

APPLICATIONS FOR DETERMINATION

DEVELOPMENT CONTROL COMMITTEE - 15 August 2012

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Committee Report

Committee Date : 25 July 2012

Printed: 27 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 back to Development Control Committee after Members deferred the application on 25 July 2012 for a better site plan with house numbers.

This site plan is now attached to the agenda.

APPENDIX 1: Report to Committee on 25 July 2012

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.

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

3.3 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 Spatial 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 details to be submitted shall include measures to prevent the discharge of surface water onto the highway boundary. 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. Notwithstanding the submitted Sustainability and Energy Appraisal and prior to the commencement of development hereby permitted, details of provisions for waste reduction and recycling, water efficiency and recycling and techniques of sustainable construction to be used for the 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 18 July 2012, drawing numbers: KB0018PL16H, KB0018PL09G, KB0018PL07G, KB0018PL18G, KB0018PL15F, KB0018PL13G, KB0018PL40E, KB0018PL04G, KB0018PL23F, KB0018PL12E, KB0018PL34A; and drawing number: KB0018PL01B, received 2 May 2012.
Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.
20. The vehicular access hereby permitted shall be constructed with a maximum 1 in 15 gradient for the first 5.0 metres back from the highway boundary, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety.

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 : 15 August 2012

Printed: 3 August 2012

Case Officer **Amie Baxter**

12/00520/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
26 March 2012	26 March 2012	21 May 2012	Rushden Bates	Rushden

Applicant **Mr David Spillane**

Agent **Blueprint Architectural Design - Mrs Kelly Gorrie**

Location **79 Avenue Road Rushden Northamptonshire NN10 0SH**

Proposal **Outline: Single dwelling - Site A (All matters reserved)**

This application is brought to committee in accordance with the scheme of delegation as it is a proposal for a new dwelling within the open countryside.

1 Summary of Recommendation

1.1 That planning permission be REFUSED.

2 Proposed Development

2.1 The application seeks outline planning permission for the erection of a single, two storey detached dwelling (Site A).

2.2 Indicative details outline that the proposed dwelling would have a footprint of 150sqm plus a garage with a footprint of 30sqm. The ridge height would be a maximum of 8.2 metres and the eaves height would not exceed 5 metres above ground level. The indicative plan shows that the dwelling would have its own parking and turning area and an access off Avenue Road would be created.

2.3 This application must be considered in conjunction with a similar application on the adjacent site to the east. This site is known as Site A and the adjacent site is known as Site B.

3 The Site and Surroundings

3.1 The application site is to the northern side of Avenue Road. It is currently used as a garden associated with 79 Avenue Road.

3.2 Avenue Road consists of ribbon development along the southern side of the road with dwellings having a frontage to the road and gardens extending to the rear. The northern side of the road has an entirely different character, with very few dwellings and buildings along its length. The dwellings that are to the northern side of the road are sporadically placed, with large areas of field in between.

3.3 Avenue Road is clearly separated from the main settlement of Rushden.

3.4 There is open countryside to the north of the site.

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 13b – Housing Provision (Northamptonshire)

Policy 17 – Regional Priorities for Managing the Release of Land for Housing

Policy MKSM SRS Northamptonshire 1

Policy MKSM SRS Northamptonshire 2

4.2 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

4.3 East Northamptonshire District Local Plan 1996

Saved Policy RU2- Provision of Residential Infilling in the Avenue Road Area of Rushden.

4.4 Supplementary Planning Guidance:

Parking SPG, March 2003

4.5 Supplementary Planning Document:

Design SPD, March 2009

4.6 Other Documents:

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

Planning Out Crime Adopted February 2004

Three Towns Preferred Options Document

5 Relevant Planning History

5.1 06/01714/FUL. Application to replace the dwelling at 79 Avenue Road, permitted on 30.10.2006. It is important to note that the 'modern neighbouring dwelling' referred to in the current application particulars was actually constructed as a replacement dwelling with justification, and not as the creation of a new dwelling.

5.2 12/00521/OUT. Outline application to erect a single, detached dwelling is pending consideration. This application is similar to the one being considered as part of this particular report and involves the adjacent site to the east, known as Site B.

