in motion along the lane and help to minimise conflict between drivers. Also, currently, there are a limited number of vehicular access points on this part of Club Lane. The closest vehicular entrance is the one belonging to 3 Club Lane immediately next to the site on the east side and other vehicular entrances are found at the bottom of Club Lane further east. Planning permission has been granted for the construction of a dwelling opposite the site (rear of 3A De Capel Close) and it could be suggested that the vehicular entrance granted in this application, together with the proposed development, would help to alert drivers of potential emerging traffic and therefore would help to reduce the speed of traffic on the lane.

7.7.4 In accordance with the requirements of Policy 6 of the RNOTP, at least two off-road parking spaces would be available for each proposed dwelling. One garage parking space is proposed for each dwelling and it is possible to park 3 to 4 vehicles in front of the garage between the two dwellings. Given the narrow nature of Club Lane in front of the site, the existing lane would not provide a suitable on-street environment for the future occupiers of the proposed dwellings, as any parked vehicle is likely to obstruct the free flow of traffic along the lane. Therefore, should any additional off-road parking be required by the future occupants and their visitors, additional parking can be sought near the village green (some 100 metres west of the site).

7.7.5 Large vehicles, such as refuse, delivery and emergency vehicles would be able to access the site in the same way as they would access the existing properties on the lane.

7.7.6 A footway would be constructed on the southern side of Club Lane as part the dwelling granted at the rear of 3A De Capel Close. This footway once implemented would help to improve the use of the lane by pedestrians. Whilst a local resident has requested that the same requirements be imposed on the new development, an additional footway would not be necessary, if one has already been secured in the adjacent development. Further, introducing too many footway features is likely to have an adverse effect on the character of the lane.

7.7.7 Overall, it would be extremely difficult for the Council to justify a refusal of planning permission on grounds of parking or highway safety on this application.

7.8 Trees

7.8.1 The site is bordered by a small number of trees and a hedge on the northern boundary and trees and shrubs on the south and eastern boundaries. There are approximately seven trees on the site in total, comprising of a mix of Cherry, Hornbeam, Ash, Crab Apple, Plum, Cypress and Hawthorn. Various shrubs and trees on the south and eastern boundaries have been recently removed. The proposed double garage would be located within 2 metres of the Hornbeam, Ash Tree and hedge located along the northern boundary. Given this distance, the Conservation Officer has recommended that a Tree Protection Plan and Arboricultural Statement be submitted to ensure that the garage can be constructed without harming the roots of the trees and hedge. It would be ideal to retain the existing vegetation on the north boundary as these would create a soft boundary to Bakers Lane and would be attractive for the conservation area. Also, boundary treatment such as this would help to preserve the privacy of the occupiers at Bakers Lane as well as the future occupiers of the proposed dwellings.

7.9 Wildlife

7.9.1 The site is located in the centre of the village, surrounded by existing built residential development and encompasses a small area of land. Whilst the site is bordered by trees and other vegetation, there are minimal features on site that are likely to offer suitable cover for bats and birds. After assessing the characteristics of the site against Natural England's Standing Advice, it would be reasonable to conclude that there is a low probability that protected species such as bats would be affected by the proposal. However, an informative is recommended to remind the applicant that he has a statutory duty to ensure that satisfactory provision is made for protected species and nesting birds.

7.10 Sustainable Construction and Energy Efficiency

7.10.1 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 Statement. However, due to the lack of information provided in this statement, a condition to require the applicant to submit further information to demonstrate how the development would satisfy the requirements of this policy is recommended.

7.11 Drainage

7.11.1 The concern of a local resident about drainage has been noted. However, the site is not a site identified with significant flood risk according to the Environment Agency Maps, as it does not lie within Flood Zone 2 or 3. The submitted application forms confirm that the development would be connected to a mains sewer/existing drainage system. As in any other development, it is the developer's responsibility to ensure adequate drainage and sewerage systems are put into place. However, in the interest of residential amenity and to safeguard public health, a condition to require the submission of drainage details to the Local Planning Authority before commencement of development is recommended. Prior to making any connection to the existing drainage system, the developer would need to seek consent from the water supplier (in the form of a license application). Drainage matters, furthermore, would be regulated by building control and other environmental legislation.

7.12 Crime and Disorder

7.12.1 Policy 13 (b) of the NNCSS seeks to design out antisocial behaviour, crime and reduce the fear of crime by applying the principles of the 'Secured by Design' Scheme. Providing the dwellings and their gardens are made secure using appropriate boundary treatments and have suitably fitted doors and windows, then there would be no significant crime and disorder issues. A condition is recommended to require a scheme be submitted to ensure the dwellings are constructed to appropriate standards, as recommended by the Crime Prevention Officer.

8 Other issues

8.1 Withdrawal of Permitted Development Rights - Due to the proximity of the proposed dwellings to the neighbouring properties, and relationship of the proposed dwellings with the conservation area, it is recommended that permitted development rights, in respect of extensions, outbuildings and microgeneration equipment be removed from the properties. This is in the interest of the residential amenity of the existing neighbouring properties and to preserve the character and appearance of the conservation area.

8.2 Availability of Other Properties – A local resident has raised the concern that the village does not need new housing, as there are other properties in the village for sale. The availability of properties on the market is a short term situation. The Council would need to meet the wider strategic housing objectives, including the provision of a five year housing land supply and to meet the local and national housing targets. The provision of new housing on windfall site such as this would help to meet the need identified both locally and nationally, and would be difficult to resist.

8.3 Subsidence – Building Control are not aware of any issues on the site. Should there be any existing issues, there is the potential that these could be rectified as part of the proposed development, as the levels will be altered in order to accommodate the development.

9 Recommendation

9.1 That planning permission be GRANTED subject to the receipt of amended plans and 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. In accordance with the submitted details, stone shall be used for the construction of the walls and slate shall be used for the construction of the roof of dwellings and garage hereby approved. Prior to the commencement of development, full details and a sample of these materials shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

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

3. In accordance with the submitted details, the windows and doors of the dwellings and garage hereby approved shall be constructed in timber and full details of the type of timber, colour and finish details, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

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

4. Notwithstanding the submitted details, an alternative scheme shall be submitted for the southern boundary wall to Club Lane. The submitted scheme shall include a full assessment of the parts of the wall which are suitable for retention and which would require reconstruction and full details of the works, including its design and construction details, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The works to the southern boundary wall shall

thereafter be carried out in accordance with the scheme so approved, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted, details of the provision of treatment to all boundaries of the site and for the individual dwellings shall be submitted to and approved in writing by the Local Planning Authority. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary treatment shall then be provided in accordance with the details so approved prior to the first occupation of the dwellings 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, full 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 1 Club Lane, 3 Club Lane, 3A De Capel Close) 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. In accordance with the submitted details, visibility splays of 2.0m x 23.0m 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. Before the development hereby permitted is commenced, details of the construction and surfacing of the vehicular access to the public highway, parking facilities and all other hard-surfaced areas within the site shall have been submitted to and approved by the Local Planning Authority. These facilities shall then be provided in accordance with the approved details before the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and the character and appearance of the conservation area.

9. 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.

10. 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 existing and future occupiers, to ensure a satisfactory elevational appearance for the development and in the interest of the character and appearance of the conservation area.

11. No development shall commence until details of the provision of foul water and surface water drainage installations to serve the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details so approved before the development is brought into use, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard public health, in the interest of residential amenity and in the interest of highway safety.
12. Prior to commencement of development, a scheme to ensure the security of the dwellings, including the ground floor doors and windows, and easily accessible first floor doors and windows, including details of the secure standards, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of 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.
13. 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 dwellings 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 the NPPF and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.
14. 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.
15. Notwithstanding the submitted details, a Tree Protection Plan for the onsite trees shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be in accordance with BS5837:2005. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the protection of trees on site.
16. 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 and shall include (but not be limited to) details of installing services into the site and the creation of the retaining structure at the north western end of the site adjacent to the retained trees. 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.

17. The construction works shall only take place between the hours of 08:00am – 18:00pm Mondays to Fridays and at no time on Saturdays, Sundays or bank holidays, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of residential amenity.
18. 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, shall be inserted in the northwest and southeast elevations of the dwellings hereby approved.
Reason: To ensure adequate standards of privacy for neighbours and occupiers.
19. The development hereby permitted shall be carried out strictly in accordance with the approved plans; plans received by the Local Planning Authority on 8 June 2012, drawing numbers: KB0018PL04F, KB0018PL23E, KB0018PL12D, KB0018PL40D; KB10018PL15E, KB10018PL18E, KB0018PL13F, KB0018PL16G, KB0018PL07F, KB0018PL09F, KB0018PL01B; and KB0018PL34 received on 14 September 2011.
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 14 September 2011: drawing numbers: KB0018PL22, KB0018PL35, 14665OGL0; Arboricultural Survey Report and Generic Method Statement; Heritage Impact and Justification Statement; Sustainability and Energy Appraisal.
Design and Access Statement received on 23 January 2012; Report on Existing Noise Climate received 22 December 2011.
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; Supplementary Planning Guidance: Planning Out Crime in Northamptonshire SPG 2004; Design SPD 2009; and Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008.
Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on conservation area; impact on the setting of listed buildings; archaeology; impact on neighbouring amenities; highway impact; impact on trees; impact on wildlife; sustainable construction; drainage; and crime and disorder.
The application has been approved as:
 1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national planning policies.
 2. The proposal would not harm visual amenity or the character and appearance of the area.
 3. The proposal would not harm the conservation area.
 4. The proposal would not harm the listed building or its setting.
 5. The proposal is unlikely to have an adverse effect on archaeology or any other heritage asset.
 6. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
 7. The proposal would not have an unacceptable impact on the local highway.
 8. The proposal would not result in an unacceptable loss or harm to trees.
 9. The proposal would have no significant impact on wildlife.
 10. The proposal meets the sustainable construction and energy efficiency standards.

11. The proposal would not have a significant impact on drainage.
12. The proposal would have no significant crime and disorder issues.
13. Waste and recycling storage can be reasonably provided for the dwellings.

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

3. The applicant is advised that works affecting the adopted highway may not commence without the written permission of the Local Highway Authority and this planning permission does not give or infer such permission.
4. The applicant should be informed that this planning permission does not absolve them from complying with the relevant law in relation to the protection of protected species and nesting birds, including obtaining and complying with the terms and conditions of any licences required.
5. Please note that an application to discharge the above conditions may be required. Please ensure that you allow sufficient time for your application to be determined prior to implementing your permission. An approximate timescale of 8 weeks is required. For full details please visit <http://www.east-northamptonshire.gov.uk/conditions>

Committee Report

Committee Date 25 July 2012

Printed: 13 July 2012

Case Officer **Amie Baxter**

11/01780/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
1 November 2011	1 November 2011	27 December 2011	Lower Nene	Ashton

Applicant **OHL Ltd**

Agent **David Jackson**

Location The Estate Office The Green Ashton Peterborough Northamptonshire PE8 5LD

Proposal **Erection of a new office building to facilitate the relocation of the existing OHL Ashton Estates Office**

1.0 Members will remember considering this application at their meeting on 8th February 2012. The Committee resolved to defer the application to seek improvements to the design of the building and to give the applicant the opportunity to add further eco-friendly elements.

1.1 A meeting was held on 22nd May with the applicant's agent to discuss possible improvements to the scheme. The JPU Design Advisor, Conservation Officer and the Case Officer also attended the meeting.

Since the meeting, the applicant has made the following minor changes to the scheme:

- A steeper roof pitch has been incorporated, with a split level roof and additional windows along the ridge line
- A roof garden has been added to the eastern single storey wing and a glazed safety balustrade is proposed.
- Deeper eaves detailing for both single storey wings has been included.

1.2 No changes have been made to the scale and layout of the building and the parking provision has not altered since that put forward to committee on 8th February.

1.3 The JPU Design Advisor has viewed the amended plans and feels that the proposed alterations are a step in the right direction. However, she continues to support officers concerns over the scale, siting, form and layout of the proposed building.

1.4 The Conservation Officer remains of the view that, whilst the design may have improved slightly, this does not outweigh his objections on the scale, siting, form and layout of the building as proposed.

1.5 Officers are of the view that the recent alterations have improved the detailed form of the building, to a point where it has 'tipped the balance' towards becoming acceptable. However, for consistency, officers retain their professional view that other aspects of design, including scale, bulk, layout and the relationship of the proposed with adjacent historic barns remains unacceptable. Officers do however recognise that members do not necessarily share these concerns.

1.6 Therefore, officers recommend that the application be refused for the following reasons:

1 The proposed development would constitute development in the open countryside, with no justification given as to the reasons for the erection of a new building as opposed to the

re-use of an existing building local to the site. Therefore, the proposed development does not accord with the advice given in Policy 1, 9 and 11(g) of the North Northamptonshire Core Spatial Strategy and Policy 1 and 27 of the Rural North, Oundle and Thrapston Plan.

2 The proposed replacement estate office would not respect the traditional form or layout of the surrounding area. The proposed building would have an awkward relationship in terms of its siting with the adjacent historic barn complex in particular, which is a valuable heritage asset. The scale of the proposed building would be overly large for the plot and would appear bulky. Therefore, the proposed development would not accord with PPS1, PPS5, Policy 2 of the East Midlands Regional Plan, Policy 13 of the North Northamptonshire Core Spatial Strategy and Policy 9 of the Rural North, Oundle and Thrapston Plan.

3 The proposed development would not provide an adequate number of parking spaces for vehicles when assessed against the advice given in the Northamptonshire County Council Parking SPG (March 2003), particularly when considering the isolated location of Ashton village, the subsequent dependence on the car and heightened need for adequate car parking within the village.

APPENDIX 1

This application has been brought before the Development Control Committee at the request of a local Ward Member.

1 Summary of Recommendation

1.1 That planning permission be REFUSED.

2. The Proposal

2.1 The application seeks planning permission for the erection of a new detached estate office building. The building would be two storey, with two single storey projecting elements. An additional basement level would also be created.

3 The Site and Surroundings

3.1 The site is close to the northern boundary of the village and is currently grassed over. Pedestrian access can be gained from the south east corner of the site but there is no direct vehicular access.

3.2 There are a series of farm buildings (which are dilapidated but appear to be used for the storage of some farm machinery) to the north and east of the site and a detached dwelling is to the west. To the south, there is the existing estate office (formerly a dwelling) and St Mary Magdalene Church, which is Grade II listed. The farm buildings are mostly single storey, of a traditional appearance and positioned with a linear layout, where some court yard areas are formed. The dwelling to the west is also of traditional design and is constructed from natural stone. This grouping of buildings is historically significant and is considered to be an important heritage asset, although most of the buildings in the group are not formally designated.

3.3 The site is obscured from the centre of the village by the existing estate office and nearby farm buildings.

3.4 There is an informal car parking area to the front of the existing estate office and there is to be a more formal village car park further to the south east (Ref: EN/10/01341/FUL).

3.5 The application site is within the conservation area.

4 Policy Considerations

4.1 National Planning Policy Guidance

PPS1– Sustainable Development

PPS4- Planning for Sustainable Economic Growth

PPS5 – Planning and the Historic Environment

PPG13 – Transport

4.2 East Midlands Regional Plan

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. 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 27 – Regional Priorities for the Historic Environment

Policy 48 – Regional Car Parking Standards

4.3 North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the Network of Settlements

Policy 9 - Distribution and Location of Development

Policy 11(g)- Distribution of Jobs

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

4.4 Rural North, Oundle and Thrapston Plan

Policy 1- Settlement Roles

Policy 9- Buildings of Local Architectural or Historical Interest.

Policy 23- Rural Buildings- General Approach

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 No formal applications have been determined with relevance to this site but informal pre-application discussions between the applicant and the Conservation Officer have taken place recently.

6 Consultations and Representations

6.1 Neighbours: One letter of objection has been received from the occupier of 18 The Green. The objections raised are as follows:

- The structure and formation of the proposed building is out of context with the surrounding buildings.
- Vehicular access to the site is extremely limited and there would be no access for emergency vehicles in case of fire.
- Vehicle access to the rear of the site is also limited and there is an established tree in the way.
- The proposed car parking would be limited.

- There are other existing buildings owned by the applicant which could be used to relocate the estate office, such as the vacant Riverside Inn and the Ashton Mill. Also, other suitable plots of land are available in Polebrook village or at Polebrook airfield.

6.2 Ashton Parish Council: No objections raised but the parish council ask whether the applicant has looked into using some of the existing buildings in Ashton, as opposed to building a new one.

6.3 Design Action Manager (Joint Planning Unit): Objects for the following reasons:

- The proposal does not accord with the advice given by English Heritage, where they advise that the design and form of any new buildings within the context of historic farm buildings should be dependant on the age, type of farming previously practiced and the geographical location.
- The adjacent farm buildings are arranged to form both open and closed courtyards with interlinked buildings. The proposal would have an awkward relationship with the existing farm buildings and although it seeks to create an open courtyard itself, it bears no physical relationship with the existing historic courtyards.
- The building would not be sufficiently distant to appear as a stand alone structure nor does it relate well to the adjacent farm buildings. Therefore, it is recommended that the proposed office be physically attached to the existing range of farm buildings to create a courtyard with them.
- The proposed flat roof ranges appear boxy and they are not in character with the surrounding buildings. The proposed execution of the 'green roofs' makes them appear very basic and it is suggested that a traditional parapet or a more contemporary eaves treatment is used.
- Furthermore, the two storey element of the proposed building appears to have a taller ridge height than the adjacent farm buildings and it would not respect their character and appearance. A contemporary approach would work but in its current form, the proposal is not executed well enough.

6.4 ENC Conservation Officer: Objects for the following reasons:

- The siting of the proposed building against the small barn to the rear appears rather awkward, as would its relationship with the Chapel Farm complex generally. It would be an improvement if the proposed building was positioned further forward and tied in with the long barn which runs north-south. This would also have the added benefit of creating a rear courtyard.
- Although the conservation officer is not suggesting a facsimile of the adjacent barns, the proposed building needs to relate better to them.
- The proposed solar panels are not appropriate and solar slates are preferred.
- The building would be substantially larger than the existing estate office: in addition to the proposed meeting rooms and communal spaces there are 27 computer stations marked on the plans. The justification for the size of the building therefore comes into question.

6.5 Conservation Officer (Trees): No comments to make.

6.6 NCC Archaeological Officer: No objections but a condition is recommended which requests that an archaeological programme of works is submitted.

6.7 The Ramblers Association: No comments to make.

7 Evaluation

7.1 The main considerations in the determination of this application are the principle of development, visual impact and impact on the conservation area, impact on the nearby listed building, impact on neighbouring amenity and parking.

7.2 Principle of Development

7.2.1 There is no defined village boundary for Ashton and therefore the site is considered as being within the open countryside.