6. Consultations and Representations

6.1 Neighbours: A letter has been received from the neighbour at 70b Avenue Road (opposite the application site), objecting on the following grounds:

- The road at this particular part of Avenue Road is very narrow
- Traffic turning into the site would cause a road safety issue.
- The neighbour bought her property 3 years ago because of the lack of buildings directly opposite. She would be annoyed at the interference and noise that the proposed dwellings (this and the adjacent application in the adjacent site for Plot B) would cause.

6.2 Rushden Town Council: No objection.

- 6.3 Local Highway Authority: No objection provided that standard conditions are used.
- 6.4 Senior Planning Policy Officer: The Policy Officer has submitted a lengthy response and his views form the majority of the comments made at section 7.2 of this report. In brief, his comments are as follows:
- 6.4.1 The matter as to whether the proposed development of a dwelling to the east of 79 Avenue Road would be acceptable in principle rests upon the defined status of this land. The NPPF specifies a “presumption in favour of sustainable development”, which applies where plans are inconclusive or outdated. For Rushden and its surrounding hinterlands, the adopted development plan consists of the East Midlands Regional Plan, the North Northamptonshire Core Spatial Strategy and East Northamptonshire District Local Plan (adopted November 1996).
- 6.4.2 In this case, the adopted CSS represents the principal DPD, while the adopted East Northamptonshire District Local Plan (now 16 years old) remains the “site specific” DPD for Rushden. The CSS identifies Rushden as a “secondary focal point[s] for development. The Regional Plan, with its reference to “urban fringe” presents a material consideration in this case.
- 6.4.3 However, given that the application site is physically separated from the urban area of Rushden, it is not considered that the site could be classified as anything other than “open countryside”. Accordingly, therefore, residential development on land to the east of 79 Avenue Road is not considered to be acceptable, in principle.
- 6.4.4 The housing land supply calculations shown in the 2011 AMR do not take account of substantial consents recently granted at Higham Ferrers, Rushden and Raunds, which would significantly boost the current housing land supply.
- 6.4.5 Further representations by the Applicant.
The applicant has employed an independent planning consultant to examine the case and respond to the comments made by the Senior Policy Officer. The consultant makes the following points:
- The Council’s Policy Officer correctly identifies that the NPPF does not change the primacy of the Development Plan in decision making and there should be a presumption in favour of development.
 - The initial assessment of this application should consist of whether the policies of the development plan which are relevant to this determination, are out of date, absent or silent.
 - Paragraphs 214 and 215 of the NPPF note that full weight should be given to relevant policy adopted since 2004 for a period of 12 months.
 - Policy RU2 was adopted in 1996 and so was not adopted under the provisions of the Town and Country Planning and Compulsory Purchase Act 2004. Therefore, little weight should be given to this policy.
- 6.4.6 The applicant’s consultant also notes that the NPPF requires local authorities to provide a five year housing supply (plus 5%) and that housing policy should not be considered up to date if the local planning authority cannot demonstrate a five year supply. As such, the presumption in favour, according to the NPPF, is engaged for this application as the council is deemed to have an out of date plan.
- 6.4.7 Further, the consultant notes:
- The site is not within the true open countryside (as agreed by the Policy Officer in his response) and represents a more suburban locale than which national and local policy seeks to protect.
 - The proposed development would support the vitality and viability of the local economy,

- as supported by the NPPF.
- It is agreed with the Policy Officer that the site is not in an isolated location and the proposal would therefore conform with para 55 of the NPPF.
- The proposed dwelling would sit well with adjoining dwellings and would not be visually intrusive or out of keeping.
- Appeal Ref: T/APP/G2815/A/00/0138652/P8 is not relevant to the determination of this application as it is 12 years old and the appeal site was materially and demonstrably different to the current site.

7 Evaluation

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

7.2 Principle of Development

The proposed development needs to be assessed against the following policy:

7.2.1 East Northamptonshire District Local Plan 2006.

Saved Policy RU2 of the East Northamptonshire District Local Plan is not applicable to this particular development as this policy specifically relates to residential infilling or redevelopment of a site. The proposed development is not infilling (as it would not be 'filling in' a gap in the built form, given that there is a strategic gap of 165 metres between the application site and the next nearest dwelling to the east) and the proposal would not be considered as a re-development of land as it involves a piece of garden land with no significant structures upon it.

7.2.2 North Northamptonshire Core Spatial Strategy (CSS)

Policy 1 states that whilst Rushden is a secondary focus for development, development should take place within settlement boundaries. The application site is clearly outside and detached from the core built up area of Rushden, and as the Avenue Road area does not have a settlement boundary of its own, it must be concluded that Avenue Road is part of the open countryside.

7.2.3 Policy 1 states that development should be directed to the Rural Service Centres, of which Rushden is one. For development within rural areas, development should take place within village boundaries. Development adjoining village boundaries would only be considered if it were to convert an existing building or in exceptional circumstances. The proposed development does not meet any of these criteria and as such, fails to accord with Policy 1. East Midlands Regional Spatial Strategy (RSS)

7.2.4 As Avenue Road is unusual in character, it could be argued that the site is part of a separate rural settlement or that it is part of Rusden's urban fringe. It would depend on the conclusion made as to which policy of the Regional Spatial Strategy would be relevant to this proposal. If the site were to be seen as part of the urban fringe, then Policy 1 would be most relevant but if it were seen to be a separate rural settlement, then Policy 3 would be most relevant. Either way, compliance with both of these policies comes down to a judgement about whether the development will "enhance the urban fringe" or "maintain the distinctive character" of the rural community.

7.2.5 Policy 1- Avenue Road is a transition zone between the urban settlement of Rushden and the open countryside. If development is concentrated on transitional areas such as this, the very transitional nature of the area will be compromised and pressure to extend that transitional area further into the open countryside is likely. This would subsequently have an impact on the open countryside and promote urban sprawl. Therefore, the proposed development would not enhance the urban fringe and the proposal would not accord with Policy 1.

7.2.6 Policy 3- The northern side of Avenue has an entirely different character to the southern side. The southern side is developed with residential property along its entire length, whereas the northern side is very rural in character with only a small number of dwellings dispersed along its length.

- 7.2.7 The proposed development would not maintain the distinctive rural character of the northern side of Avenue Road as it would begin to erode the open, rural character of the northern side and could make it difficult to resist further development of this kind which would erode the character further.
- 7.2.8 Policy 11 of the RSS is also relevant in that it seeks to prevent the coalescence of settlements. If this proposal were to be approved, it may set a precedent for other similar types of development which could over time, erode the separation between Rushden, its hinterlands and nearby villages such as Newton Bromswold. The proposed development would not safeguard the urban/rural hinterland from encroachment by larger settlements and would not therefore accord with Policy 11.
- 7.2.9 Having concluded that the development is not in accordance with the RSS and CSS, it is necessary to consider the more recent policies contained within the National Planning Policy Framework. National Planning Policy Framework (NPPF)
- 7.2.10 The “rural restraint” policy that drove earlier national planning guidance has not been carried forward so strongly in the NPPF. The NPPF only goes so far as to state that isolated new homes in the countryside should be avoided. Although the application site is within the open countryside, it is not isolated, but near to an established built up area. Therefore, the proposed development would accord with this element of the NPPF.
- 7.2.11 More generally, the NPPF promotes a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that proposed development that conflicts with an up to date Local Plan should be refused unless other material considerations indicate otherwise.
- 7.2.12 NPPF paragraph 214 is clear that as RSS policies 1, 3, and 11 and CSS Policy 1 were adopted since 2004, they can be given full weight for 12 months following the publication of the NPPF. Conclusion
- 7.2.13 The development is contrary to RSS policies 1, 3, and 11 and CSS Policy 1, which, according to the NPPF, can be given full weight.
- 7.3 Visual Impact.
- 7.3.1 The application site would front onto Avenue Road and therefore any dwelling here would have a significant impact on the streetscene. The dwelling would be particularly prominent when viewing Avenue Road from the south. This application should be seen in conjunction with the current application on the adjacent site (Ref:12/00521/OUT) as the same principles apply in considering the visual impact.
- 7.3.2 The indicative site plan submitted shows that a dwelling of an appropriate scale and layout could be accommodated comfortably, without the site appearing cramped or overdeveloped. The detailed design of the proposed dwelling is not known at this stage.
- 7.3.3 The applicant acknowledges that any dwelling proposed for this site should be similar in height, form and design to the existing dwelling at 79 Avenue Road for visual continuity. If this proposal were to be considered appropriate in all respects, a condition would be used to limit the scale parameters of the proposed dwelling.
- 7.3.4 Whilst a dwelling of an appropriate scale and high quality design could be built on this site, the proposed development could be seen to have a detrimental impact on the prevailing character of Avenue Road in a visual sense. This is so because the development would extend the built form of Avenue Road and erode the openness of the north side of the road.
- 7.3.5 In order to create an established feel overall, it would be important to retain the existing tree screen along the eastern boundary of the site and a condition would normally be