7.2.2 In-line with advice contained within Policy 1 of the North Northamptonshire Core Spatial Strategy, development within the open countryside will only be justified where it involves the re-use of existing buildings or in exceptional circumstances where it can be demonstrated that the development would be required in order to meet local needs for employment, housing or services. Policy 9 and 11(g) of the same document reinforce the need to re-use existing buildings in rural areas.

7.2.3 Policy 1 and 27 of the Rural North, Oundle and Thrapston Plan continue in a similar vein, noting that re-use of existing buildings should be the first option explored for proposals such as this.

7.2.4 The proposal is for a new building and no justification is provided as to why existing local buildings could not be re-used to accommodate the estate office. The applicant has not adequately demonstrated that there is a local need for the proposed building in terms of employment or services and as such, the proposal fails to comply with Policy 1, 9 and 11(g) of NNCS and Policy 1 and 27 of the RNOTP.

7.3 Visual Impact and Impact on the Conservation Area.

7.3.1 The application site is to the rear of the existing estate office and a series of other barns and outbuildings. Therefore, the site as it stands now is relatively hidden and does not hold any prominence within the street scene within the village.

7.3.2 However, the upper part of the proposed building would be visible from the north, south west and west once constructed. Therefore, consideration must be given to the likely impact on the general character and appearance of the conservation area, along with the compatibility of the proposal against the existing form and layout of the surrounding buildings.

7.3.3 The key characteristics of the proposed development in a visual sense are as follows. The proposed building would:

- Be two storey with a basement level. The ridge height of the building would be 7.7 metres above ground level.
- Form a 'U' shape with an open sided courtyard facing south.
- Be positioned close to the northern boundary of the site, adjacent to the south elevation of an existing single storey barn.
- Have single storey wings projecting from the south elevation. These single storey elements would have flat 'green roofs'.
- Have elevations made up of glazing panels, cedar cladding and lime render and would be contemporary in style. The pitched roof of the two storey element would be covered with solar panels.

7.3.4 Officers feel that the proposed development would not be appropriate for this site for the following reasons:

- The building would be placed 'hard up' to the existing series of barns and the opportunity to follow the existing character and layout of the barn complex, with the creation of an enclosed rear court yard, would be lost. The proposed building would have an awkward physical relationship with the surrounding built form, with uncharacteristic alley ways being created between buildings, and would not respect the character or layout of the nearby barn complex.
- The form of the proposed building would be at odds with that of the adjacent barns. Whilst the proposed development would have a 'U' shaped footprint, the building would not follow on from the strong character (with long, narrow buildings forming courtyards) of the

existing barns. The attempt to create a courtyard area to the centre of the proposed building would not be of any real benefit in terms of continuing the established character of the adjacent site.

- The scale of the proposed building would be overly large for the plot and in comparison to the surrounding buildings.
- The building would be bulky and out of keeping with the simple design and appearance of the surrounding barns
- The building would have a more commercial appearance which would be at odds with the traditional, utilitarian and simple style of the surrounding buildings. This is exacerbated by the overly large scale of the building and the use of such large amounts of render and glazing.
- The proposed flat roofs are out of keeping and are alien to the character of existing development and such concentrated use of solar panels would be harmful to the character and appearance of the conservation area.

7.4 Scale of Development

7.4.1 Little sound justification has been provided to demonstrate the need for such a large building, compared to that of the existing office. When examining the proposed internal layout, it appears that the rooms and circulation spaces are overly large; particularly as the applicant states that the building would accommodate only 7 staff members.

7.4.2 The internal layout of a building may not always be a consideration for the local planning authority. However, in this instance, where concerns are raised over the external scale and visual impact of the proposed building on the conservation area and adjacent heritage assets, it cannot go unnoticed that the proposed rooms are oversized, and that there is a large amount of unused internal space. Whilst the local planning authority does not intend to be prescriptive in terms of room sizes, it appears that the internal space has not been considered carefully enough, resulting in an overly large building rather than one that is commensurate to the needs of the estate.

7.5 Impact on the Listed Building

7.5.1 The only listed building which could be affected by the proposal is St Mary Magdalene Church, to the south of the site. There would be a distance of approximately 53 metres between the proposed building and the church and the site would also be physically separated from the church by a number of existing buildings. Therefore it is unlikely that the proposed development would be harmful to the character or setting of the listed church.

7.6 Parking

7.6.1 The applicant states that the internal floor area of the proposed building would be 745m². The Parking SPD (March 2003) states that for a B1 office use, a maximum of 1 parking space should be provided for every 55m² of floor space. This would equate to a required maximum provision of 13 car parking spaces. Although this figure is a maximum, it gives a solid indication of the likely numbers of spaces required for such an isolated village in particular, where there is heavy dependence on the car. It should also be noted that with the 27 work stations shown on the submitted plans, there could be significantly more than 7 people at the site at any one time.

7.6.2 The development proposes only 8 parking spaces which is well under the suggested number. Furthermore, this provision would be informal and could be compromised further, depending on the future use of the existing estate office building. It is likely that the future village parking area would be used as overspill parking for the application site, but this would then in turn reduce the available spaces for villagers. It would not be reasonable for the proposed development to rely on the village parking provision, which is much needed, particularly before the village car park has even been provided.

7.6.3 Therefore, the proposed development is unacceptable, given the limited number of car parking spaces set aside to serve the development.

7.7 Impact on neighbouring amenity.

7.7.1 There would be sufficient distance between the proposed estate office and the nearest dwelling (Chapel Farm Cottage) to prevent an overbearing impact or any overshadowing. The impact, in terms of neighbouring amenity, would be lessened by the use of single storey elements to the front of the proposed building.

7.7.2 There are a number of windows proposed for the west elevation, which would face onto Chapel Farm Cottage. The largest of these windows would serve a stairwell and there would be a series of 'slit' windows serving individual offices. The positioning of the stairwell window in relation to the eastern elevation of Chapel Farm Cottage would prevent any direct overlooking. Views towards Chapel Farm Cottage would be achievable but as there would be a distance of 12 metres between the proposed building and the eastern elevation of Chapel Farm Cottage, neighbouring amenity would not be affected.

8 Other issues

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

8.2 Access for Disabled – Access would be considered as part of any building control regulations approval.

8.3 Trees- With reference to neighbour comments, the proposed development would make use of an existing access and would not therefore result in any harm to trees to the north of the site. The Conservation Officer has no objection to the proposed development in terms of the impact on trees.

9 Recommendation

9.1 That planning permission be REFUSED for the following reasons:

Conditions/Reasons -

1. The proposed development would constitute development in the open countryside, with no justification given as to the reasons for the erection of a new building as opposed to the re-use of an existing building local to the site. Therefore, the proposed development does not accord with the advice given in Policy 1, 9 and 11(g) of the North Northamptonshire Core Spatial Strategy and Policy 1 and 27 of the Rural North, Oundle and Thrapston Plan.
2. The proposed replacement estate office would not respect the traditional design, form, or layout of the surrounding area. The proposed building would have an awkward relationship in terms of its siting with the adjacent historic barn complex in particular, which is a valuable heritage asset. The scale of the proposed building would be overly large for the plot and would appear bulky and out of character in terms of its commercial design. Therefore, the proposed development would not accord with PPS1, PPS5, Policy 2 of the East Midlands Regional Plan, Policy 13 of the North Northamptonshire Core Spatial Strategy and Policy 9 of the Rural North, Oundle and Thrapston Plan.
3. The proposed development would not provide an adequate number of parking spaces for vehicles when assessed against the advice given in the Northamptonshire County Council Parking SPG (March 2003), particularly when considering the isolated location of Ashton village, the subsequent dependence on the car and heightened need for adequate car parking within the village.

Informatives

1. This decision relates to the following drawings:
526-15, 526-10 Rev D, 526-05 Rev D, 526-01 Rev A, 526-14 Rev C, 526-11 Rev D,
526-06 Rev D, 526-12 Rev D and Viewpoints 1, 2, 3 and 4.
Received by the Local Planning Authority on:
01/11/11, 09/11/11, 26/01/12.

Committee Delegated Report

Committee Date : 25 July 2012

Printed: 9 July 2012

Case Officer **Mr Rhys Bradshaw**

11/01846/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
9 November 2011	1 December 2011	26 January 2012	Lower Nene	Ashton

Applicant **OHL Ltd - Dr C D Lane**

Agent **DJAS Ltd - Mr A Scott**

Location **The Mansion Ashton Wold Ashton Northamptonshire PE8 5LZ**

Proposal **Conversion of existing manor house into eight residential units to include first floor side extension, insertion of 15 No. new windows to basement level and reduction of basement levels; formation of new 10 garage block with full height earth bunding and erection of gates and walls; erection of waste storage area.**

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

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions

2. The Proposal

2.1 This application proposes the extension and conversion of Ashton Wold House into 8 apartments over three levels; the basement, ground and first floors. It is proposed to extend the building at first floor level above an existing garage, which would also be converted as part of the scheme. The applicant also proposes the creation of a detached block of 10 garages immediately to the north of the house, where there is an existing earth mound and mature trees. The levels here would be retained, effectively creating a hidden underground parking facility.

2.2 The proposed accommodation is briefly as follows:

- Unit 1 - 3 bed over ground floor and basement
- Unit 2 - 4 bed over ground floor and basement
- Unit 3 - 5 bed over ground floor and basement
- Unit 4 - 3 bed covering just part of the first floor
- Unit 5 - 4 bed over ground and first floors
- Unit 6 - 4 bed over ground and first floors
- Unit 7 - 4 bed over ground and first floors
- Unit 8 - 4 bed over ground and first floors

2.3 Proposed external alterations include the following:

- Insertion of 15 basement windows and 5 associated light wells.
- First floor extension to reinstate accommodation removed in 1960s. This would include the creation of 8 dormer windows to match existing windows on the same elevation.
- Rebuilding of a stair turret on the west wing to match the existing on the east wing.
- Insertion of 5 ground floor windows in the converted garage space.
- Insertion of 2 new doors, again in the part of the building that is to be converted from a garage.

2.4 Proposed internal alterations include the following:

- Removal and insertion of partitions on all floors
- Blocking up of some doors on all floors.
- Creation of 5 new staircases; 3 to connect the first and second floors and 2 to connect the basement and first floor.
- Installation of kitchens and bathrooms

3 The Site and Surroundings

3.1 The application site forms part of the Ashton estate and is situated in the open countryside some 2 miles away from the nearest public highway. The site is reached via an access road leading from Ashton village and there is a further access from the Polebrook Road.

3.2 Ashton Wold House is grade II listed for its special architectural and historic interest as an Edwardian country house designed in a neo-Jacobean style. The house and its terraces sit within a grade II registered Park and Garden and is closely associated with the grade II listed Water Garden, Rock Garden and former Rose Garden. The house is surrounded by other listed structures on the Ashton Wold estate; notably Home Farm, the Potting Sheds, and the Water Tower.

4 Policy Considerations

4.1 Planning Policy Guidance

National Planning Policy Framework
Practice Guide to PPS5

4.2 Regional Spatial Strategy for the East Midlands (RSS8)

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Strategies was unlawful as it had been taken without primary legislation. Technically therefore the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. However the decision by the Government to abolish Regional Strategies is a material consideration in the determination of planning applications that needs to be taken into account. It is understood that the Government will be introducing the new Localism Bill to parliament in November 2010 which will sweep away Regional Strategies. The relevance of this to East Northamptonshire is not the same as in other areas as we have an adopted Core Strategy.

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 13b – Housing Provision (Northamptonshire)
Policy MKSM SRS Northamptonshire 1
Policy MKSM SRS Northamptonshire 2

4.3 North Northamptonshire Core Spatial Strategy

Policy 1 - Strengthening the Network of Settlements
Policy 9 - Distribution and Location of Development
Policy 10 - Distribution of Housing
Policy 13 - General Sustainable Development Principle
Policy 14 - Energy Efficiency and Sustainable Construction

4.4 Rural North Oundle and Thrapston Plan

Policy 1 - Settlement Roles
Policy 23 - Rural Buildings

5 Relevant Planning History

5.1 None

6 Consultations and Representations

6.1 Neighbours: 2 letters received, summarised below.

Fully support the development of the Manor House in this way. The Manor House is a wonderful property and we are sure it will be converted to the highest standard resulting in good quality residences befitting of a listed building. In a time when there is a severe housing shortage and many people unable to get onto the property ladder it seems only right to adapt large houses to facilitate need rather than allow them to stand empty and eventually decay. Ashton Wold is developing into a real community and additional families can only be of benefit. The proposals are in keeping with the area and it would be good to see the Manor House fully occupied.

6.2 27 signature petition in support of the proposal

6.3 5 letters of general support from staff of OHL, the applicant. The main points can be summarised as:

- Lack of rural accommodation
- The cost of maintaining such important buildings
- Public benefit
- Beneficial use
- The building is vulnerable

6.4 Ashton Parish Council: No objection

6.5 NCC Highways: The promotion of creating independent apartments being served from a private road as indicated on drawing No 527/14 where the development exceeds 5 dwellings then an estate street shall be laid out to current design criteria to ensure that all drivers attracted to the site in private cars, delivery vehicles and Heavy Goods waste collection / Emergency vehicles shall enter and leave in a forward gear.

The applicant shall submit details of the turning area and provide swept path (11.5m waste collection vehicle) analysis to facilitate this need. Should the continual growth of this site be promoted forming a considerable development then a dedicated estate street shall be formed to aid the safe passage of associated traffic pedestrian and cycle movement throughout the development site. Any intensification of development would need the promotion of cycle and pedestrian links to the current network.

The subsequent submitted details shall illustrate a housing development in accordance with Northamptonshire County Council "Place and Movement Guide" or other approved design details, which is to the local highway authority's adoptable standard. Subject to their construction and in accordance with the specification of Northamptonshire County Council and to an appropriate agreement, consideration will be given to the adoption of the ways giving access to the proposed development as highway maintainable at the public expense.

Sufficient parking and turning space shall be provided within the development site for all vehicles attracted thereto, including emergency vehicles, where the length of a private drive is in excess of 45.0m.

Presently the applicant has failed to demonstrate or give adequate information to determine my full view and in its present form the proposals are unacceptable to this authority for highway safety reasons. I trust that prior to consideration of this proposal, the above issues can be resolved where new proposals and details are submitted, to this authority for appraisal, to address the raised concerns.

6.6 ENC Planning Policy: No objection

Whilst the scheme would represent new residential development in open countryside given the net gain in residential units, it is clear that RNOTP Policy 23 does allow for the subdivision of residential units in open countryside in certain circumstances. Furthermore, consideration also needs to be given to Policy 13(o), which refers to the need to conserve

and enhance designated built environmental assets (i.e. listed buildings).

If the relevant CSS and RNOTP policies are taken into consideration, it is concluded that the proposal accords with most elements of the development plan. As such, it is not considered that the proposal should be regarded as “enabling development”, as defined by PPS5. Accordingly, there are no Planning Policy objections, in principle, to the scheme

6.7 ENC Waste Management: We will require a waste audit covering the initial construction phase of the project and a full site waste management plan in accordance with regulations. These should be submitted and agreed in writing prior to commencement of development. The waste management plan should include details of vehicular turning circles, road widths and surfacing which should be to an adoptable standard.

6.8 NCC Archaeology: Ground works monitoring can be addressed by a single condition for an archaeological programme of works using our standard recommended wording.

6.9 ENC Senior Conservation Officer: No objection subject to conditions

6.10 English Heritage: Summarised by the following points:

Due to the particular circumstances of the Ashton Wold estate, English Heritage accepts the principle of conversion of Ashton Wold House to 8 residential units, with the recommendation that these should be long-term lets rather than holiday lets.

To some extent the subdivision of Ashton Wold House has been an inevitability since the Second World War. Miriam Rothschild found the house too large and unmanageable, and in 1967 she commissioned Claude Phillimore to draw up plans for its conversion to 6 units. We understand that these plans were granted planning permission, however they were never implemented and instead Phillimore reduced the house in scale by removing a storey. Much of the current plan form of the house dates from Phillimore’s alterations of 1969-71

Since the death of Miriam Rothschild in 2005, Ashton Wold House has been largely disused (only parts of the east range and service wing are inhabited – existing Units 1 & 7) and there is a long-term question mark over its use. While the house and estate are retained in the ownership of the Rothschild family, and therefore retain their historic connection, it is clear that none of the descendants intend to be domicile at Ashton. If done sensitively, conversion of this sizeable house and its basements to 8 residential units would allow the house to be fully inhabited once more, without detracting too much from its significance. It would give the house a viable long-term future and would ensure that it is properly maintained and looked after. The original Edwardian plan form of the house was substantially altered in 1969-71; only the main ground floor reception rooms survive in their original form, and these are retained intact in the current proposals. For these reasons we do not object in principle to the conversion of the house to 8 residential units.

We do believe, however, that it would be preferable for the residential units to operate as long-term lets rather than short-term holiday accommodation. Due to planning policies relating to houses in the open countryside, some of the ancillary buildings on the estate have been converted to holiday lets. While this may be appropriate for building types such as water towers, potting sheds and barns which were never intended for residential use and which do not have fine interior features, it would not be the best use for Ashton Wold House. Holiday lets are likely to entail a higher degree of wear and tear on the interior features and a lesser degree of care and security. Short-term tenants are also likely to invest less care and maintenance in the gardens, which are an important feature connected with the house (and which we address separately in a section below). We therefore recommend that consent is given for long-term residential use.

Initial concerns regarding the following:

- The use of railings around the proposed light wells as these would detract significantly from the southwest and southeast elevations of the house. Recommend horizontal grilles.

- Design of stair case 5 to the entrance hall. This should be more weighty neo-Jacobean rather than Georgian.
- Siting of the proposed large first floor window in the new gable end on the northeast elevation (extension). This should be removed and replaced with a narrow slit window to match the gable on the opposite side of the courtyard.
- The number of windows proposed to the ground floor northwest elevation. Hood moulds should be removed from this part of the building to simplify the appearance and reflect it's former use as a service wing.
- Design details to proposed stair turret. These should match the opposite turret.
- Removal of store of stone blocks and mouldings on the site of the proposed garage. These should be recorded.
- Details of the garden restoration should be submitted and approved as part of this application.

Upon the submission of revised plans, which address the above points, English Heritage has been able to withdraw its objection to this application.

6.11 Natural England: The bat survey was not clear enough to decide whether detailed visual inspections (internal and external where appropriate) had been undertaken and if there was evidence of a roost being found. We were unable to progress further through the flow chart (standing advice). From the information provided we are unable to clearly identify which areas have been surveyed. The survey dated October 2011 appears to focus on a specific area (paragraph 1.1 and 1.2). We therefore recommend seeking further information and clarification from the ecologist. Any additional surveys should be conducted prior to the determination of the application.