recommended to ensure this, if approval was recommended.

7.3.6 Members need to consider the importance of the sporadic nature of development along the north side of the road and then ascertain whether the proposed development would compromise this, to the detriment of the character of Avenue Road. It is your Officer's view that the proposed development would have visual implications in that it would erode the open feel and rural character of Avenue Road to its northern side.

7.4 Neighbouring Amenity

7.4.1 The nearest neighbouring dwellings to the application site are 79, 66, 68, 70, 70a, 70b and 72 Avenue Road. All other properties would be located far enough away not to be impacted upon to any significant extent.

7.4.2 The dwelling at 79 Avenue Road is approximately 25 metres away to the west. This distance would ensure that the occupiers of number 79 would not be affected in terms of overshadowing, overbearing impact or overlooking.

7.4.3 Numbers 66, 68, 70, 70a, 70b and 72 are positioned on the south side of the road, opposite the application site. According to the submitted indicative site plan, the proposed dwelling could be positioned so that there would be a distance of at least 35 metres between each opposing front elevation. This distance would be sufficient to ensure that the dwellings opposite the site would not be affected in terms of overshadowing, overbearing impact or overlooking. Views of the open countryside from these properties would be diminished but this is not a material planning consideration.

7.4.4 Overall then, the indicative site plan successfully demonstrates that a dwelling could be accommodated within the site, without having a negative impact on neighbouring amenity.

7.5 Access and Parking

7.5.1 A new access would need to be created off Avenue Road to serve the proposed dwelling. Avenue Road is straight and good views can be achieved in both directions.

7.5.2 The Highway Officer does not object to the creation of a new access or the proposed development, subject to standard conditions.

7.5.3 The indicative site plan submitted shows that ample car parking and turning space could be accommodated within the site.

8 Other Issues

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

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

8.3 Precedent - Although each proposal should be assessed on its own merits, the potential to set a precedent if this application were to be approved can not be ignored in this case. If this proposal were supported, it would be difficult to refuse other similar applications along the northern side of Avenue Road. This, in turn, would erode the existing character of the northern side, which is of an entirely different character to that of the southern side.

Recommendation

That planning permission be REFUSED for the following reason(s):

Conditions/Reasons -

1. The site is separated from the built up part of Rushden and is therefore situated in the open countryside where there is a presumption against residential development unrelated

to agriculture or forestry. Insufficient evidence has been provided of any exceptional circumstances which would attempt to justify the proposal. The application fails to comply with Policy 1 of the North Northamptonshire Core Spatial Strategy and Policy 1, 3 and 11 of the East Midlands Regional Spatial Strategy.

Informatives

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

Drawing Nos

12-009-04

12-009-02A

Received by the Local Planning Authority on 26.03.2012

Committee Report

Committee Date : 15 August 2012

Printed: 3 August 2012

Case Officer **Amie Baxter**

12/00521/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
26 March 2012	26 March 2012	21 May 2012	Rushden Bates	Rushden

Applicant **Mr David Spillane**

Agent **Blueprint Architectural Design - Mrs Kelly Gorrie**

Location **79 Avenue Road Rushden Northamptonshire NN10 0SH**

Proposal **Outline:Single dwelling - Site B (All matters reserved)**

This application is brought to committee in accordance with the scheme of delegation as it is a proposal for a dwelling within the open countryside.