6.12 Northants Bat Group: This building needs to have a bat survey carried out before any planning permissions are given as there is a high likelihood that bats use it for roosting. We have records of bat roosts in most other buildings on this estate.

6.13 North Northants Badger Group: No comment

6.14 Ramblers Association: No comment

6.15 Environment Agency: The application form states that the site area is 0.84 ha and the flood map shows that the site lies within Flood Zone 1. As the site is less than 1 ha and lies within Flood Zone 1, the flood risk and surface water elements of the application should be dealt with by the Local Planning Authority under cell F5 of the Environment Agency's Flood Risk Standing Advice.

Cell F5 advises that no consultation is required but refers to the surface water management good practice guide. This advises that drainage from new development must not increase flood risk either on-site or elsewhere. Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.

7 Evaluation

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

7.2 Principle

7.2.1 The National Planning Policy Framework (NPPF) advises at paragraph 55 that authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or

would be appropriate enabling development to secure the future of heritage assets; or

- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

In giving further guidance on design, the NPPF highlights that it "should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area."

7.2.2 Policy 9 of the North Northamptonshire Core Spatial Strategy (CSS) advises that: "New building development in the open countryside...will be strictly controlled". It should be noted that Policy 9 does not absolutely prohibit new development in the open countryside in all circumstances. It should also be noted that this policy specifically refers to new building development.

7.2.3 Policy 13(o) of the CSS states that development should: "Conserve and enhance the landscape character, historic landscape designated built environmental assets and their settings". Clearly, there is a case here that the proposal would enable improvements to Ashton Wold and help to secure its longer term future.

7.2.4 The Rural North, Oundle and Thrapston Plan (RNOTP) contains more specific local detail in respect of Ashton Wold. Policy 1 specifies that: "In the Open Countryside, housing development will not normally be permitted, and the re-use of buildings will be judged against policies 23, 24 and 25". In the case of the re-use of buildings in open countryside, such as Ashton Wold, Policy 23 provides the relevant criteria based approach. It states that: "Planning permission will be granted for the adaptation or re-use of buildings in the countryside for...residential use, where the location or building is more appropriate for such a use". In this case, therefore, Policy 23 does allow for residential conversions in the open countryside where this is deemed to be the most suitable function. In particular, it should be noted that the application represents a conversion (i.e. sub-division of an existing dwelling) rather than a change of use to residential. In this case it may be clearly argued that Ashton Wold, as an existing dwelling, would be most appropriately retained for residential use and that the proposal would therefore accord with Policy 23.

7.2.5 Whilst it is acknowledged that the site is in the open countryside, it is clear that this case represents an special circumstance as advised in the NPPF. It must be noted that this application does not propose a change in use but an intensification of an existing residential use. Ashton Wold House is a grade II list building and the proposed conversion would represent the optimum viable use of a heritage asset and an enhancement of the immediate setting. Your Officers are of the view that the principle of the conversion of Ashton Wold House into separate apartments is acceptable in this instance for these reasons. Whilst the conversion of other estate properties on Ashton Wold have only been considered on the basis that they are holiday lets, English Heritage has advised in this instance that long term residential lets would be more suitable given (a) the existing residential use of the building and (b) the degree of care and security required by such a unique heritage asset.

7.3 Impact on the character of the listed building and the wider Aston Wold estate.

7.3.1 Paragraphs 133 and 134 of the NPPF talk about the degree of harm and loss of significance to a heritage asset as a result of proposed works. Given the nature of the proposed works described above and the current internal condition of the building as a result of works in the 1960s, Officers are of the view that the proposed conversion would lead to a less than substantial harm to the significance of the building. The NPPF advises that where a development proposal will lead to less than substantial harm to significance, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The case for securing its optimum viable use is made above.

7.3.2 It is acknowledged that the proposed internal alterations would result in further subdivision of the building and alteration to its historic plan; however, much of this was lost as a result of the alterations made in 1968-1971. Only the main ground floor reception rooms survived these alterations and these rooms are retained in the proposed conversion. Both English Heritage and the Council's Conservation Officer are content with the amended details for this part of the scheme, which are limited to the entrance hall staircase detail.

7.3.3 The proposed external alterations, notably the first floor extension, conversion of the existing attached garage and the rebuilding of the stair turret, return the building to something like the original form using matching materials, windows and decorative details. Similarly, the concerns raised by English Heritage regarding the number and locations of new windows, the light well railing details and the level decorative detailing to the west wing have been overcome through the submission of revised drawings for these particular elements.

7.3.4 The proposed garage court is a significant addition to the setting of Ashton Wold House and given its scale, has the potential to have a detrimental impact on its setting. The applicant has proposed a sensitive solution to this by retaining the existing raised ground levels to the northwest of the house to mask the bulk of the structure beneath, with only the garage doors being visible. The proposed crescent formation to the garage block would also improve the impact on the listed building and the wider setting of Ashton Wold.

7.3.5 A significant area of concern for the both Officers and English Heritage is the grade II registered gardens to the east. The swimming pool, dovecote and water garden are situated to the east of the main house, accessed via the lawn area and are an important part of the setting and significance of the building. They are currently in a poor state of repair and generally overgrown. Not only are they important assets in their own right but in the context of the restoration and conversion of the main house, should be maintained concurrently to not only improve the setting but also provide adequate amenity space for the future residents of the 8 proposed properties.

7.3.6 In recognising the importance of the gardens, the applicant has agreed to produce a scheme for their restoration and has submitted proposals for the repair of the stonework to all three garden areas; mainly involving the removal of trees affecting the structure of walls, rebuilding and re-pointing of the walls and the replacement of damaged and missing capping stones. The scheme also proposes the re-thatching of the dovecote. This first phase would resolve the structural issues and provide a basis for which to develop detailed planting schemes once the conversion works are complete and the building occupied. Given the level of expenditure associated with the conversion, English Heritage see this as a reasonable way forward. Although initially recommending that these works be secured by a legal agreement, English Heritage has since agreed to these items being conditioned. Your Officers are of the view that this is a reasonable way forward.

7.3.7 Taking the above assessment into account, the impact on the setting, character and integrity of the listed building, registered gardens and the wider Ashton Wold estate is considered acceptable.

7.4 Highway Issues

7.4.1 As set out in 6.3 above, the County Highways Officer is not satisfied that the proposed conversion can accommodate all users attracted to the site. In the majority of cases, for new build developments for example, these issues would have to be resolved for the scheme to be considered acceptable with the suggested alterations wholly appropriate. However, this case is unique in that a 'one size fits all' solution would not be appropriate given the importance of the setting of the listed building. To simply provide an estate street to adoptable standards - providing 4.5m wide roads with pedestrian footpaths, whilst technically achievable, would completely destroy the unique character of the Ashton Wold estate, which is characterised by the arbitrary siting of buildings linked by narrower than normal tracks. Such an approach would create an urban form rather than the distinctly rural one it has now. It must be highlighted that this approach is only considered acceptable in these

circumstances because the scheme represents the optimal viable use of a heritage asset and an enhancement to the immediate setting. The estate is currently open to vehicular traffic and Ashton Wold House is currently used as two residences. The net increase in residential units would therefore be 6.

Waste collection

7.4.2 The requirements of the Council's Waste Management Officer also raises similar character issues. The Council's collection service currently serves the Ashton Wold estate, including Ashton Wold House. It would therefore be unreasonable to impose changes to the access in terms of engineered turning circles and road widths. The submitted details propose a separate refuse storage area adjacent to the new garage block and the existing road layout is such that vehicles could turn and leave the estate in the same direction. There is also a through route allowing vehicles to exit onto Polebrook Road if necessary. A site Waste Management Plan could still be secured by condition.

7.5 Residential Amenity

7.5.1 The building is currently in residential use. Whilst there are other residential dwellings on the wider estate, there are no nearby occupiers, who could be affected by the proposed conversion.

7.6 Ecology

7.6.1 The application is accompanied by reptile, Great Crested Newt and bat surveys. Officers have used the Natural England Standing Advice for these species and given the findings of the reports, no further action is required in respect of reptiles and Great Crested Newts as the surveys found no evidence of these species being present.

7.6.2 Natural England has assessed the impact on bats, advising that further clarification is required from the applicant regarding the extent of the inspections within the building. This clarification was sought by officers and provided by the applicant. It highlights that the bat survey only covers the trees to be removed on the proposed garage site and the parts of the building affected by the proposed conversion works. These rooms were found to have no evidence of bat activity in them, as were the trees identified for removal. The approach to the survey work is considered appropriate as it would be unreasonable to insist on further surveys on parts of the building unaffected by the proposed works. The report recommends enhancements such as bat and bird boxes and these are considered appropriate and in line with the standing advice.

8 Other issues

- 8.1 Crime and disorder - this proposal would increase the level of activity and informal surveillance around the building and the wider estate, which is relatively isolated,
- 8.2 Access for disabled – this is an issue that will be assessed by building regulations.
- 8.3 Flood risk - Officers have consulted the Environment Agency's standing advice. As this is an existing building with associated drainage and foul connections, it would be unnecessary an unreasonable to impose conditions relating to drainage.

9 Recommendation

- 9.1 It is recommended that the application be GRANTED subject to 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, prior to the commencement of development hereby permitted, a Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority to demonstrate that the development would meet the

requirements of 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 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.

3. The development hereby approved shall be carried out in accordance with the ecological enhancement measures set out in paragraph 6.2.3 of the Ecological Assessment undertaken by Greenwillows Associates Ltd received by the local planning authority on 9/11/11.

Reason: To safeguard protected species.

4. Prior to the first occupation of the residential units hereby permitted, works shall commence on phase 1 of the restoration of the grade II registered gardens as detailed in drawing number 527/41A received by the local planning authority on 24/04/12. A timetable for the implementation of the works shall be submitted to and approved in writing by the local planning authority prior to the first occupation.

Reason: In the interests of preserving the historic character, fabric and appearance of the grade II registered gardens and the setting of the listed building

5. Prior to the first occupation of the residential units hereby permitted, full details of phase 2 of the restoration of the grade II registered gardens as detailed in drawing number 527/41A received by the local planning authority on 24/04/12 shall be submitted to and approved in writing by the local planning authority. These details shall include a full planting schedule and a timetable for the implementation of works.

Reason: In the interests of preserving the historic character, fabric and appearance of the grade II registered gardens and the setting of the listed building

6. Before any work is commenced on the development hereby permitted, a sample of the proposed facing and roofing materials for both the garage and Ashton Wold House shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved details.

Reason: To achieve a satisfactory elevational appearance for the development.

7. This permission relates to the following drawings: 527/08, 527/09, 527/10, 527/11, 527/13, 527/12, 527/14, 527/15B, 527/18B, 527/21A, 527/23, 527/24, 527/25, 527/26, 527/27B, 527/28, 527/29, 527/30, 527/31, 527/32, 527/33, 527/34, 527/35, 527/36A, 527/37, 527/38A, 527/39, 527/40 received by the Local Planning Authority on 9 November 2011 and 1 December 2011 and drawings 527/16F, 527/17E, 527/19E, 527/20D and 527/41A received by the Local Planning Authority on 6 March 2012 and 24 April 2012

Reason: In order to clarify this permission.

Informatives

1. In recommending the approval of this application, the relevant planning guidance and policies were identified as the National Planning Policy Framework, RSS policies 1, 2, 3 and 13b, North Northamptonshire Core Spatial Strategy 2008 policies 1, 9, 10, 13 and 14 and policies 1 and 23 of the Rural North, Oundle and Thrapston Plan

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 impact on the character and setting of the listed building and the Ashton Wold estate, the highway implications and the impact on biodiversity. The application has been recommended for approval as:

- The principle of the development is acceptable.

- The impact on the character of the listed building and the Ashton Wold estate is acceptable
- The development would not have an adverse impact on ecology and biodiversity.
- The proposal would not have a significant impact on the amenities of neighbouring occupiers
- On balance the proposal would have an acceptable impact on the access and manoeuvrability

Committee Report

Committee Date : 25 July 2012

Printed: 9 July 2012

Case Officer **Mr Rhys Bradshaw**

11/01847/LBC

Date received	Date valid	Overall Expiry	Ward	Parish
10 November 2011	1 December 2011	26 January 2012	Lower Nene	Ashton

Applicant **OHL Ltd - Dr C D Lane**

Agent **DJAS Ltd - Mr A Scott**

Location **The Mansion Ashton Wold Ashton Northamptonshire PE8 5LZ**

Proposal **Conversion of existing manor house into eight residential units to include first floor side extension; insertion of 15 new windows to basement level; alterations to external doors; new staircases; removal/alteration of existing staircases; internal alterations; reduction of basement floor levels and new insulation to all elements of the building**

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

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions

2 The Proposal

2.1 This application proposes the extension and conversion of Ashton Wold House into 8 apartments over three levels; the basement, ground and first floors. It is proposed to extend the building at first floor level above an existing garage, which would also be converted as part of the scheme.

2.2 The proposed accommodation is briefly as follows:

- Unit 1 - 3 bed over ground floor and basement
- Unit 2 - 4 bed over ground floor and basement
- Unit 3 - 5 bed over ground floor and basement
- Unit 4 - 3 bed covering just part of the first floor
- Unit 5 - 4 bed over ground and first floors
- Unit 6 - 4 bed over ground and first floors
- Unit 7 - 4 bed over ground and first floors
- Unit 8 - 4 bed over ground and first floors

2.3 Proposed external alterations include the following:

- Insertion of 15 basement windows and 5 associated light wells.
- First floor extension to reinstate accommodation removed in 1960s. This would include the creation of 8 dormer windows to match existing windows on the same elevation.
- Rebuilding of a stair turret on the west wing to match the existing on the east wing.
- Insertion of 5 ground floor windows in the converted garage space.
- Insertion of 2 new doors, again in the part of the building that is to be converted from a garage.

2.4 Proposed internal alterations include the following:

- Removal and insertion of partitions on all floors
- Blocking up of some doors on all floors.
- Creation of 5 new staircases; 3 to connect the first and second floors and 2 to connect the basement and first floor.
- Installation of kitchens and bathrooms

3 The Site and Surroundings

3.1 The application site forms part of the Ashton estate and is situated in the open countryside some 2 miles away from the nearest public highway. The site is reached via an access road leading from Ashton village and there is a further access from the Polebrook Road.

3.2 Ashton Wold House is grade II listed for its special architectural and historic interest as an Edwardian country house designed in a neo-Jacobean style. The house and its terraces sit within a grade II registered Park and Garden and is closely associated with the grade II listed Water Garden, Rock Garden and former Rose Garden. The house is surrounded by other listed structures on the Ashton Wold estate; notably Home Farm, the Potting Sheds, and the Water Tower.

4 Policy Considerations

4.1 Planning Policy Guidance

National Planning Policy Framework

Practice Guide to PPS5

4.2 Regional Spatial Strategy for the East Midlands (RSS8)

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Strategies was unlawful as it had been taken without primary legislation. Technically therefore the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. However the decision by the Government to abolish Regional Strategies is a material consideration in the determination of planning applications that needs to be taken into account. It is understood that the Government will be introducing the new Localism Bill to parliament in November 2010 which will sweep away Regional Strategies. The relevance of this to East Northamptonshire is not the same as in other areas as we have an adopted Core Strategy.

Policy 2 – Promoting Better Design

4.3 North Northamptonshire Core Spatial Strategy

Policy 13 - General Sustainable Development Principles

5 Relevant Planning History

- 5.1 EN/11/1846/FUL Conversion to 8 residential units and construction of ten garages.
Pending

6 Consultations and Representations

6.1 Neighbours: 2 letters received, summarised below.

Fully support the development of the Manor House in this way. The Manor House is a wonderful property and we are sure it will be converted to the highest standard resulting in good quality residences befitting of a listed building. In a time when there is a severe housing shortage and many people unable to get onto the property ladder it seems only right to adapt large houses to facilitate need rather than allow them to stand empty and eventually decay. Ashton Wold is developing into a real community and additional families can only be of benefit. The proposals are in keeping with the area and it would be good to see the Manor House fully occupied.

6.2 27 signature petition in support of the proposal

6.3 5 letters of general support from staff of OHL, the applicant. The main points can be summarised as:

- Lack of rural accommodation
- The cost of maintaining such important buildings
- Public benefit
- Beneficial use
- The building is vulnerable

6.4 Ashton Parish Council: No objection

6.5 NCC Highways: The promotion of creating independent apartments being served from a private road as indicated on drawing No 527/14 where the development exceeds 5 dwellings then an estate street shall be laid out to current design criteria to ensure that all drivers attracted to the site in private cars, delivery vehicles and Heavy Goods waste collection / Emergency vehicles shall enter and leave in a forward gear.

The applicant shall submit details of the turning area and provide swept path (11.5m waste collection vehicle) analysis to facilitate this need. Should the continual growth of this site be promoted forming a considerable development then a dedicated estate street shall be formed to aid the safe passage of associated traffic pedestrian and cycle movement throughout the development site. Any intensification of development would need the promotion of cycle and pedestrian links to the current network.

The subsequent submitted details shall illustrate a housing development in accordance with Northamptonshire County Council "Place and Movement Guide" or other approved design details, which is to the local highway authority's adoptable standard. Subject to their construction and in accordance with the specification of Northamptonshire County Council and to an appropriate agreement, consideration will be given to the adoption of the ways giving access to the proposed development as highway maintainable at the public expense.

Sufficient parking and turning space shall be provided within the development site for all vehicles attracted thereto, including emergency vehicles, where the length of a private drive is in excess of 45.0m.

Presently the applicant has failed to demonstrate or give adequate information to determine my full view and in its present form the proposals are unacceptable to this authority for highway safety reasons. I trust that prior to consideration of this proposal, the above issues can be resolved where new proposals and details are submitted, to this authority for appraisal, to address the raised concerns.

6.6 ENC Planning Policy: No objection

Whilst the scheme would represent new residential development in open countryside given the net gain in residential units, it is clear that RNOTP Policy 23 does allow for the subdivision of residential units in open countryside in certain circumstances. Furthermore, consideration also needs to be given to Policy 13(o), which refers to the need to conserve and enhance designated built environmental assets (i.e. listed buildings).

If the relevant CSS and RNOTP policies are taken into consideration, it is concluded that the proposal accords with most elements of the development plan. As such, it is not considered that the proposal should be regarded as "enabling development", as defined by PPS5. Accordingly, there are no Planning Policy objections, in principle, to the scheme

6.7 ENC Waste Management: We will require a waste audit covering the initial construction phase of the project and a full site waste management plan in accordance with regulations. These should be submitted and agreed in writing prior to commencement of development. The waste management plan should include details of vehicular turning circles, road widths and surfacing which should be to an adoptable standard.

6.8 NCC Archaeology: Ground works monitoring can be addressed by a single condition for an archaeological programme of works using our standard recommended wording.

6.9 ENC Senior Conservation Officer: No objection subject to conditions

6.10 English Heritage: Summarised by the following points:

Due to the particular circumstances of the Ashton Wold estate, English Heritage accepts the principle of conversion of Ashton Wold House to 8 residential units, with the recommendation that these should be long-term lets rather than holiday lets.

To some extent the subdivision of Ashton Wold House has been an inevitability since the Second World War. Miriam Rothschild found the house too large and unmanageable, and in 1967 she commissioned Claude Phillimore to draw up plans for its conversion to 6 units. We understand that these plans were granted planning permission, however they were never implemented and instead Phillimore reduced the house in scale by removing a storey. Much of the current plan form of the house dates from Phillimore's alterations of 1969-71

Since the death of Miriam Rothschild in 2005, Ashton Wold House has been largely disused (only parts of the east range and service wing are inhabited – existing Units 1 & 7) and there is a long-term question mark over its use. While the house and estate are retained in the ownership of the Rothschild family, and therefore retain their historic connection, it is clear that none of the descendants intend to be domicile at Ashton. If done sensitively, conversion of this sizeable house and its basements to 8 residential units would allow the house to be fully inhabited once more, without detracting too much from its significance. It would give the house a viable long-term future and would ensure that it is properly maintained and looked after. The original Edwardian plan form of the house was substantially altered in 1969-71; only the main ground floor reception rooms survive in their original form, and these are retained intact in the current proposals. For these reasons we do not object in principle to the conversion of the house to 8 residential units.

We do believe, however, that it would be preferable for the residential units to operate as long-term lets rather than short-term holiday accommodation. Due to planning policies relating to houses in the open countryside, some of the ancillary buildings on the estate have been converted to holiday lets. While this may be appropriate for building types such as water towers, potting sheds and barns which were never intended for residential use and which do not have fine interior features, it would not be the best use for Ashton Wold House. Holiday lets are likely to entail a higher degree of wear and tear on the interior features and a lesser degree of care and security. Short-term tenants are also likely to invest less care and maintenance in the gardens, which are an important feature connected with the house (and which we address separately in a section below). We therefore recommend that consent is given for long-term residential use.

Initial concerns regarding the following:

- The use of railings around the proposed light wells as these would detract significantly from the southwest and southeast elevations of the house. Recommend horizontal grilles.
- Design of stair case 5 to the entrance hall. This should be more weighty neo-Jacobean rather than Georgian.
- Siting of the proposed large first floor window in the new gable end on the northeast elevation (extension). This should be removed and replaced with a narrow slit window to match the gable on the opposite side of the courtyard.
- The number of windows proposed to the ground floor northwest elevation. Hood moulds should be removed from this part of the building to simplify the appearance and reflect it's former use as a service wing.
- Design details to proposed stair turret. These should match the opposite turret.
- Removal of store of stone blocks and mouldings on the site of the proposed garage. These should be recorded.
- Details of the garden restoration should be submitted and approved as part of this application.

Upon the submission of revised plans, which address the above points, English Heritage has been able to withdraw its objection to this application.

6.11 Environment Agency: The application form states that the site area is 0.84 ha and the flood map shows that the site lies within Flood Zone 1. As the site is less than 1 ha and lies within Flood Zone 1, the flood risk and surface water elements of the application should be dealt with by the Local Planning Authority under cell F5 of the Environment Agency's Flood Risk Standing Advice.

Cell F5 advises that no consultation is required but refers to the surface water management good practice guide. This advises that drainage from new development must not increase flood risk either on-site or elsewhere. Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.

7 Evaluation

7.1 The sole issue relevant to the determination of this application is the impact on the significance of the heritage asset, that being the grade II listed Ashton Wold House. The principle of the conversion together with the impact on ecology, highways and flood risk are dealt with under the application for full planning permission.

7.2 Impact on the significance of the heritage asset

7.2.1 Paragraphs 133 and 134 of the NPPF talk about the degree of harm and loss of significance to a heritage asset as a result of proposed works. Given the nature of the proposed works described above and the current internal condition of the building as a result of works in the 1960s, Officers are of the view that the proposed conversion would lead to a less than substantial harm to the significance of the building. The NPPF advises that where a development proposal will lead to less than substantial harm to significance, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The case for securing its optimum viable use is made above.

7.2.2 It is acknowledged that the proposed internal alterations would result in further subdivision of the building and alteration to its historic plan; however, much of this was lost as a result of the alterations made in 1968-1971. Only the main ground floor reception rooms survived these alterations and these rooms are retained in the proposed conversion. Both English Heritage and the Council's Conservation Officer are content with the amended details for this part of the scheme, which are limited to the entrance hall staircase detail.

7.2.3 The proposed external alterations, notably the first floor extension, conversion of the existing attached garage and the rebuilding of the stair turret, return the building to something like the original form using matching materials, windows and decorative details. Similarly, the concerns raised by English Heritage regarding the number and locations of new windows, the light well railing details and the level decorative detailing to the west wing have been overcome through the submission of revised drawings for these particular elements.

7.2.4 The proposed garage court is a significant addition to the setting of Ashton Wold House and given its scale, has the potential to have a detrimental impact on its setting. The applicant has proposed a sensitive solution to this by retaining the existing raised ground levels to the northwest of the house to mask the bulk of the structure beneath, with only the garage doors being visible. The proposed crescent formation to the garage block would also improve the impact on the listed building and the wider setting of Ashton Wold.

7.2.5 A significant area of concern for the both Officers and English Heritage is the grade II registered gardens to the east. The swimming pool, dovecote and water garden are situated to the east of the main house, accessed via the lawn area and are an important part of the setting and significance of the building. They are currently in a poor state of repair and generally overgrown. Not only are they important assets in their own right but in the context

of the restoration and conversion of the main house, should be maintained concurrently to not only improve the setting but also provide adequate amenity space for the future residents of the 8 proposed properties.

7.2.6 In recognising the importance of the gardens, the applicant has agreed to produce a scheme for their restoration and has submitted proposals for the repair of the stonework to all three garden areas; mainly involving the removal of trees affecting the structure of walls, rebuilding and re-pointing of the walls and the replacement of damaged and missing capping stones. The scheme also proposes the re-thatching of the dovecote. This first phase would resolve the structural issues and provide a basis for which to develop detailed planting schemes once the conversion works are complete and the building occupied. Given the level of expenditure associated with the conversion, English Heritage see this as a reasonable way forward. Although initially recommending that these works be secured by a legal agreement, English Heritage has since agreed to these items being conditioned. Your Officers are of the view that this is a reasonable way forward and suitable conditions have been recommended for the accompanying planning application.

7.2.7 Taking the above assessment into account, the impact on the setting, character and integrity of the listed building, registered gardens and the wider Ashton Wold estate is considered acceptable.

8 Other issues

8.1 Considered under the accompanying application for full planning permission.

9 Recommendation

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

Conditions/Reasons -

1. The works hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004
2. This permission relates to the following drawings: 527/08, 527/09, 527/10, 527/11, 527/13, 527/12, 527/14, 527/15B, 527/18B, 527/21A, 527/23, 527/24, 527/25, 527/26, 527/27B, 527/28, 527/29, 527/30, 527/31, 527/32, 527/33, 527/34, 527/35, 527/36A, 527/37, 527/38A, 527/39, 527/40 received by the Local Planning Authority on 9 November 2011 and 1 December 2011 and drawings 527/16F, 527/17E, 527/19E, 527/20D and 527/41A received by the Local Planning Authority on 6 March 2012 and 24 April 2012
Reason: In order to clarify this permission.
3. Before any work is commenced on the works hereby permitted, a sample of the proposed facing and roofing materials for the building shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of preserving the historic character, fabric and appearance of the grade II listed building and its setting.
4. Prior to the commencement of works, drawings at a scale of 1:20, for all joinery shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of preserving the historic character, fabric and appearance of the grade II listed building and its setting.
5. All disturbed external and internal surfaces shall be made good to match the existing building.
Reason: To preserve the character and appearance of the listed building.

6. All pointing and bedding of masonry shall be carried out using a pure hydraulic lime mortar mix (no cement), the exact composition of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of works. Following this, a representative sample panel of no less than 1 metre squared of pointing shall be prepared for the inspection and approval of the local planning authority prior to the commencement of works.

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

7. Prior to commencement of works, details and position of all new external pipework including all rainwater goods, soil and overflow pipes shall be submitted to and approved in writing by the local planning authority and thereafter retained and maintained in perpetuity.

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

8. Notwithstanding the submitted information, prior to the commencement of the works hereby consented a detailed schedule of those windows, doors, doorframes, skirting boards, architraves, shutters floorboards and all other internal & external joinery to be repaired/replaced (including details of any related ironmongery) shall be submitted to and approved in writing by the local planning authority. The schedule shall detail the proposed method of repairs where appropriate and sectional drawings at a scale of 1:20 for all new joinery. No items shall be replaced unless otherwise approved in the schedule. The development shall then be carried out in accordance with the approved details and thereafter retained in perpetuity.

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

9. Notwithstanding the submitted information, prior to the commencement of works, a schedule of works shall be submitted to and approved in writing by the local planning authority, and the works thereafter shall be retained as such unless otherwise agreed in writing by the local planning authority.

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

10. No works shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

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

Informatives

1. In recommending the approval of this application, the relevant planning guidance and policies were identified as the National Planning Policy Framework, RSS policy 2 and North Northamptonshire Core Spatial Strategy 2008 policy 13. Having regard to these, the representations received and any other material planning reasons, the main issue was identified as the impact on the significance of the heritage asset. The application has been recommended for approval as the impact on the significance of the heritage asset would be less than substantial. This impact would be outweighed by the public benefits of the proposal, including securing the optimum viable use for the building.

Printed: 13 July 2012

Case Officer **Amie Baxter****12/00070/OUT**

Date received	Date valid	Overall Expiry	Ward	Parish
12 January 2012	12 January 2012	8 March 2012	Barnwell	Clopton

Applicant **Mr R Hunt**Agent **Henry H Bletsoe & Son****Location** Motel Block The Red Lion Inn Main Street Clopton Northamptonshire NN14 3DZProposal **Outline: Erection of three dwellings (all matters reserved)**

This application is brought to committee in accordance with the scheme of delegation as it is a proposal for more than one dwelling within a restricted infill village.

1 Summary of Recommendation**1.1** That planning permission be APPROVED subject to conditions.**2 Proposed Development****2.1** The application seeks outline planning permission for the erection of three detached dwellings with all matters reserved.**2.2** Indicative drawings show that each of the proposed dwellings would have frontages between 13 and 15 metres in width and a maximum depth of 15 metres. All three dwellings would be two storey with an eaves height of 5.5 metres and a maximum ridge height of 8.5 metres. Each dwelling would have its own garage, turning area and access.**3 The Site and Surroundings****3.1** The application site is to the northern side of Main Road and is accessed via an existing surfaced track which is shared with Berry Green Park and Red Lion Lodge.**3.2** Berry Green Park is to the north of the site and is an established retirement park with static caravans. There is a parcel of open land to the east of the site and there is a row of detached dwellings to the south of the site which front onto Main Street.**3.3** The access to the site runs between Red Lion Lodge (which used to be a pub) and a single storey outbuilding. The outbuilding was once used as a function room associated with the pub.**3.4** The application site itself accommodates a motel block with 6 units for short term rent but this used ceased when the pub closed. There is a large, hard surfaced parking and turning area along with a large amenity area which is laid to lawn. There are established trees along the west and east boundaries.**3.5** The site measures 0.3 hectares.

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

Policy 2 – Windfall Development in Settlements

Policy 8 – Parking

Policy 11 – Housing Mix

Policy 19 – Affordable Housing Targets

Policy 20 – Affordable Housing Requirements

Other Documents:

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

Planning Out Crime Adopted February 2004

Parking Adopted March 2003

5 Relevant Planning History

5.1 EN/96/00480/FUL. Conversion of pub to dwelling. Permitted on 20.08.1996.

6 Consultations and Representations

6.1 Neighbours: 6 letters have been received from the occupants at Foxglove, 1, 2, 3, 4 Berry Green Park and 14/15 Main Street. Their comments are summarised below:

- There is a complete lack of facilities in the village of Clopton and this would not be attractive for an average family.
- The access track to the site is already very congested and the proposed development would make the situation worse.
- The access onto Main Street has restricted visibility.
- Parking during the construction period would become a serious hazard as there is nowhere to park.
- The current owner of the site objected to previous attempts to develop the site as it

would result in extra traffic using the access where there is a restricted view.

- The existing residents of Berry Green Park are all retired and they chose to retire here because of the quiet location and slower pace of life. Purchasers of affordable housing are likely to be younger people, possibly with young children. Children playing on bikes and skateboards etc...would be noisy and the children may use the field area which is intended for the use of Berry Green Park residents only.
- There is no need for family or affordable housing in Clopton. Existing dwellings have been on the market for some time.
- The access must be kept clear at all times as the occupiers of Berry Green Park are elderly and may need the emergency services.
- The proposed dwellings should be set back by 4 metres to allow the existing access road to be widened.
- All of the existing conifer trees along the western boundary of the site should be removed to give full views along the access road.
- Part of the appeal for Berry Green Park is the way that it is detached from the rest of the village.
- The access road is too narrow to accommodate three new access points
- The occupier of 14/15 Main Street would object to any more than 3 dwellings on the site. This property is shielded from the site by established trees which should remain.
- The occupier of 4 Berry Green Park does not object to the proposal in principle but suggests that the proposed dwellings are reversed so that they back onto the access road.

6.2 Clopton Parish Council: No comments received.

6.3 Local Highway Authority: No objection to the proposed development. Would not support an application for any more than 3 dwellings.

6.4 NCC Archaeology: No objection subject to the use of a condition to request a programme of archaeological works.

6.5 ENC Planning Policy: The proposal presents an important opportunity to develop the site. There are no planning policy objections to the proposed scheme as the site clearly falls within the defined settlement boundary and the built form of the village. However, it could be argued that the proposal would not fulfil the relevant criteria within RNOTP policy 2 and 8, in respect of housing mix.

6.6 Housing Strategy: An objection was received based on the proposal being for larger units with regard to advice in Policy 2 and 8 of RNOTP. However, this objection has now been withdrawn, given the constraints of the site with regards to the access.

7 Evaluation

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

7.2 Principle of Development

7.2.1 The NPPF states that housing should be located where it would enhance or maintain the vitality of rural communities and where there is a small settlement, development may be beneficial in that it could support the services in a nearby village. This is particularly the case where the proposed development would re-use redundant or disused buildings and would lead to an enhancement of the immediate setting.

7.2.2 Clopton does not benefit from any amenities itself but the development would support the facilities that are currently available in Titchmarsh and Barnwell. It would also benefit from and add to the demand for the wider range of services available in Thrapston and Oundle. There is an existing 'County Connect' bus service giving daily links to Oundle, Thrapston, Northampton, Peterborough and Kettering.

7.2.3 Whilst the proposed development would not re-use the existing motel building, it is clear that there is no longer a demand for the motel since the pub was converted into a dwelling. The motel unit is limited in terms of opportunity for conversion, given that it is a purpose built unit and is of poor quality construction.

7.2.4 The proposed development would however re-use an existing brown field site within an established residential area, where little opportunity would arise to convert the existing buildings or accommodate any other type of development than residential.

7.2.5 The proposed development would greatly improve the overall visual appearance of the site and as such, the proposed scheme would accord with the aims of the NPPF.

7.2.6 Policy 1 of the North Northamptonshire Core Spatial Strategy states that development within defined village boundaries should be encouraged, subject to all other material planning considerations. The application site is within the village boundary as defined by the RNOT plan and therefore the proposal accords with this policy.

7.2.7 Policy 1 of the RNOT plan notes that, in Category A villages which have a defined village boundary, there may be scope for windfall development, subject to the proposed development meeting the criteria set in Policy 2 of the same plan.

7.2.8 Policy 2 of the RNOT plan supports the opportunity for windfall development where the site is within the defined settlement boundary. It could be argued that the proposal would not accord with criteria a) of Policy 2, which seeks to ensure that the proposed development would meet local needs in terms of the overall mix and type of dwelling to be provided. In usual circumstances, the local planning authority would encourage the developer to provide a mix of housing which closely reflects the needs of the local community. In this case, it would be for small open market dwellings.

7.2.9 However, as the access into the application site could not be improved (due to physical and legal constraints) the Highways Authority would not support a development on this site for more than three units.

7.2.10 To build three small units on this site would be a) an inefficient use of land and b) unviable for a developer as they would struggle to recoup their costs on the open market. There is therefore a high risk that the site would remain unused and possibly fall into dereliction.

7.2.11 On balance then, it would be more sustainable and beneficial for the local community to at least provide 3 slightly larger dwellings than to provide none at all, and possibly end up with a derelict site.

7.2.12 Therefore, it is considered that the development would contribute positively to the needs of the local community by providing 3 additional dwellings and would therefore broadly meet criteria a) of Policy 2.

7.3 Visual Impact.

7.3.1 The proposed development would relate most closely to the access road into Berry Green Park, rather than to the Main Street. The proposed dwellings would not be overly prominent within views along Main Street itself but there would be the opportunity for glimpsing views of the dwellings in the break between Red Lion Lodge and an outbuilding to the east of the access road but, provided that the dwellings are of an appropriate scale and design, this view would not be detrimental.

7.3.2 The indicative details submitted with the application demonstrate that 3 dwellings with appropriately sized gardens, parking and turning areas could be accommodated comfortably within the site without appearing overly cramped or the site appearing overdeveloped in a visual sense.

7.3.3 The proposed dwellings would be two storey in height which would follow the height of the existing dwellings fronting onto Main Street. From the indicative drawings submitted, it is clear that the dwellings could be appropriately spaced to limit massing and laid out with gardens to the rear to follow the built form of the surrounding area.

7.3.4 The detailed design of the proposed dwellings is not known at this stage but it would need to have regard to the predominant character of the dwellings to which it would most closely relate. The applicant suggests the use of render which would be ideal, given the heavy use of render on Red Lion Lodge and the rendered appearance of the retirement homes of Berry Green Park.

7.3.5 In order to create an established feel overall, it is important to retain the existing tree screens along the western and southern boundary of the site and a condition is recommended to ensure this.

7.4 Neighbouring Amenity

7.4.1 The nearest neighbouring dwellings to the application site are 12a, 12 Main Street, Rose Cottage, 6, 7, and 8 Berry Green Park. All other properties would be located far enough away not to be impacted upon to any significant extent.

7.4.2 The dwelling at 12a Main Street would be the closest to the application site, sitting at a distance of 6 metres away from the southern boundary of the site. The indicative plan shows a dwelling at a distance of 12 metres away from the rear elevation of number 12a, with a side to rear relationship. Care would need to be taken to ensure that any dwelling positioned close to 12a would not have an overbearing impact, overshadow or overlook the rear widows or amenity area of 12a. It would be advisable to limit the building to single storey level adjacent to the southern boundary and to keep the southern elevation free of any windows to prevent overlooking.