1 Summary of Recommendation

1.1 That planning permission be REFUSED.

2 Proposed Development

2.1 The application seeks outline planning permission for the erection of a single, two storey detached dwelling (Site B).

2.2 Indicative details show that the opposed dwelling would have a maximum ridge height of 8.2 metres, a maximum eaves height of 5 metres and a maximum footprint of 150sqm, plus a garage with a maximum footprint of 30sqm. The indicative plan shows that the dwelling would have its own parking and turning area and an access off Avenue Road would be created.

2.3 This application would need to be considered in conjunction with a similar application on the adjacent site to the east. This site is known as Site B and the adjacent site is known as Site A.

3 The Site and Surroundings

3.1 The application site is to the northern side of Avenue Road. It is currently used as a garden associated with 79 Avenue Road. There is an established tree screen along the northern boundary of the site.

3.2 Avenue Road consists ribbon development along the southern side of the road with dwellings having a frontage to the road and gardens extending to the rear. The northern side of the road has an entirely different character, with very few dwellings and buildings along its length. The dwellings that are to the northern side of the road are sporadically placed, with large areas of field in between.

3.3 Avenue Road is clearly separated from the main settlement of Rushden.

3.4 There is open countryside to the north of the site.

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 13b – Housing Provision (Northamptonshire)

Policy 17 – Regional Priorities for Managing the Release of Land for Housing

Policy MKSM SRS Northamptonshire 1

Policy MKSM SRS Northamptonshire 2

4.3 North Northamptonshire Core Spatial Strategy, June 2008:

Policy 1 – Strengthening the Network of Settlements

Policy 9 – Distribution & Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

4.4 Supplementary Planning Guidance:
Parking SPG, March 2003

4.5 Supplementary Planning Document:
Design SPD, March 2009

4.6 Other Documents:

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

Planning Out Crime Adopted February 2004

Three Towns Preferred Options Document

5 Relevant Planning History

5.1 06/01714/FUL. Application to replace the dwelling at 79 Avenue Road, permitted on 30.10.2006. It is important to note that the 'modern neighbouring dwelling' referred to in the application particulars was actually constructed as a replacement dwelling with justification, and not as the creation of a new dwelling.

5.2 12/00520/OUT. Outline application to erect a single, detached dwelling. This application is similar to the one being considered as part of this particular report and involves the adjacent site to the east, known as Site A.

6. Consultations and Representations

6.1. Neighbours: A letter has been received from the neighbour at 70b Avenue Road (opposite the application site), objecting on the following grounds:

- The road at this particular part of Avenue Road is very narrow
- Traffic turning into the site would cause a road safety issue.
- The neighbour bought her property 3 years ago because of the lack of buildings directly opposite. She would be annoyed at the interference and noise that the proposed dwellings (this and the application in the adjacent site) would cause.

6.2 Rushden Town Council: No objection.

6.3 Local Highway Authority: No objection, provided that standard conditions are used.

6.4 Senior Planning Policy Officer:

The Policy Officer has submitted a lengthy response and his views form the majority of the comments made at section 7.2 of this report. In brief, his comments are as follows:

6.4.1 The matter as to whether the proposed development of a dwelling to the east of 79 Avenue Road would be acceptable in principle rests upon the defined status of this land. The NPPF specifies a “presumption in favour of sustainable development”, which applies where plans are inconclusive or outdated. For Rushden and its surrounding hinterlands, the adopted development plan consists of the East Midlands Regional Plan, the North Northamptonshire Core Spatial Strategy and East Northamptonshire District Local Plan (adopted November 1996).

6.4.2 In this case, the adopted CSS represents the principal DPD, while the adopted East Northamptonshire District Local Plan (now 16 years old) remains the “site specific” DPD for Rushden. The CSS identifies Rushden as a “secondary focal point[s] for development. The Regional Plan, with its reference to “urban fringe” presents a material consideration in this case.