7.4.3 The indicative plan shows that, as the proposed dwellings would be positioned to the front of the application site, it is unlikely that number 12 Main Street would experience any overshadowing or overbearing impact as a result. Again, care should be taken with regard to the positioning of windows in the southern and rear elevation of the proposed dwelling at plot 3 to prevent loss of neighbouring amenity. A condition is therefore recommended to ensure that no windows are placed within the southern elevation.

7.4.4 According to the indicative site plan, there would be a distance of approximately 20 metres between the proposed dwelling at Plot 1 and 7 Berry Green Park and a distance of over 30 metres between 6 and 7 Berry Green Park and Plot 3. This distance is sufficient to ensure that no overshadowing or overbearing impact would occur. As with Plot 3, a condition is recommended to ensure that no windows are used for the north elevation of Plot 1 to ensure that overlooking would not become an issue.

7.4.5 Given the close proximity of neighbouring dwellings (particularly those at Berry Green Park) it is recommended that a condition is used to limit the hours of construction in order to prevent noise nuisance.

7.4.5 Overall then, the indicative site plan successfully demonstrates that three dwellings could be accommodated within the site, without having a negative impact on neighbouring amenity, subject to the recommended conditions regarding windows.

7.5 Access and Parking

7.5.1 The access to be used is existing and was used to serve the 6 motel units, as well as Red Lion Lodge and Berry Green Park. The proposed development would not be an intensification of use as it is likely that the number of trips generated by the proposed dwellings would be less than that if the motel units were being used.

7.5.2 In any case, it would not be possible to make any worthwhile improvements to the existing access as it is bounded on both sides by existing property. The Highways Authority has no objection to the creation of three additional access points off Berry Green Park.

7.5.3 In terms of parking, the proposed development would be self-sufficient as it would be possible to create at least of two off-road parking spaces per dwelling. No on-street parking would be lost as a result of this development.

7.5.4 The residents of Berry Green Park are concerned that there would be congestion along the access road during the construction period. These concerns are shared by the case officer and therefore a condition is recommended which would require the applicant to submit a parking scheme for construction vehicles, ensuring that all loading, unloading and parking takes place within the application site at all times during the construction period.

8 Other Issues

8.1 Affordable Housing- The proposed development is for open market housing rather than affordable housing, as previously thought by some concerned neighbours.

8.1.2 Although Housing Strategy have pointed out that the site would be large enough to trigger the threshold for providing affordable units, the applicant has noted that the site would only just exceed the threshold and a large proportion of the red lined site area would include an access road.

8.1.3 Coupled with the limited number of dwellings that could be built on the site (in terms of access and viability) it would therefore be unreasonable to insist that the developer should include any affordable units as part of the proposal. The council's Housing Strategy Team are satisfied with this approach.

8.2 Noise from potential occupiers: The application site is within an established residential area and its proposed use is therefore compatible with the surrounding area. With the proposal being for three dwellings only, it is unlikely that there would be a significant increase in noise. It could be argued that the motel units could generate more noise than the three proposed dwellings.

8.3 Trees to the front of the site- The existing trees throughout the site are a positive element in the character and appearance of the existing site. Therefore, it is important that as many of these trees are kept as possible to help the proposed development appear more established. A condition is therefore recommended to ensure this.

8.4 Lighting – Given the proximity of the site to neighbouring dwellings, it would be prudent to require a scheme of lighting to be submitted. This is in order to prevent harm to residential amenity.

9 Recommendation

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

Conditions/Reasons -

1. 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.

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

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

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

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

4. Before commencement of the development hereby permitted, details and samples of the external roofing and facing materials to be used for the construction of the dwelling and garages 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.

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 dwellings and garages in relation to the existing and proposed levels of the site and the surrounding land. The dwellings and garages 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. 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, including 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.

7. 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.

8. 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, including those between individual dwellings.

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.

9. 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 the NPPF.
10. No development shall commence until details of a scheme for the provision of 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.
11. 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.
12. 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 residential amenity.
13. 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.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification), no windows shall be inserted in the south elevation of plot 3 and the north elevation of plot 1 of the development hereby approved without the prior written approval of the local planning authority.
Reason: To protect the amenity of adjacent occupiers.
15. Notwithstanding the submitted details, the details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above, shall include details of the proposed hard surfacing for the vehicular accesses serving each dwelling. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity.
Reason: In the interests of highway safety.

16. The details required to be submitted by condition 1 above shall include details of the proposed parking and turning facilities for the development hereby permitted and shall show that a vehicle can enter and exit the site in a forward gear. No dwelling shall be occupied until its designated car parking space(s) has been laid out and constructed ready for use in accordance with the approved plans and other approved details pursuant to any other relevant conditions and shall thereafter be retained in perpetuity.

Reason: In the interests of highway safety.

17. The details required to be submitted as part of condition 1 shall include details of the retention (including methods and treatments) of the existing band of trees along the west and south boundary of the site, along with a demonstrated commitment to retain as many of the other existing trees within the site as possible.

Reason: In the interests of visual amenity.

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

- 1). Storage, within the site, of plant and materials used in constructing the development;
- 2). Contractors compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure which shall all be made available within the site;
- 3). Designation, layout and design of construction access and egress points;
- 4). Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials within the site;
- 5). Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period within the site;
- 6). Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles and other similar debris on the adjacent public highways;

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the local planning authority.

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

19. The works hereby permitted shall be carried out strictly in accordance with the approved plans (Ordnance Survey Plan 2, received 01/16/2012 and drawings 1 and 3, received 12/01/12) 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 National Planning Policy Framework (NPPF) 2012; Policies 1, 2, 3, 45 and 48 of the East Midlands Regional Plan 2009; Policies 1, 9, 10, 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Design SPD 2009; Parking SPG, Rural North, Oundle and Thrapston Plan Policy 2, 8, 11, 19 and 20; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008 and Planning Out Crime SPG 2004.

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, impact on the highway.

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.

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 : 25 July 2012

Printed: 10 July 2012

Case Officer **Anna Lee**

12/00152/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
26 January 2012	1 February 2012	28 March 2012	Prebendal	Nassington

Applicant **Exors Of Mrs E J Teall - Mr J Major**

Agent **Mr David Shaw**

Location 30 Woodnewton Road Nassington Peterborough Northamptonshire PE8 6QQ

Proposal **Development of 9 no. residential dwellings with garages, parking and access**

The application has been brought back to Development Control Committee to amend one of the conditions. Members will recall that the application was previously considered at Committee on 23 May 2012. A copy of the previous report to Committee is appended as Appendix 1.

1 UPDATE

1.1 The existing property 30 Woodnewton Road is served by two existing vehicular access, one off Woodnewton Road and one off Homefield. Condition 19 was recommended to ensure that the existing secondary access located off Homefield is closed off to prevent use and in the interest of visual amenity.

1.2 During the previous Committee meeting, Members wanted the condition worded in a way to ensure that the verge in front of the access off Homefield is reinstated and properly constructed.

1.3 Since Committee, it has come to light that the applicant does not own the vehicular access off Homefield (but have a right of way), and therefore, the applicant would not be able to reinstate the verge in front of the access. In other circumstances, whilst the access lies outside of the red line of the application site, the applicant would be able to carry out the works subject to the land being in the control of the County Council and any relevant consent/licences being obtained from the County Council. However, in this instance, Homefield is not adopted highway and falls under the ownership of Linden Homes.

1.4 The applicant has approach Linden Homes to see if they would give consent to reinstate the access. However, they were not interested in giving the applicant consent to reinstate the access, but would be interested to resolve the issue, should they successfully buy the land to build the development.

1.5 The Local Highway Authority has been consulted for their opinion on the matter. As Homefield is a private road, the Local Highway Authority cannot insist on the reinstatement of the verge. However, in the event that Homefield is promoted for adoption in the future, then highways will be able to request that the kerbing and surfacing works be undertaken as part of the terms for adoption. As the Local Highway Authority would not wish to see the promotion of two vehicular accesses to serve one property, the highway officer has recommended that a condition be imposed to prevent the use of the existing access and

would be content with some boundary treatment i.e. a hedge being constructed on the applicant's land.

1.6 The applicant has submitted a plan (drawing number: 1653-101b) to illustrate proposals for preventing use of the access. The proposals include the installation of a new hedgerow and planting trees on the application site, and removal of a section of tarmac.

1.7 Should Members accept the access being stopped in this form, there would be no significant highway safety issues, as there is currently no footpath running along both sides of the access (on the east side of Homefield). Until the landowner initiates the reinstatement of the verge or until Homefield is promoted for adoption, there will be some visual impact from the access remaining in situ. However, given the land ownership issues, it would be extremely difficult for the Council to insist on the reinstatement of the verge as part of this application.

2 Recommendation

2.1 Therefore, it is recommended that Condition 19 be worded as follows:

19. The existing vehicular access off Homefield shall be closed in accordance with the details shown on drawing number: 1653101B, received by the Local Planning Authority on 28 May 2012, unless otherwise agreed in writing by the Local Planning Authority. Full details of the planting proposals, shall be submitted to and approved in writing by the Local Planning Authority before commencement of development. All planting and other proposals for closure of the access shown on drawing number: 1653101B shall be implemented prior to the first occupation of Plot 3, unless otherwise agreed in writing by the Local Planning Authority.

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

APPENDIX 1: Report to Committee on 23 May 2012

The application has been brought to Development Control Committee, as it proposes more than one dwelling in a Restricted Infill Village (as defined in the 1996 Adopted Local Plan) and falls outside of the 2010 Scheme of Delegation.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to the completion of a legal agreement to secure S106 contributions being delegated to the Head of Planning Services, in consultation with Chairman and Ward Members, and subject to conditions. Should the legal agreement not be signed within 6 months of this committee resolution the application should be reported back to committee for further consideration.

2 The Proposal

2.1 The application proposes the construction of nine dwellings comprising of one 5 bedroom dwelling, two 4 bedroom dwellings, one 3 bedroom dwelling and five 2 bedroom dwellings, together with associated garages. A new access road is proposed off Woodnewton Road to serve the development.

3 The Site and Surroundings

3.1 The site is approximately 0.64 ha in area and forms part of the garden of 30 Woodnewton Road. Various outbuildings are positioned towards the northeast corner of the site and these are proposed for demolition as part of this application.

3.2 There are a number of trees on site, many of which, are subject to a Tree Preservation Order.

3.3 The site is adjacent to a new housing estate to the west, known as Homefield and is surrounded by other housing development to the north and along Woodnewton Road to the

east. The surrounding properties are of two and two and a half storeys in height, and are mainly detached houses with spacious gardens. The properties in Homefield are built from stone and the properties along Woodnewton Road are not uniform in design and there is no defined building line.

3.4 The existing property 30 Woodnewton Road benefits from a vehicular access off Woodnewton Road and has a secondary access served off Homefields.

3.5 The site is surrounded by open countryside to the south.

3.6 The site forms part of a strategic Sub-Regional Green Infrastructure Route (SRGIR) and there is an Local Wildlife Site opposite the site on the southern side.

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 6 – Infrastructure Delivery and Developer Contributions

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

Policy 8 – Housing Mix

Policy 15 – Open Space, Sport and Recreation

4.5 Supplementary Planning Guidance:

Planning Out Crime in Northamptonshire, Feb 2004

4.6 Supplementary Planning Document:

Open Space SPD, 2011

Design SPD, March 2009

Developer Contributions SPD, 2006

4.7 Other Documents:

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

5 Relevant Planning History

5.1 A similar application for nine dwellings was submitted under EN/11/00778/FUL and was withdrawn from the Development Control Committee agenda on 25.07.2011. Prior to the withdrawal of the application, the application was recommended for refusal on grounds that (1) the proposed housing mix would not meet the needs of Nassington, (2) the number of dwellings was artificially restricted in an attempt to ensure that the size of the scheme fell below the thresholds set out in the Developer Contributions SPD, (3) potential effect on wildlife, and (4) design.

6 Consultations and Representations

6.1 Neighbours: 5 Letters received from the occupants at 20 Homefield (objection), 8 Homefield (objection), 4 Homefield (objection), 3 Homefield (comments), and 28 Woodnewton Road (no objection). The reasons for objection and comments are summarised below:

- PPS3 refers to the classification of garden grabbing as Greenfield Development;
- Is the accessibility of Nassington sustainable for new housing developments?
- The submitted scheme is an improvement over the previous in terms of layout and appearance;
- All roofs shall be in slate and walls in stone;
- Loss of wildlife and habitats;
- Landscaping and boundary treatments should be included within this application and not conditioned;
- The tree survey does not give clarity on what is to remain and what is proposed to be felled;
- As much as the existing trees and vegetation should be retained as possible, with minimal reduction;
- Concerns about the distance between the northern facing first floor windows of Plot 4 and the northern boundary and the distance between the same windows and 20 Homefield;
- The road surface shall be laid with brick and not tarmac;
- All construction traffic is to be parked on site and not on the other local roads;
- The contractor car parking should be on site;
- A public footpath to be formed to connect the site with Woodnewton Road and Homefield;
- The access to 30 Woodnewton Road should remain;

6.2 Nassington Parish Council: The Parish Council was consulted on the proposals earlier in the year and supports the application. The Parish Council requests that consideration be given to the effect of the development on the onsite trees and that S106 contributions be provided towards the provision of a village sports pavilion and the resurfacing of Woodnewton Road

6.3 NCC Development Management: Request a contribution of £1,874 towards the improvement of Oundle Library; £828 towards Fire and Rescue; and £21,023 towards education. The requested education contribution would go towards the provision of an extension to Nassington Primary School.

6.4 NCC Highway Authority: No objection, subject to a 1.8 metre wide footway being introduced to aid the safe passage of pedestrian movement throughout the frontage of the site to Woodnewton Road and subject to conditions to ensure that the access drive is constructed to NCC standards and that the existing secondary access off Homefield is closed-off. Also, a condition is recommended to ensure that the developer puts in place a system to ensure that all operational vehicles arriving and leaving the site are appropriately sealed or covered to prevent material spillage, wind blow or odour nuisance.

6.5 Wildlife Trust: The scope and content of the submitted wildlife reports are considered to be acceptable and satisfactory. The Trust is content that there will be no detrimental effect on the Local Wildlife Site across the road to the south. However, they have concerns about the effect of the development on the activities and movement of local badgers and the strategic Green Infrastructure network (see Section 7.6 below).

6.6 ENC Housing Strategy: The housing mix complies with the policy requirements. The site area may trigger an affordable housing requirement, as it exceeds the Developer Contributions SPD threshold of 0.28 hectares and Housing Strategy would wish to see two of the two bedroom dwellings and the bungalow be allocated as affordable housing. This equates to 33% of affordable housing.

6.7 NCC 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.

6.8 Conservation Officer (Trees): No objection, but has concerns about the potential conflict between the trees and proposed development. This is mainly the overhanging of branches above proposed buildings and fence lines, and the proposed removal of some planting bunds along the north and western boundaries. However, the Officer has confirmed that these matters can be addressed by conditions.

6.9 ENC Waste Management: No objection, subject to conditions to require the submission of a Waste Management Plan and details to show the road constructed to adoptable standards, before commencement of development.

6.10 Northamptonshire Joint Planning Unit (JPU Design Advisor): Would support the design of the houses, but consider the layout to be too suburban and not reflective of the rural character. The advisor suggests that a street frontage be created to Homefield and that a more rural mews/courtyard layout be provided.

7 Evaluation

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

7.2 Principle of Development

7.2.1 Former Planning Policy Statement 3 (PPS3) on Housing has been superseded by the National Planning Policy Framework (NPPF). The NPPF (paragraph 53) seeks to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. However, it also advises that LPAs should seek to promote sustainable development in rural areas where it will enhance or maintain the vitality of rural communities (paragraph 55) and makes allowance for windfall development (paragraph 48).

7.2.2 Whilst it cannot be said that Nassington is served by good public transport and other local services, the application site lies within the existing village and therefore the location could be considered to be sustainable. Furthermore, given the desirability of using land efficiently and the characteristics of the area (surrounded by existing residential development), the proposal would be in accordance with the NPPF.

7.2.3 The proposal would be in accordance with the adopted North Northamptonshire Core Spatial Strategy (NNCSS); in particular, Policies 1, 9 and 10, which seek to direct development within existing village and town boundaries.

7.2.4 Nassington is identified in the adopted RNOTP as a Smaller Service Centre and the development opportunities include the re-use of previously developed land and windfall development. 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 overall mix of housing types and sizes meets local circumstances and the scale and siting of the dwellings accord with the character of the surrounding properties and are satisfactorily integrated into the surrounding area.

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

7.3 Housing Mix

7.3.1 The NPPF seeks to deliver a wide choice of high quality homes and advises that Local Planning Authorities (LPAs) should identify the size, type and tenure and range of housing that is required in particular locations, reflecting local demand (paragraph 50). In terms of local demand, Policy 8 of the RNOTP identifies that a mix which mainly includes 1 or 2 bedroom properties should be provided on smaller sites other than Thrapston. In accordance with this requirement, the development (55%) mainly comprise of 2 bedroom properties. Five 2 bedroom properties are proposed in total. In addition, a range of other house sizes are proposed (one 3 bedroom, two 4 bedroom and one 5 bedroom property). Therefore, the proposal would meet the aims of the NPPF.

7.4 Developer Contributions

7.4.1 Affordable Housing – The adopted Developer Contributions SPD sets a threshold for the provision of up to 40% of affordable housing on development proposals which involve 10 or more dwellings or sites which are 0.28 hectares or greater in area. Under normal circumstances a contribution towards affordable housing would be required from this development because the site area exceed the threshold set within the SPD. However, since the publication of the SPD, the Council adopted the RNOTP and Policy 13 of the RNOTP states that up to 40% of affordable housing would be sought for development involving 10 or more dwellings. As the RNOTP takes precedence over the Developer Contributions SPD, it would not be possible to request for affordable housing provision as the development is for less than 10 dwellings.

7.4.2 The Housing Strategy Officer is disappointed that affordable housing provision cannot be provided by this development. However, in comparison with the previous scheme which proposed two 3-bed dwellings and seven 4-bed dwellings, she is generally content with the submitted scheme which provides an improved mix of smaller two bedroom properties where these would generally be more affordable.

7.4.3 In the previous application EN/11/00778/FUL, concerns were raised that the number of dwellings was artificially restricted in an attempt to ensure that the size of the scheme falls below the thresholds set out in the Developer Contributions SPD. However, in the current application, the submitted layout demonstrates that the protected trees act as a constraint for the inclusion of more dwellings on the site and it would appear difficult to include any more dwellings around the proposed estate road. Therefore, the submitted layout would overcome the previous concerns.