6.4.3 However, given that the application site is physically separated from the urban area of Rushden, it is not considered that the site could be classified as anything other than “open countryside”. Accordingly, therefore, residential development on land to the east of 79 Avenue Road is not considered to be acceptable, in principle.

6.4.3 The housing land supply calculations shown in the 2011 AMR do not take account of substantial consents recently granted at Higham Ferrers, Rushden and Raunds, which would significantly boost the current housing land supply.

6.4.4 Further representations by the Applicant.

The applicant has employed an independent planning consultant to examine the case and respond to the comments made by the Senior Policy Officer. The consultant makes the following points:

- The Council's Policy Officer correctly identifies that the NPPF does not change the primacy of the Development Plan in decision making and there should be a presumption in favour of development.
- The initial assessment of this application should consist of whether the policies of the development plan which are relevant to this determination, are out of date, absent or silent.
- Paragraphs 214 and 215 of the NPPF note that full weight should be given to relevant policy adopted since 2004 for a period of 12 months.
- Policy RU2 was adopted in 1996 and so was not adopted under the provisions of the Town and Country Planning and Compulsory Purchase Act 2004. Therefore, little weight should be given to this policy.

6.4.4 The applicant's consultant also notes that the NPPF requires local authorities to provide a five year housing supply (plus 5%) and that housing policy should not be considered up to date if the local planning authority cannot demonstrate a five year supply. As such, the presumption in favour, according to the NPPF, is engaged for this application as the council is deemed to have an out of date plan.

6.4.5 Further, the consultant notes:

- The site is not within the true open countryside (as agreed by the Policy Officer in his response) and represents a more suburban locale than which national and local policy seeks to protect.
- The proposed development would support the vitality and viability of the local economy,

- as supported by the NPPF.
- It is agreed with the Policy Officer that the site is not in an isolated location and the proposal would therefore conform with para 55 of the NPPF.
- The proposed dwelling would sit well with adjoining dwellings and would not be visually intrusive or out of keeping.
- Appeal Ref: T/APP/G2815/A/00/0138652/P8 is not relevant to the determination of this application as it is 12 years old and the appeal site was materially and demonstrably different to the current site.

7 Evaluation

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

7.2 Principle of Development

The proposed development needs to be assessed against the following policy:

7.2.1 East Northamptonshire District Local Plan 2006.

Saved Policy RU2 of the East Northamptonshire District Local Plan is not applicable to this particular development as this policy specifically relates to residential infilling or redevelopment of a site. The proposed development is not infilling (as it would not be 'filling in' a gap in the built form, given that there is a strategic gap of 165 metres between the application site and the next nearest dwelling to the east) and the proposal would not be considered as a re-development of land as it involves a piece of garden land with no significant structures upon it.

7.2.2 North Northamptonshire Core Spatial Strategy (CSS)

Policy 1 states that whilst Rushden is a secondary focus for development, development should take place within settlement boundaries. The application site is clearly outside and detached from the core built up area of Rushden, and as the Avenue Road area does not have a settlement boundary of its own, it must be concluded that Avenue Road is part of the open countryside.

7.2.3 Policy 1 states that development should be directed to the Rural Service Centres, of which Rushden is one. For development within rural areas, development should take place within village boundaries. Development adjoining village boundaries would only be considered if it were to convert an existing building or in exceptional circumstances. The proposed development does not meet any of these criteria and as such, fails to accord with Policy 1.

East Midlands Regional Spatial Strategy (RSS)

7.2.4 As Avenue Road is unusual in character, it could be argued that the site is part of a separate rural settlement or that it is part of Rusden's urban fringe. It would depend on the conclusion made as to which policy of the Regional Spatial Strategy would be relevant to this proposal. If the site were to be seen as part of the urban fringe, then Policy 1 would be most relevant but if it were seen to be a separate rural settlement, then Policy 3 would be most relevant. Either way, compliance with both of these policies comes down to a judgement about whether the development will "enhance the urban fringe" or "maintain the distinctive character" of the rural community.