7.4.4 Education – As the application site is above 0.28 hectares in area, the Council, in collaboration with NCC, would need to assess the need for education contributions in line with the Developer Contributions SPD. Nassington is served mainly by three schools; Nassington Lower School, Oundle and Kings Cliffe Middle School, and Prince William School. NCC has confirmed that there is no requirement for a contribution towards middle and upper school places. However, primary school contributions would be needed as the Nassington Lower School is at capacity and Nassington is relatively far away from the next nearest county school. NCC has requested a total contribution of £21,023 towards the payment for the recent extension to the school and towards other future expansions. This payment is calculated using the following calculations:

£364 per 2 bedroom unit

£2,493 per 3 bedroom unit

£5,570 per 4 bedroom unit

7.4.5 Libraries – NCC request a contribution of £1,874 towards the improvement of Oundle Library. However, for development involving less than 10 dwellings, there is no requirement in the SPD for library contributions.

7.4.6 Community Facilities – The Parish Council was consulted to see if they would be seeking any contributions towards community facilities and it has confirmed that it would be seeking contributions towards the provision of a village sports pavilion. As this is a facility to be provided in one of the local sport and recreation fields, it would be covered under the open space contributions (see below).

7.4.7 Open Space – Policy 15 of the RNOTP and Developer Contributions SPD requires open space contributions for development involving 15 or more dwellings or sites measuring 0.42 hectares or more in area. As the site area exceeds 0.42 hectares, there is a requirement for open space contributions. For a development of nine dwellings, the provision of an open space area on site, in the form of an equipped area (LEAP or LAP), would seem inappropriate and would be difficult to insist upon. Also, the provision of an informal open space area within the development would seem impractical and is likely to create maintenance issues. Therefore, it would seem more appropriate and practical to have the front gardens of the properties maintained by the property owners and to have a payment made off-site. The standard off-site payment set by the SPD is £1,700 per residential unit and a development of nine dwellings would generate an open space contribution of £15,300.

7.4.8 Fire and Rescue – Whilst NCC request £828 towards fire and rescue, there is no requirement within the Development Contributions SPD for a contribution to be made towards this, and it would be extremely difficult to demonstrate the need given the development is only for nine dwellings. However, Northamptonshire Fire and Rescue has been consulted to see if a fire hydrant would be required to serve the development and their comments will be added to the committee update sheet.

7.4.9 Transport and Highways – The Parish Council has requested that highway improvement works be carried out along Woodnewton Road and that these works should include the resurfacing of the road. The Local Highway Authority has been consulted on this matter and has responded as follows: “The issue with regard to surfacing Woodnewton Road is a long term maintenance issue, where remedial works have been either undertaken in the interim period by NCC whilst awaiting for the programmed works for the larger sections. We would be unable to request complete resurfacing of Woodnewton Road within the scope of the promoted development.” The Highway Officer has requested that off-site accommodation works be carried out along Woodnewton Road so that a footway to connect the proposed development with Homefield to the west would be provided. However, this matter could be dealt with by conditions. The Local Highway Authority has confirmed that they would not be seeking any other highway contributions from this development.

7.4.10 Therefore, should members be minded to grant planning permission for the proposal, it is recommended that contributions towards education and open space be secured through a S106 agreement.

7.5 Visual Impact

7.5.1 The density of the proposed development is 14 dwellings per hectare. In comparison with the density of 30 dwellings per hectare recommended by former PPS3, the proposal is relatively low in density. Given the fact that the surrounding residential developments are also of low density (approximately 9 dwellings per hectare for Homefield to the west and 6 dwellings per hectare along Woodnewton Road to the east), the density proposed for the development would be comparable to that of the surrounding area.

7.5.2 The design principles applied to this proposal include the creation of a residential road off Woodnewton Road to serve the dwellings and have detached dwellings, with spacious landscaped gardens, arranged around ‘a cul de sac’. The dwellings within the development would each have a frontage to the new residential road. Whilst the dwellings immediately

adjacent to Woodnewton Road, do not, themselves, have a frontage to Woodnewton Road, they are designed with active frontages on the side. Furthermore, the submitted street scene illustrations show that the dwellings set back within the development would be visible from the main road, and therefore, the development would still present an active frontage to Woodnewton Road.

7.5.3 The comment made by some local residents about the use of alternative materials for the construction of the access road, instead of tarmac, has been noted. Details of hard surfacing for the access road and individual driveways to serve the dwellings could be dealt with by condition, in consultation with the Local Highway Authority.

7.5.4 The submitted Design and Access statement indicates that stone would be used for the construction of the walls of the dwellings and artificial slate for the roofs. The use of stone and slate would generally be in-keeping with the materials used for the properties in Homefield to the west. However, in order to ensure that quality materials are used which would not detract from the character of the surrounding area, a condition is recommended to require full details and a sample of the external materials be submitted for approval before commencement of development.

7.5.5 The application proposes to retain the existing front hedge and trees along Woodnewton Road which are not required for the access and the trees along the west boundary. A number of trees within the site are proposed for removal to make way for the dwellings and rear gardens. These include parkland nature trees which are not suitable for the gardens of the future properties. The use of appropriate landscaping for the gardens of the proposed dwellings would be crucial for the scheme and the street scene, and therefore, conditions requiring the submission of landscape details before commencement of development is recommended.

7.5.6 The JPU Design Officer supports the design of the houses, but recommends that a street frontage be created to Homefield and that a more rural mews/courtyard layout be provided. The protected trees along the western boundary of the site would be a constraint to creating a street frontage to Homefield. Whilst a more rural mews/courtyard layout may be appropriate for this location, the Council has to consider the application based on the submitted layout. In your officer's opinion, the submitted layout would compliment the recent residential development at Homefields and providing suitable landscaping is provided, the scheme would carry forward some of the existing rural/parkland characteristics of the site and would relate well with the surrounding area.

7.6 Wildlife and Green Infrastructure

7.6.1 The application is accompanied by an 'Ecological Scoping Survey' and a 'Reptile Survey'. These reports have been assessed by the Wildlife Trust and their scope and content are found to be generally acceptable and satisfactory. The likelihood of reptiles or protected species to be effected by this development is considered to be low, as the submitted wildlife reports confirm that there were no evidence of reptiles or bats found during the survey.

7.6.2 As the site lies within a strategic Sub-Regional Green Infrastructure Route (SRGIR), the Trust has concerns that the proposal would harm the SRGIR. Policy 5 of the NNCS states that "Sub-Regional Green Infrastructure Corridors will connect locations of natural and historic heritage, green space, biodiversity or environmental interest. They will be safeguarded through not permitting development that compromise their integrity and therefore that of the overall green infrastructure framework". The Trust would expect to see links provided from any existing wildlife habitat within the site to the wider strategic Green Infrastructure route to create more sustainable ecosystems, and advise that: "landscaping and ecological mitigation are only of worth to wildlife if properly managed. Therefore, this application should be considering the long-term management of all green spaces. Please note that there may be an opportunity for any soft landscaping to incorporate native species, of trees and shrubs, for example, in order to provide food sources and habitat for native species of birds and animals."

7.6.3 The Wildlife Trusts concerns about the effect of the development on the SRGIR are noted. Whilst the site forms part of the SRGIR, it is a small pocket of land surrounded by existing residential development on the north, east and western sides. Paragraph 118 of the NPPF advises that if significant harm resulting from development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused. However, in the case of this proposal, it would be possible to maintain a wildlife corridor link along the north and western boundaries and incorporate native landscaping within the development. The retention of the trees along the western boundary of the site and the landscaping within the site would furthermore help to maintain the site's vegetated character. On balance, these measures would help to provide links from existing habitats on the site to the wider Green Infrastructure route, and conditions are recommended.

7.6.4 Therefore, on this occasion, the effect of the proposal on the Green Infrastructure route, would be insufficient to justify a refusal of planning permission.

7.6.5 The Wildlife Trust has also expressed concerns about the effect of the development on the activities and movement of local badgers and recommends a condition to require that temporary measures be put in place to ensure the welfare of the animals during the construction phase of the development. This condition is also recommended.

7.7 Impact on Trees

7.7.1 The site is densely planted with a broad range of trees and shrubs, of which, the majority are located around the edges of the site and there are a few groups located in the centre. A Tree Preservation Order (TPO) (Order number 263) was made in 2010 to initially cover all of the site and, following a later assessment, was amended to cover 12 individual trees and 9 small group of trees.

7.7.2 The application is accompanied by a Tree Survey, Arboricultural Report, Tree Constraints Plan and a Tree Protection Plan. These reports have been considered by the Conservation Officer. The Officer has no objection to the principle of the site being developed for residential development, as the submitted layout incorporates the retention of the majority of the TPO trees, with the exception of T3 (Hawthorn), T8 (Cedar), T7 (Pine), T10 (Cedar) and T6 (Hawthorn). However, there appears to be discrepancies between the trees proposed for removal in the submitted Tree Survey and those shown on the proposed plans. Therefore, a condition is recommended to require that no trees shall be removed or trimmed-back until a Tree Survey and tree protection details have been submitted and approved in writing by the Local Planning Authority. The purpose of this survey is to clearly identify the trees proposed for removal and those which would be retained, together with details of the proposed protection details.

7.7.3 The Conservation Officer has raised concerns about the potential conflict between some of the plots and the trees to be retained, and that the gardens of Plots 1 to 6 would be in shade for the main part of the day, "in some situations, trees with limited ground clearance are shown to overhang the road and conflict with the proposed property boundaries and fence lines". In recognition that it may be appropriate for some of the existing trees to be trimmed-back and the boundary lines shown on the submitted drawings may not represent the exact fence line proposed for the properties, these concerns can be addressed by requiring the submission of details of all proposed tree works and that details of the exact location of the boundary treatments be submitted for approval before commencement of development.

7.7.4 The submitted site sections indicate that new site levels would be created through the removal of the planting bunds throughout the northern and western parts of the site. Whilst the Conservation Officer has no objection to this, she has concerns that this may impact on some of the root protection areas for the retained trees. Therefore, a condition is recommended to clarify that the permission does not confer consent to the removal of the planting bunds and that full earthwork/level details and tree protection details, would need to

be submitted together for consideration before commencement of development.

7.7.5 Finally, the Conservation Officer has recommended a condition to require the submission of a comprehensive landscaping plan for the site. The submitted layout plan indicates that the majority of the trees along the northern and western boundaries of the site would be retained and some of the trees located within the centre of the site would be retained for the front garden of the proposed dwellings. The submission of a landscaping scheme would help to ensure that appropriate levels and species of planting would be retained and provided for the development, would contribute towards ecological enhancement and help assimilate the development in with the surrounding area.

7.8 Highway Impact

7.8.1 The highway impact of this proposal has been assessed by the Highway Authority. The Highway Authority does not object to the proposed new access road, providing the access road is constructed to Northamptonshire County Council (NCC) standards and providing a 1.8 metre wide footway is constructed to link the site with Woodnewton Road and Homefield, to aid the safe passage of pedestrian movement along the frontage of the site. Also, conditions are recommended to ensure that the existing secondary access off Homefield is closed-off and that the developer puts in place a system to ensure that all operational vehicles arriving and leaving the site are appropriately sealed or covered to prevent material spillage, wind blow or odour nuisance. In the interest of maintaining highway safety, these conditions are recommended.

7.8.2 Policy 6 of the RNOTP states that an average maximum residential parking standard of two spaces per dwelling will apply for the plan area. In accordance with the requirement of this policy, there would be room for parking of at least two vehicles within the curtilage of each proposed dwelling. There is room for parking along the driveways and within the proposed garages.

7.8.3 The existing property 30 Woodnewton Road would continue to be accessed off Woodnewton Road and retain adequate off-road parking.

7.8.4 A number of residents have requested that contractor parking be provided on site and this can be conditioned. A condition is recommended to require details of the location of the contractor parking, during the different phases of the development, be provided before commencement of development

7.8.5 Overall, subject to the recommended conditions, there would be no significant highway issues from this proposal.

7.9 Impact on Neighbours

7.9.1 The agent has provided a plan to show the distance of the proposed dwelling with the existing properties at Homefield (drawing number: 1653-104A).

7.9.2 The proposed dwellings would be positioned away from the existing dwellings at Homefield on the northern side (numbers: 18, 19 and 20) at distances of approximately 16 metres at the closest point and 25 metres at the furthest point. With the exception of Plot 4, which would be positioned 16 metres away from 19 Homefield, all of the other dwellings would be positioned over 20 metres away. At a distance of 20 metres there would normally be no significant overbearing or overlooking on neighbouring properties.

7.9.3 Whilst Plot 4 would be positioned 16 metres away from 19 Homefield, there would be no undue overbearing or overlooking impact on the neighbouring property. This is because the closest part of Plot 4 to 19 Homefield would be a single-storey garage and the two storey part of Plot 4 would be positioned 24 metres, and at an oblique angle, away from the neighbouring property.

7.9.4 The proposed dwellings would be positioned over 20 metres away from 20 Homefield and at least 33 away from the other properties at Homefield on the west side. Again, there would be no undue overbearing or overlooking impact due to this distance.

7.9.5 There would be no significant overbearing or overlooking on the existing property 30 Woodnewton Road, as the proposed dwellings would be positioned 20 metres away from this property.

7.9.6 Plot 9 would be positioned against the eastern boundary to 28 Woodnewton Road. Despite the length of the proposed building, there would be no overshadowing on the neighbouring garden, as Plot 9 is a bungalow.

7.9.7 Adequate tree retention and suitable boundary screening provision along the north, west and eastern boundaries of the site, would help to preserve the residential amenity of the existing occupiers of the surrounding properties as well as the future occupiers of the proposed dwellings.

7.9.8 Overall, the effect on neighbouring amenities is insufficient to justify a refusal of planning permission on this application.

7.10 Archaeology

7.10.1 The County Archaeologist advises that there is potential for archaeological interest to survive on the application site, as crop marks were recorded to the north west of the site, where these are thought to be a prehistoric boundary. Also, Roman pottery was found to the west of the site and a number of Saxon or Medieval features were recorded on the east side in 1988. Therefore, there is potential for archaeological interest to survive on the application site and 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.

7.11 Sustainable Construction and Energy Efficiency

7.11.1 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 Statement. According to this statement, the proposed dwellings would be built to at least Code Level 3 of the Code of Sustainable Homes and include the following measures:

- High thermal efficiency;
- High efficiency condensing boilers;
- Low energy lighting;
- Aerated taps, low flow rate showers and dual flushing WCs;
- Materials from existing buildings proposed to be demolished will be reused;
- Recycling and waste storage;
- Compost bins;

7.11.2 At Code Level 3, the development would meet the requirements of Policy 14, and a condition is recommended to ensure that the development is carried out in accordance with the submitted statement.

8 Other issues

8.1 Withdrawal of Permitted Development Rights – Due to the proximity of some of the plots to the neighbouring properties on the northern boundary and relationship of the gardens of the proposed dwellings with the protected trees, it is recommended that permitted development rights (in respect of extensions and outbuildings) be removed from the properties. This is in the interest of the residential amenity of the neighbouring properties and in the interest of safeguarding the protected trees.

8.2 Recycling and Refuse Storage – No separate storage areas are proposed. However, there would be sufficient room for storage within the front and rear gardens of the proposed dwellings.

8.3 Waste Management Plan - To ensure that waste from demolition of the existing buildings and construction of the development is effectively managed, a condition is recommended to require the submission of a Waste Management Plan, in accordance with the recommendations of the Waste Officer.

8.4 Crime and Disorder – This proposal does not raise any significant issues. Providing the windows and doors of the dwellings are constructed to secure standards and subject to the provision of suitable boundary treatment, this would help to ensure that the dwellings would be secure.

8.5 Drainage - As in any other development, it is the developer's responsibility to ensure adequate drainage and sewerage systems are put into place. However, in the interest of residential amenity and to safeguard public health, a condition to require the submission of drainage details to the Local Planning Authority before commencement of development is recommended.

9 Recommendation

9.1 That planning permission be GRANTED subject to the completion of a legal agreement to secure S106 contributions being delegated to the Head of Planning Services, in consultation with Chairman and Ward Members, and subject to the following conditions. Should this agreement not be signed within 6 months of this committee resolution the application should be reported back to committee at this point for further consideration.

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. In accordance with the submitted details, the external walls of the dwellings hereby permitted shall be constructed in stone, unless otherwise agreed in writing by the Local Planning Authority. Prior to commencement of development, details and a sample of the stone to be used in the construction of the dwellings 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 and to ensure that the development would not detract from the character and appearance of the area.

3. Notwithstanding the submitted details and prior to commencement of the development hereby permitted, details and a sample of the external roofing material to be used for the construction of the dwellings 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 and to ensure that the development would not detract from the character and appearance of the area.

4. Details of the materials, colour and finish details of the window and doors, including details to ensure their security, shall be submitted to and approved in writing by the Local Planning Authority before 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: To ensure that the development would not detract from the character and appearance of the area and 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.

5. This permission does not confer consent to the garden boundaries shown on drawing number: 1653-101A, received by the Local Planning Authority on 28 February 2012. Prior to the commencement of the development hereby permitted, details of the boundary treatment to all boundaries of the site and gardens of the individual properties, 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. The submitted boundary treatment shall take into account the retention of a wildlife corridor along the northern and western boundaries of the site and the on-site trees. The boundary screening shall then be provided in accordance with the details so approved prior to the first occupation of the dwelling(s) and shall thereafter be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate standards of privacy for neighbours and occupiers, to safeguard the amenity of the area and in the interest of maintaining Green Infrastructure and ecological enhancement in accordance with the NPPF.

6. Details of a scheme to ensure the welfare of wildlife during the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority before commencement of development. The scheme shall thereafter be carried out in accordance with the details so approved.

Reason: To ensure wildlife would not be adversely effected by the development.

7. Notwithstanding the submitted details, no works to trees and other vegetation, including pruning, trimming or lopping, shall take place until a Tree Survey and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clearly identify the trees proposed for removal and retention, and the Tree Protection Plan shall detail the protection measures for the retained trees. The submitted details shall be consistent with the landscaping scheme submitted for condition 9 below. All works shall be carried out in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of tree protection and to avoid detriment to the visual amenity of the area.

8. Notwithstanding the submitted details, no trees or vegetation shall be removed or trimmed-back, until a schedule of all proposed tree works, including details of pruning, trimming and lopping, has been submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be carried out in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of tree protection, to avoid detriment to the visual amenity of the area and in the interest of the residential amenity of the future occupiers.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive scheme of landscaping for the site, which shall be implemented strictly in accordance with the approved details in the first planting season following the occupation of the development. The submitted landscaping scheme shall include the use of native species.