7.2.5 Policy 1- Avenue Road is a transition zone between the urban settlement of Rushden and the open countryside. If development is concentrated on transitional areas such as this, the very transitional nature of the area will be compromised and pressure to extend that transitional area further into the open countryside is likely. This would subsequently have an impact on the open countryside and promote urban sprawl. Therefore, the proposed development would not enhance the urban fringe and the proposal would not accord with Policy 1.

7.2.6 Policy 3- The northern side of Avenue has an entirely different character to the southern side. The southern side is developed with residential property along its entire length, whereas the northern side is very rural in character with only a small number of dwellings dispersed along its length.

7.2.7 The proposed development would not maintain the distinctive rural character of the northern side of Avenue Road as it would begin to erode the open, rural character of the northern side and could make it difficult to resist further development of this kind which would erode the character further.

7.2.8 Policy 11 of the RSS is also relevant in that it seeks to prevent the coalescence of settlements. If this proposal were to be approved, it may set a precedent for other similar types of development which could over time, erode the separation between Rushden, its hinterlands and nearby villages such as Newton Bromswold. The proposed development would not safeguard the urban/rural hinterland from encroachment by larger settlements and would not therefore accord with Policy 11.

7.2.9 Having concluded that the development is not in accordance with the RSS and CSS, it is necessary to consider the more recent policies contained within the National Planning Policy Framework. National Planning Policy Framework (NPPF)

7.2.10 The "rural restraint" policy that drove earlier national planning guidance has not been carried forward so strongly in the NPPF. The NPPF only goes so far as to state that isolated new homes in the countryside should be avoided. Although the application site is within the open countryside, it is not isolated, but near to an established built up area. Therefore, the proposed development would accord with this element of the NPPF.

7.2.11 More generally, the NPPF promotes a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that proposed development that conflicts with an up to date Local Plan should be refused unless other material considerations indicate otherwise.

7.2.12 NPPF paragraph 214 is clear that as RSS policies 1, 3, and 11 and CSS Policy 1 were adopted since 2004, they can be given full weight for 12 months following the publication of the NPPF.

Conclusion

7.2.13 The development is contrary to RSS policies 1, 3, and 11 and CSS Policy 1, which, according to the NPPF, can be given full weight.

7.3 Visual Impact.

7.3.1 The application site would front onto Avenue Road and therefore any dwelling here would contribute significantly to the streetscene. The dwelling would be particularly prominent when viewing Avenue Road from the south. This application should be seen in conjunction with the current application on the adjacent site (12/00520/OUT) as the same principles apply in considering the visual impact.

7.3.2 The indicative site plan submitted shows that a dwelling of an appropriate scale and layout could be accommodated comfortably, without the site appearing cramped or overdeveloped. The detailed design of the proposed dwelling is not known at this stage.

7.3.3 The applicant acknowledges that any dwelling proposed for this site should be similar in height, form and design to the existing dwelling at 79 Avenue Road for visual continuity. If this proposal were to be considered appropriate in all respects, a condition would be used to limit the scale parameters of the proposed dwelling.

7.3.4 Whilst a dwelling of an appropriate scale and high quality design could be built on this site, the proposed development could be seen to have a detrimental impact on the prevailing character of Avenue Road in a visual sense. This is so because the development would extend the built form of the village and erode the openness of the north side of the road.

7.3.5 In order to create an established feel overall, it would be important to retain the existing tree screen along the eastern boundary of the site and a condition would normally be recommended to ensure this, if approval was recommended.

7.3.6 Members need to consider the importance of the sporadic nature of development along the north side of the road and then ascertain whether the proposed development would compromise this, to the detriment of the character of Avenue Road.

7.4 Neighbouring Amenity

7.4.1 The nearest neighbouring dwellings to the application site are 79, 68, 70 and 70b Avenue Road. All other properties would be located far enough away not to be impacted upon to any significant extent.

7.4.2 The dwelling at 79 Avenue Road is approximately 44 metres away to the west. This distance would ensure that the occupiers of number 79 would not be affected in terms of overshadowing, overbearing impact or overlooking.