Reason: To ensure a reasonable standard of development to avoid detriment to the visual amenity of the area and in the interest of ecological enhancement in accordance

with the NPPF.

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

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

11. Notwithstanding the submitted details, this permission does not confer consent to the removal of the planting bunds along the northern and western boundaries of the site as shown on the submitted site sections. No development shall commence until, full details of the proposed earthworks, including existing and proposed slab level changes and tree protection details, has been submitted to and approved in writing by the Local Planning Authority. The tree retention measures and the site levels shall thereafter be carried out in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of tree protection and to avoid detriment to the visual amenity of the area.

12. Notwithstanding the submitted details, including site sections, no development shall commence until details to show 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 30 Woodnewton Road and the existing garden and building levels of numbers 18, 19 and 20 Homefield) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

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

13. 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.

14. The development shall be carried out in accordance with the Sustainability Appraisal and Energy Statement, received by the Local Planning Authority on 31 January 2012, unless otherwise agreed in writing by the Local Planning Authority.

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

15. 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 of 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 Policy 14 of the adopted North Northamptonshire Core Spatial Strategy and the Site Waste Management Plans Regulations 2008.

16. Details of the location of the parking area for construction and delivery vehicles and compound areas shall be submitted to and approved in writing by the Local Planning Authority before commencement of development. The parking and compound areas shall thereafter be provided and be brought in to use in accordance with the details so approved.

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

17. No development shall commence until a scheme of off-site highway improvements to include the provision of 1.8 metres wide footway along the front boundary of the site to Woodnewton Road and with Homefield has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until all of the off-site highway improvement works have been carried out and written confirmation has been provided by the Local Planning Authority that these works are acceptable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity, highway safety, pedestrian safety and convenience of the users of the public highway.

18. Notwithstanding the submitted details and prior to commencement of the development hereby permitted, the following access details shall be submitted to and approved in writing by the Local Planning Authority:-

1. Details of the hard surface materials throughout the estate street.
2. Means of drainage throughout the estate street and measures to prevent the unregulated discharge of surface water onto the estate street from the residential plots.
3. Maximum gradient of 1 in 15 from the highway boundary in the positive or negative direction to all private driveways.
4. Pedestrian splays of at least 2.4m x 2.4m shall be provided on each side of the vehicular access. These measurements are taken along and to the rear of the highway boundary within the curtilage of the site. The areas of land forward of these splays shall be reduced to and maintained at a height not exceeding 0.6m above carriageway level.
5. Design details to the proposed access point, with a minimum width of 4.5m for at least 10.0m to the rear of the promoted estate street.
6. Street lighting arrangements.

The subsequent submitted details shall illustrate a residential estate street which is to the Local Highway Authority's adoptable standard. The hard surfacing shall be completed in accordance with the approved details in accordance with a timetable to be agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be constructed strictly in accordance with the details so approved and the approved visibility splays shall be retained thereafter.

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

19. Details of the closure of the existing vehicular access on Homefield, including construction 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory elevational appearance for the development and in the interest of highway safety.

20. 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 to that Order without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of adjacent occupiers, on-site trees and to ensure a satisfactory elevational appearance for the development.

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

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

22. The development hereby permitted shall be carried out strictly in accordance with the approved plans; plans received by the Local Planning Authority on 28 February 2012: 1653-101A, 1653-104A; plans received on 1 February 2012: drawing numbers: 1653-110A, 1653-109A, 1653-117A, 1653-120A; and plans received on 26 January 2012: 1653-112, 1653-111, 1653-114, 1653-113, 1653-118, 1653-115, 1653-116, 1653-119, 1653-122, 1653-121, 1653-125, 1653-124, 1653-123, 1653-103.

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

23. No development shall commence until, a scheme to show the provision of a wildlife corridor along the northern and western boundaries of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details so approved, prior to the first occupation of the dwellings, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of protection of wildlife and to secure green infrastructure in accordance with the NPPF and Policy 5 of the North Northamptonshire Core Spatial Strategy.

Informatives

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

Information received by the Local Planning Authority on 26 January 2012: application form; drawing numbers: 1653-105, 1653-106; and Design and Access Statement.

Information received by the Local Planning Authority on 31 January 2012: Reptile Survey; Ecological Scoping Survey; and Sustainability Appraisal and Energy Statement; and Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement, received on 1 February 2012.

2. In approving this application, the relevant planning guidance and policies were identified as the National Planning Policy Framework (NPPF); Policies 1, 2, 3, 27, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 5, 6, 7, 9, 10, 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Policies 1, 2, 6, 8, 15 of the Rural North, Oundle and Thrapston Plan 2011; Design SPD 2009; Developer Contributions SPD 2006; Open Space SPD 2011; Planning Out Crime in Northamptonshire 2004; 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; housing mix; developer contributions; visual impact; impact on wildlife and green infrastructure; impact on trees; highway impact; impact on neighbouring amenities; archaeology; sustainable construction; drainage; and crime and disorder.

The application has been approved as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national planning policies.

2. The proposed housing mix is acceptable.

3. An acceptable level of developer contributions would be provided.

4. The proposal would not harm visual amenity or the character and appearance of the

area.

5. The proposal would have no significant impact on wildlife or green infrastructure.
6. The proposal would not result in an unacceptable loss or harm to trees.
7. The proposal would not have an unacceptable impact on the local highway.
8. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
9. The proposal is unlikely to have an adverse effect on archaeology or any other heritage asset.
10. The proposal meets the sustainable construction and energy efficiency standards.
11. Waste and recycling storage can be reasonably provided for the dwellings.
12. The proposal would not have a significant impact on drainage.
13. The proposal would have no significant crime and disorder issues.

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

3. Please note that an application to discharge the above conditions may be required. Please ensure that you allow sufficient time for your application to be determined prior to implementing your permission. An approximate timescale of 8 weeks is required. For full details please visit <http://www.east-northamptonshire.gov.uk/conditions>
4. The applicant is advised that this consent does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required relating to protected species.
5. The applicant is advised that works within the existing public highway and Public Rights of Way may not commence without the written permission of the Local Highway Authority and this planning permission does not give or infer such permission.

Committee Report

Committee Date : 25 July 2012

Printed: 11 July 2012

Case Officer **Carolyn Tait**

12/00277/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
16 February 2012	23 April 2012	18 June 2012	Kings Forest	Kings Cliffe

Applicant **Mrs Hilary Blunt**

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

Location **50 Bridge Street Kings Cliffe Peterborough Northamptonshire PE8 6XH**

Proposal **Change of use to builders yard (retrospective)**

This application is brought before Development Control Committee because it determined the previous application 11/00628/LDE.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes the change of use of agricultural land to a builders yard (Sui Generis). A change of use of the existing outbuildings from livery to builders yard is also proposed. The applicant has stated that this is a retrospective change of use application.

2.2 Whilst some small scale activity may have been ongoing at the time of this application, a recent application for a certificate of lawfulness 11/00628/LDE was partially withdrawn as insufficient evidence was provided to support a ten year use of the site as a builders yard (the use as a livery was granted a certificate of lawfulness). Therefore this current application has been submitted to seek planning permission for the unlawful use which is being carried out at the site.

2.3 The application details show an improved vehicular access, a sheltered storage area with a floor area of 50 square metres, and unloading trailer area and a storage/works area plus four car parking spaces.

2.4 The application details state that the expected work on site is:

- Storage of materials including scaffolding, cement mixers, trailers, sand, cement and sundry accessories for business.
- Getting materials ready for projects – e.g. painting windows and minor stone and joinery work cut on site.

3 The Site and Surroundings

3.1 The application site lies on the south eastern side of Kings Cliffe and is located within the open countryside as identified in the Rural North Oundle and Thrapston Plan.

3.2 There are residential properties located to the north of the site, paddocks to the east and south and a cemetery to the west.

3.3 The site is accessed by a private drive which serves a residential property at No.50 Bridge Street. There is an existing stable block within the site which is in a horse shoe shape. To the south west of the stables is the application site which currently accommodates two outbuildings. These outbuildings were granted a certificate of lawful use under reference 11/00628/LDE to be used in association with the livery. A change of use of these buildings is proposed as part of this application.

3.4 The proposed access alterations are not retrospective.

4 Policy Considerations

4.1 National Planning Policy Framework

4.2 East Midlands Regional Plan

Policy 3 – Distribution of New Development

Policy 18 – Regional Priorities for the Economy

Policy 20 – Regional Priorities for Employment Land

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 Principles

Policy 14 – Energy Efficiency and Sustainable Construction

4.4 Rural North Oundle and Thrapston Plan

Policy 23 – Rural Buildings – General Approach

4.5 Other documents

Local Highway Authority Standing Advice for Local Planning Authorities

Planning Out Crime SPG

5 Relevant Planning History

5.1 88/01138/OUT One detached house. REFUSED.

5.2 89/00310/OUT One dwelling, garage and livery stables. PERMITTED.

5.3 90/00886/FUL Dwellinghouse with associated livery stables. PERMITTED.

5.4 91/00273/FUL One dwellinghouse and livery stables. PERMITTED.

5.5 92/00305/RTN Continuation of use for livery stables. PERMITTED.

5.6 00/00902/MPO Modification of planning agreement to allow unrestricted occupancy of dwelling (dwellinghouse and livery stables 91/00273/FUL). PERMITTED.

5.7 02/00362/FUL Single storey dwellinghouse to replace stable complex. REFUSED.

5.8 11/00628/LDE Use as existing commercial livery and stables (south west of the bungalow). PERMITTED.

6 Consultations and Representations

6.1 Neighbours: Comments received from No's 48 and 50A Bridge Street can be summarised as:

Noise

- The submitted noise assessment by Anglia Consultants contains some inaccuracies and omissions.
- The document states that the builders yard has been operating for years without complaint. This is not true. The occupiers of No.50A state that they have submitted complaints to the Council and directly to the applicants. The noise that was complained about does not relate to the use of the livery.
- The lack of complaints is probably due to the fact that the houses were built approximately 6 years ago.
- The proposal is only 12 metres away from the Kings Cliffe graveyard. A builders yard should not be allowed so close to a graveyard where burials would be disturbed by noise from the site.
- The applicants objected to the adjacent dwellings being constructed on the grounds of noise and how this would impact upon the horses. They are now putting in an application for a builders yard immediately adjacent to the livery.

- Noise from the builders yard would cause distress to horses in the adjacent stables.
- The application makes no mention that this is a quiet rural area on the edge of a well kept village. The proposed builders yard, with it's associated noise, mess and visual impact, would sit just outside the defined village boundary in the countryside.
- A builders yard would cause considerable disruption and noise and disruption both during the day and also during unsociable hours including early mornings, evenings and weekends.
- The Environmental Protection Officer's report states that all stone cutting will take place inside buildings yet the plan shows no building in which stone cutting can take place. Stone cutting is a noisy procedure and the Environmental Protection Officer's comments are based on stone cutting taking place indoors and that no noise objections have been received from neighbours. This is incorrect.

Visual impact

- The area lies within the Special Landscape Area as identified in the East Northamptonshire Council Plan and should be protected from development that would have an adverse effect on the character of the open countryside.
- A builders yard would be out of keeping with the residential area in which it is located. This is not a commercial area of the village. It is in a prominent position on entry into the village which would detract from the village impact and visual amenity.
 - The storage of plant will be unsightly and create a loss of view.

Use as a builders yard

- Two photographs have been submitted; one taken on 23 July 2011 and 10 July 2005. Neither photo shows any building use taking place.
- The employees of the applicant are not employed in the area they are applying to use as a builders yard.
- If there is a need for a builders yard in this location why have the applicants previously applied and appealed to build a bungalow on the site?
- The application map shows that the builders yard is well outside the limits of the original planning permission for the livery yard. This area has never been used as a builders yard.
- Various pallets of building material were delivered for the purposes of the Lawful

Development certificate back in February 2012, no further activity has been observed on the site which is adjacent a garden. No extra building material, no work or no stone cutting has been observed at the site.

Other issues

- This site has a long history of ignoring planning regulations and then getting retrospective planning permission. When is this going to stop?
- There is likely to be a significant increase in traffic to the site of large lorries, which will not only be unsightly but also dangerous within the 30mph speed limit zone, and also in close proximity to where children are living.
- The proposal shows the amount of extra land that is proposed for this application. This land has never been used as part of the livery stables, let alone any builders yard.

There are various other comments that relate to the application for the lawful development certificate that are not relevant to the determination of this application. These include:

- The aerial photograph taken in 1993 shows building materials which were associated with the building of the stable block and not associated with the use of the site as a builders yard.
- On the 2009 photograph a caravan and horsebox can be seen occupying a part of the site. Various articles can be seen. A 2007 photograph submitted by the neighbour shows that builders rubble was not there in 2007.
- A number of receipts are provided relating to the livery but the only receipts relating to the builders yard are for yard rental. None of these receipts relate to building activity just the yard rental.
- What would stop the whole area being used as a builders yard if the lawful development certificate were issued?

6.2 Parish Council: No objection.

6.3 Local Highway Authority: No objection in principle to the proposal. If minded to give permission then conditions should be attached to ensure that the access is carried out in accordance with the submitted access drawing. A condition is also recommended for a surface water drainage system.

6.4 Northamptonshire Police: No objection or comments to make.

6.5 Environmental Protection: The applicant has submitted some information with regards to noise but this has been largely disregarded by the Environmental Protection Officer. Any resultant increase in traffic movements, which are quite small, would have a negligible impact on the local noise environment. Again they are only indicating that there will be the odd delivery of goods to the yard each week and this is not considered significant. The applicant is proposing to cut stone on site which can give rise to noise. Details in the application were limited so further information was sought from the applicant. The stone cutter is a hand held piece of equipment not a large scale industrial stone cutter. It will be used for a maximum of one hour in any working day.

Consider that noise from stone cutting should not have a significant impact on neighbours, especially as it is a retrospective application (no substantial complaints have been received), the applicant has agreed they will only cut stone inside buildings. Therefore there is no objection on the grounds of noise, but request that a condition requiring all stone cutting to take place indoors.

6.6 Council's Senior Planning Policy Officer: The settlement of Kings Cliffe is allocated as a local service centre through the adopted plan which as such is promoted as a secondary focus for development in the rural north east. The barns also already have a lawful development certificate and the scheme would appear to represent a change of use of these and associated land adjoining an existing settlement; which it is felt is in conformity with local

plan policy 23 and the adopted core Spatial Strategy Policy 11. Therefore on balance the scheme does not represent a direct conflict with planning policy.

6.7 Site notice posted: 3 May 2012 on the gate at the entrance to the site.

7 Evaluation

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

7.2 Principle of development

7.2.1 The application site is located adjacent to the settlement boundary of Kings Cliffe and is therefore located within the open countryside.

7.2.2 The National Planning Policy Framework states that significant weight should be placed on the need to support economic growth through the planning system. It also states that plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. This proposal involves the re-use of two existing hay barns and as such would comply with guidance contained in the National Planning Policy Framework.

7.2.3 The North Northamptonshire Core Spatial Strategy promotes Kings Cliffe as a local service centre. Policy 11 states that within rural areas, new employment development will be directed to the rural and local service centres. It goes on to state that within rural areas conversion of existing buildings for employment will be encouraged in locations within and adjoining settlements. The proposal is therefore in general conformity with the North Northamptonshire Core Spatial Strategy.

7.2.4 The Rural North Oundle and Thrapston Plan states that certain types of activity will be appropriate in the open countryside. These relate to proposals that can positively help to support the diversification or development of the rural economy and the relative sustainability of the communities that live in these areas. Policy 23 of the Rural North Oundle and Thrapston Plan also allows the reuse of buildings in the countryside for employment generating uses where the location or building is appropriate for such a use and according to certain criteria. These criteria include:

- The character of any buildings of historic or visual interest is preserved;
- Schemes are limited to situations where buildings are substantially in tact; and
- Conditions are imposed withdrawing permitted development rights to prevent future extensions where these would result in an adverse impact on the character of the surrounding area.

Therefore, in principle, the proposed development would be acceptable and complies with all relevant planning policies. However, this is subject to the below material planning considerations being satisfactorily addressed.

7.2.5 Neighbours have submitted two photographs taken in 2005 and June 2011 showing that the site was not being used as a builders yard. One of the photos is seven years old and the other just over a year. Building activities have been taking place on site since the previous application for a lawful development certificate for a builders yard was withdrawn. This was witnessed at a recent site visit. Therefore the description as a retrospective application is an accurate one. Neighbours have also commented that the applicant has a history of applying for retrospective planning permission. However, there is nothing in the Regulations which state that retrospective permission can not be applied for. No weight can be given to the retrospective nature of the application.

7.2.6 Neighbours have also commented that employees are not employed in this area. It is not clear what the neighbour means by this comment but it is assumed that he is referring to employees not working within the actual builders yard rather than being local residents which are employed by the applicant. Regardless of the comments received, the applicant has stated in his application that there are currently no employees. The supporting documents

state that the site will offer jobs in the building trade to the local area.

7.3 Visual impact

7.3.1 The proposed builders yard would be adjacent to the settlement of Kings Cliffe and would therefore have some association with the built form of the village.

7.3.2 The proposal would utilise some existing hay barns as a sheltered storage area. These buildings have permission (11/00628/LDE) and therefore it would be unreasonable to say that these have an unacceptable visual impact as they are lawful development. They would go some way to screening building materials from the surrounding area and therefore reducing the visual impact of the proposal.

7.3.3 The submitted drawings show that some external storage would take place. The drawings also show that vehicles would be parked in the four proposed parking spaces. Some existing vegetation would go towards screening any materials, in this external area, from the surrounding open countryside and the neighbouring property's private amenity space.

7.3.4 A condition is recommended for a landscaping scheme to be agreed to ensure that the proposal does not result in a detrimental visual impact on the character and appearance of the open countryside within which it is to be located. A condition is also recommended for the proposed parking spaces to be retained as parking spaces and to be used for no other purpose. This is to ensure that this area does not get used for storage, but also to ensure that vehicles have an area to load and unload, keeping disruption to a minimum and also in the interests of highway safety. Therefore, subject to the above recommendations, the proposed builders yard would not result in a detrimental visual impact on the character and appearance of the surrounding open countryside.

7.3.5 Neighbours have stated that development should be prevented that would impact on the surrounding area. However, it is unlikely that the proposed builders yard would have a prominent visual impact in the street scene, given it's distance from the highway (approximately 70 metres), and therefore would not cause any undue harm.

7.3.6 A condition will be added restricting the height of any storage to ensure that there is no undue visual harm as a result of the proposal.

7.3.7 Neighbours have commented that the builders yard is located within a Special Landscape Area which should be protected from development that would have an adverse effect on the character of the open countryside. Conditions restricting what can be done where within the site, landscaping and restriction on height limits of storage will reduce the visual impact of the proposal on the open countryside and would therefore not result in any undue harm to the Special Landscape Area.

7.4 Impact on neighbouring amenity

7.4.1 The proposal would utilise some existing outbuildings and therefore would not result in any overshadowing or overbearing impact.

7.4.2 Whilst loss of views is not a material planning consideration, the proposed builders yard could be left messy in the area adjacent to the neighbouring property at No.50A Bridge Street. As mentioned at paragraph 7.3.3 above, a scheme for landscaping should be submitted to show how views of the external storage area would be screened. Landscaping is considered more appropriate in this location rather than fencing, because it would have a softer appearance and would impact so much on the character and appearance of the open countryside.

7.5 Environmental issues

7.5.1 The Council's Environmental Protection Team have no objection to the proposal based on the information which has been submitted.

7.5.2 The application details state that intense activity will not be carried out on site and includes the cutting of stone by hand tools and preparing materials including painting and joinery work. Storage of materials will also be undertaken on site which will involve transportation movements. The application details state that 4 car journeys would be made to the builders yard on weekdays and weekends, 4 van journeys would occur on weekdays and 0.4 trailer/tipper truck movements would occur on weekdays. Environmental Protection have no objection to this. The supporting documents state that journeys made on site may be susceptible to fluctuate in case of emergencies, workloads and low staff.

7.5.3 The size of the site dictates the amount of activity which can take place and this is considered to be a small scale development when compared to other builders yards within the district. Any expansion of the site would be subject to planning permission and environmental issues would be reassessed. The following conditions would ensure that the Council has full control over the amount of activity which takes place on site and would ensure that once permission is granted the works do not result in a level of activity that would be detrimental to occupiers of neighbouring dwellings.

7.5.4 A condition is recommended to ensure that all stone cutting is carried out inside buildings to prevent noise disturbance to occupiers of adjacent properties. This is in accordance with the requirements of the Council's Environmental Protection Officer's comments.

7.5.5 A condition is recommended to prevent any intensification of use of the vehicular access above what has been stated in the application details as per the transport statement. This is to ensure that vehicle movements and the potential for noise disturbance caused by them, is kept to a reasonable level. The details submitted show a small number of vehicular movements which are acceptable. However, without such a condition, the local planning authority would have no control over this and noise complaints may arise. Any increase in vehicular movements from those stated in the application details would need to be re assessed and therefore if the development intensified beyond what is stated in the transport statement, a new planning application would be required.

7.5.6 A condition is recommended to ensure that no external lighting is used within the yard. This would ensure that neighbours are not affected by light disturbance.

7.5.7 A condition is recommended for hours of operation to be from 07:30 to 18:00 weekdays and 08:00 to 13:00 on Saturdays. Operations will not be permitted on Sundays or Bank Holidays. This is a typical condition which would be added to this type of development and has been recommended (verbally) by the Council's Environmental Protection Officer. All deliveries to the site would also have to be carried out during these hours. This condition would ensure that occupiers of neighbouring properties would not be unduly affected by the operations on site.

7.5.8 Neighbours have commented about previous complaints as well as a lack of complaints. However, the Environmental Protection Team would have a record of any previous complaints and these would have been used to formulate their response.

7.5.9 Neighbours have stated that burials take place in the graveyard which is approximately 12 metres away from the builders yard. Burials occur on an ad hoc basis and conditions have been recommended to ensure that noise levels are kept to a minimum. Whilst there may be some disturbance caused during a service at the cemetery, it would not be sufficient to warrant refusal of planning permission.

7.6 Highway impacts

7.6.1 The Local Highway Authority Officer has no objection to the proposal on highway related grounds. However, he has recommended that the development shall be carried out in complete accordance with the submitted drawing P1008. A time limit of three months for this

to be implemented will be added. This is to ensure that the development is carried out as permitted and does not pose a risk to highway safety.

7.6.2 A condition has also been recommended that an adequate surface water drainage system should be provided to prevent the discharge of water onto the adopted highway. This again, will have a limit of three months to be implemented.

7.6.3 There are no parking standards for sui generis uses within the Parking SPG and therefore it is considered that four spaces for loading and unloading would be sufficient given the information that has been supplied by the applicant. However, the parking SPG does state that parking spaces for commercial development should measure a minimum of 9 metres by 3.1 metres. The current spaces do not comply with this. A condition is therefore recommended for a revised parking layout to be submitted within 4 weeks of the date of the decision and implemented within 3 months of the date of approval of the revised drawings. It is anticipated, given the size of the site, that only 3 spaces could be accommodated. However, this is still considered acceptable given the small scale nature of the proposal.

7.7 Impact on biodiversity

7.7.1 The site is located within 2km of a Site of Special Scientific Interest. Natural England's Standing Advice states that the proposal is unlikely to affect any protected species. However, an informative is recommended to advise the applicant that should any protected species be identified then specialist ecological advice should be sought and operations should cease immediately.

8 Other issues

8.1 Crime and Disorder – Northamptonshire Police do not object to this application and therefore it does not raise any significant issues

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

8.3 Policy 23 of the Rural North Oundle and Thrapston Plan states that all permitted development rights should be removed to ensure that intensification does not occur. However, this type of use would not benefit from any permitted development rights and therefore a condition removing permitted development rights is not necessary.

8.4 Neighbours have commented that the use as a builders yard would have an impact on the horses in the adjacent livery. The British Horse Society has been consulted and no response has been received. Therefore it is assumed that they have no concerns with regards to the impact of the builders yard on horses.

8.5 Neighbours have stated that the applicant objected to proposals for nearby housing on the grounds of noise and have then submitted this application for a builders yard. Previous objections are relevant to other applications and would have been assessed at the time of determination of the relevant planning applications to which they refer. This does not therefore raise any concerns.

8.6 Concerns have been received from neighbours about the location of the proposal and that other sites are more appropriate. Whilst there may be more appropriate sites, the local planning authority is of the opinion that subject to the suggested conditions, this is an appropriate site and that the application should be determined in accordance with the submitted details.

8.7 Neighbours have stated that if there is a need for a builders yard why is there a history of applying for dwellings on this site. Developer intentions are not a material planning consideration and therefore this objection can not be taken into account.

8.8 A neighbour has commented that the land included within the red line was never used for the livery or the builders yard. However, this is irrelevant as a change of use application is being sought for all land within the red line and the principle has been addressed at section 7.2 above.

9 Recommendation

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

Conditions/Reasons -

1. The development hereby permitted shall be carried out in complete accordance with all of the approved details within three months of the date of this permission.

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

2. Notwithstanding the submitted parking details shown on plan number PE1008 OS04 received on 27 February 2012 and PE1008 received by the local planning authority on 20 June 2012, within 4 weeks of the date of this permission, a revised parking layout showing a minimum of three parking spaces measuring 9 metres by 3.1 metres shall be submitted to and approved in writing by the local planning authority. The parking spaces shall thereafter be carried out in complete accordance with the approved details within a period of 3 months from the date of this planning permission and shall be permanently retained for the parking of vehicles associated with the development hereby approved and not used for any other purpose.

Reason: In the interests of highway safety and to ensure that the development is carried out as permitted.

3. The access and associated works hereby permitted shall be carried out in complete accordance with approved drawing number PE1008 received by the local planning authority on 20 June 2012 within three months of the date of this permission and shall thereafter be retained in perpetuity.

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

4. A detailed drawing showing an adequate surface water drainage system, shall be submitted to and approved in writing by the local planning authority within 4 weeks of the date of this permission. The drainage system shall thereafter be carried out in complete accordance with the approved details within a period of 3 months from the date of this permission and shall be retained in perpetuity.

Reason: In the interest of highway safety.

5. No floodlighting or other means of external illumination shall be provided in connection with the development other than strictly in accordance with details submitted to and approved in writing by the local planning authority.

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

6. This permission relates only to the operational use set out in the accompanying information and plans of this planning approval ref: EN/12/00277/FUL. Any intensification of use will require the prior approval of the Local Planning Authority.

Reason: The proposed use as submitted is acceptable in relation to highway safety and neighbouring amenity. However, any intensification of use may require off site highway improvement works and noise attenuation works which will need to be assessed and considered as part of a planning application.

7. A daily log shall be kept, on an ongoing basis, to record all vehicles attracted to the site and this log shall be maintained on an annual basis and be available for scrutiny at the request of the local planning authority.
Reason: In the interests of highway safety.
8. The use hereby permitted, including deliveries, shall only operate between the hours of 0730 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.
9. The use hereby permitted shall be restricted to a builders yard for use only by persons carrying out works in relation to it's use as a builders yard and for no other purpose.
Reason: In order to clarify the terms of this permission and to safeguard the amenity of neighbouring occupiers.
10. A comprehensive landscaping scheme for the site shall have been submitted to and approved by the local planning authority within a period no later than 28 days of the date of this permission. This landscaping scheme shall be implemented strictly in accordance with the approved details in the first planting season following the date of this planning permission. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
Reason: To ensure a reasonable standard of development and visual amenity for the area.
11. All processes, including stone cutting, associated with the use hereby approved, shall take place within the buildings on the application site only.
Reason: To protect the amenity of nearby residents.
12. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 21 February 2012, 27 February 2012 and 20 June 2012, drawing numbers: PE1008 Highways drawing, PE1008 OS04 Proposed block plan, PE1008 OS01 Location plan and PE1008 OS02 Proposed site plan, 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.
13. Materials to be stored in the area defined as "storage/works" on the submitted plans shall not be stacked to a height greater than 2 metres above ground level. No storage of material shall take place outside the area defined as "storage/works" on the submitted plan.
Reason: In the interest of visual amenity.

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 3, 18 and 20, the North Northamptonshire Core Spatial Strategy 2008 policies 8, 9, 11, 13 and 14, the Rural North Oundle and Thrapston Plan Policy 23, Local Highway Authority Standing Advice for local planning authorities and Planning Out Crime SPG. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, the visual impact and the

impact on neighbouring amenity, environmental issues, highway impacts and impacts on biodiversity. The application has been approved as:

1. The principle of development is considered acceptable and in accordance with planning policy.
2. The proposal would not result in a detrimental visual impact on the character of its surroundings subject to a condition to provide some additional landscaping.
3. The proposal would not have a significant impact on the amenities of neighbouring occupiers subject to a number of conditions limiting the amount and type of building related activities which can be carried out within the site.
4. The Council's Environmental Protection Team have no objection to the proposal subject to conditions and therefore there would be no environmental issues associated with the proposed development.
5. There would be no undue impact on the highway as a result of the proposal, subject to conditions.
6. There would be no impact on protected species. However, an informative is attached below to ensure that should any species be found that work is ceased immediately.
A full report is available at www.east-northamptonshire.gov.uk

2. Should any protected species or evidence of protected species be found, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the relevant details of the ecological consultant.
3. No works within the existing adopted highway maintained at public expense, may commence without the express written permission of the Local 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, to discharge the relevant condition above.
4. 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 : 25 July 2012

Printed: 13 July 2012

Case Officer **Anne Dicks**

12/00785/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
10 May 2012	10 May 2012	5 July 2012	Rushden Bates	Rushden

Applicant **Rushden Working Mens Club - Mr Michael Robinson**

Agent **Mr Michael Robinson**

Location **28 Griffith Street Rushden Northamptonshire NN10 0RL**

Proposal **Replacement windows**

1 Summary of Recommendation

1.1 That planning permission be REFUSED.

2 The Proposal

2.1 The application seeks planning permission for the replacement of 22 existing windows at a commercial building currently used as the Working Mens Club.

2.2 Six of the existing front windows are traditional white painted timber and two are of traditional crittal framing; the side and rear windows are currently a mixture of replacement frames of varying styles. It is proposed that all windows are to be replaced with white uPVC frames.

2.3 This site was the subject of a previous application for replacement windows which was refused (see 5.1 below). The main differences between the current and the previously refused application are:

- The previous application proposed timber windows on the front elevation and uPVC to the sides and rear.
- The current application proposes uPVC replacement windows to all elevations.

3 The Site and Surroundings

3.1 The Working Mens Club lies within the town in the conservation area and is primarily surrounded by residential properties. The building is notable for its positive contribution to the character and appearance of the Rushden conservation area.

3.2 The building dates from Victorian times and is a good example of buildings of this period and is therefore a non-designated heritage asset. The windows to the front are timber, with the upper ones incorporating bottom-hung leaded casement style lights, featuring decorative coloured glazing. Most of these front windows are likely to be original. Those to be replaced at the rear and side are currently a mixture of uPVC and crittal windows.

4.1 National Planning Policy Framework

Section 12 – Conserving and enhancing the historic environment

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 27 – Regional Priorities for the Historic Environment

4.3 North Northamptonshire Core Spatial Strategy

Policy 13 – General Sustainable Development Principles

5 Relevant Planning History

5.1 EN/11/00534/FUL –Replacement windows (timber to the frontage and uPVC to the sides and rear). Refused under delegated powers for the following reason:

“The building is a good example of Victorian architecture which makes a positive contribution to the character and appearance of Rushden conservation area. The proposed replacement windows on the front elevation, by virtue of their untraditional finish and detailing, would significantly detract from the building's character and would thus fail to preserve or enhance the character and appearance of the Conservation Area. Furthermore, the applicant has failed to demonstrate that there would be any public benefit which would outweigh the harm caused to the Conservation Area. The proposal is therefore contrary to Policy HE9 of PPS 5 and Policy 13 (h) and (o) of the North Northamptonshire Core Spatial Strategy.”

5.2 In this previous application, although the front windows were going to be replaced in timber, it was felt that the detailing was not sufficiently sympathetic to the original design (glazing bars were too wide and incorrectly placed, the proportions of the casements were wrong).

6 Consultations and Representations

6.1 Neighbours: No comments received

6.2 Rushden Town Council: No objection. Despite being in a Conservation Area replacement windows would benefit the building if they are of high quality authentic design and reflect the appearance of existing. Consideration should be given to the financial benefits of the higher thermal performance and lower maintenance of replacement windows.

6.3 Senior Conservation Officer: Objection on the basis of the harm caused to the conservation area. Also - concerns that the building positively contributes to the character and appearance of the area and that the existing mullion and transom windows are a key element to the architectural design and character. The proposal would be detrimental to the character and appearance of the building and on the conservation area. The existing windows are not considered to be beyond repair as rotten rails and cills are a common problem and could be easily repaired. In terms of sustainability and cost effectiveness, the original timber windows will have been in place for some 100 years. New plastic units would have a lifespan of around 10 to 15 years so not as cost effective, long term.

7 Evaluation

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

7.2 Visual impact on the host building and street scene of the conservation area:

7.2.1 The National Planning Policy Framework: section 12 paragraph 126 states that heritage assets are an irreplaceable resource and that LPAs should conserve them in a manner appropriate to their significance. It also says that new development should make a positive contribution to local character and distinctiveness. Paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the asset should be treated favourably.

7.2.2 Policy 26 of the East Midlands Regional Plan: Protecting and Enhancing the Region's Natural and Cultural Heritage says that damage to historic assets or their settings should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable.

7.2.3 Policy 13 of the North Northamptonshire Core Spatial Strategy is of particular relevance to this proposal. This policy outlines the need for development to be of a high standard of design which respects the character of the surroundings and to preserve and enhance designated built environmental assets and their settings.

7.3 Visual impact on the non-designated heritage asset

According to the Design and Access Statement, the proposed replacement windows "will enhance the appearance of the wider area".

7.3.1 Your officers argue that the proposed uPVC replacements to the front elevation would not enhance the appearance of this prominent Victorian building but would result in quite the contrary effect. The appearance of the plastic frames could not compete with the pleasing effect of the original timber frames.

7.3.2 As in the last application, officers do not have a problem with uPVC to the side and rear elevations, it is merely the front elevation that is the cause for concern.

7.3.4 Justification for replacing windows with a non-traditional material and style

The proposal relates to the replacement of 22 windows – eight to the front elevation and the remainder to the side and rear - with uPVC frames. In the Design and Access statement, the agent has stated that it would not make economic sense to repair the existing windows, that they currently suffer from heat loss and do not provide optimum noise insulation. In the Design and Access Statement, the agent states that the proposed uPVC windows: "will also ensure the continued efficiency of the building for many years to come and which will improve insulation from noise generated within the building for the benefit of its neighbours".

7.3.5 The assertion that the existing windows are now beyond economic repair has not been supported by any survey or resulting report.

7.3.6 The thermal and noise insulating efficiency of uPVC frames over replacement timber frames has not been demonstrated by the applicant. As our Senior Conservation Officer suggests, plastic windows have a lifespan of 10 to 15 years, as opposed to the original timber frames which have been in situ for over 100 years. This fact negates the assertion that this proposal would offer a long term solution. Apart from the counter-economic benefit of continual replacement, the effect of physically changing the frames on the fabric of the Victorian façade cannot be ignored. As no comment has been received from any adjacent neighbours, there is no suggestion that noise is currently an issue, so this argument in favour of uPVC frames cannot be supported without evidence to the contrary.

7.3.7 Public benefit; The applicant's agent claims that replacement uPVC windows would provide public benefit. However they have not expanded on this term or provided details of what this benefit may be. It is assumed, however, that the applicant may be referring to the thermal benefits of uPVC windows and the increased enjoyment, of patrons, by providing a "better" environment for functions inside the club (fewer draughts, a more comfortable temperature etc.).

7.3.8 However, your officers argue that the following alternatives would achieve this public benefit whilst preserving the heritage asset:

1. Renovation of existing frames to increase thermal benefits.
2. Replacement timber windows which provide a similar thermal performance (although this would only be acceptable if the applicant can satisfactorily demonstrate the existing windows

are beyond repair).

The applicant has failed to demonstrate that alternative solutions have been sought. Members should be aware that a modicum of public benefit derived from replacing the original Victorian windows would not outweigh the Council's responsibility to retain the character and appearance of this building and the conservation area.

7.4 Neighbouring amenity

7.4.1 As the proposed windows would simply replace the existing and no new openings or structures are proposed, there would be no impact on neighbouring amenity as a result of this proposal.

8 Other issues

8.1 There are no other issues which are relevant to the consideration of this application.

Conditions/Reasons -

1. The building is a good example of Victorian architecture which makes a positive contribution to the character and appearance of Rushden conservation area. The proposed replacement windows on the front elevation, by virtue of their untraditional materials, finish and detailing, would significantly detract from the building's character and would thus fail to preserve or enhance the character and appearance of the Conservation Area. Furthermore, the applicant has failed to demonstrate that there would be any public benefit which would outweigh the harm caused to the Conservation Area. The proposal is therefore contrary to Section 12 of the National Planning Policy Framework and Policy 13 (h) and (o) of the North Northamptonshire Core Spatial Strategy.

Informatives

1. The drawings to which the decision relates are: drawing no's CM-01, CM-02 received by the Local Planning Authority on 10 May 2012.