7.4.3 Numbers 68, 70 and 70b are positioned on the south side of the road, opposite the application site. According to the submitted indicative site plan, the proposed dwelling could be positioned so that there would be a distance of approximately 34 metres between each opposing front elevation. This distance would be sufficient to ensure that the dwellings opposite the site would not be affected in terms of overshadowing, overbearing impact or overlooking.

7.4.5 Overall then, the indicative site plan successfully demonstrates that a dwelling could be accommodated within the site, without having a negative impact on neighbouring amenity.

7.5 Access and Parking

7.5.1 A new access would need to be created off Avenue Road to serve the proposed dwelling. Avenue Road is straight and good views can be achieved in both directions.

7.5.2 The Highway Officer does not object to the creation of a new access or the proposed development, subject to standard conditions.

7.5.3 The indicative site plan submitted shows that ample car parking and turning space could be accommodated within the site.

8 Other Issues

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

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

9 Recommendation

That planning permission be REFUSED for the following reason(s):

10 Conditions/Reasons -

1. The site is separated from the built up part of Rushden and is therefore situated in the open countryside where there is a presumption against residential development unrelated to agriculture or forestry. Insufficient evidence has been provided of any exceptional circumstances which to justify the proposal. The application fails to comply with Policy 1 of the North Northamptonshire Core Spatial Strategy and Policy 1, 3 and 11 of the Regional Spatial Strategy.

Informatives

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

12-009-01

12-009-30A

Received by the Local Planning Authority on 26.3.12

Committee Report

Committee Date : 15 August 2012

Printed: 3 August 2012

Case Officer **Mr Daniel Ray**

12/00729/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
30 April 2012	18 May 2012	13 July 2012	Irthlingborough	John Pyel

Applicant **Crouch Road Allotment Association - Mr S Wainwright**

Location Allotments Crouch Road Irthlingborough Northamptonshire

Proposal **Erection of security fence and gates**

This application is brought to committee because a ward member has been involved in compiling the application.

1. Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 This application proposes the erection of 2 metre high green mesh security fencing and gates at the allotments off Crouch Road, Irthlingborough.

3. The Site and Surroundings

3.1 The site and the surrounding land are in use as an allotment garden. The site is accessed via a pedestrian access which lies between Nos. 12 and 14 Crouch Road, as well as from Public Rights of Way paths UE17, UE18 and UE20 to the north and west of the site.

3.2 The allotment garden abuts open fields to the east and south and residential properties surround the site to the west and north.

3.3 Levels are relatively consistent within the site, but the allotment plots to the far eastern rear slope down gradually.

4. Policy Considerations

4.1 National Planning Policy Framework

4.2 East Midlands Regional Plan
Policy 2 – Promoting Better Design

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Whilst the Localism Bill has now received Royal Assent, Regional Strategies will not be revoked until after 20 January 2011 as this is the closing date for the consultation on the environmental impacts of abolition.

4.3 North Northamptonshire Core Spatial Strategy
Policy 13 – General Sustainable Development Principles

5. Relevant Planning History

5.1 None relevant

6. Consultations and Representations

6.1 Irthlingborough Town Council: No objection

6.2 Neighbour Comments: None received

6.3 Ramblers Association: 'Although the fence will impair the views of the Nene Valley from Public Footpaths UE18 and UE17, very similar views can be seen from UE17 further South-West. Therefore, as long as the fence doesn't encroach on the public footpaths we have no objection to the application.'

6.4 County Highways Authority: 'No objection in principle to this proposal, however if you are minded to give approval, please impose a condition so that a method statement is submitted to and for written approval by the Local Planning Authority prior to the commencement of works to ensure the Public Right of Way remains unobstructed during the construction works.'

7. Evaluation

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

7.2 Visual impact

7.2.1 The application proposes that security fencing be installed on the entire west boundary and parts of the north and south boundaries of the allotment off Crouch Road, Irthlingborough. The proposed fencing would be constructed of green coated mesh panels totalling 132 metres (44 x 3 metre wide panels) in length at a height of 2 metres with an additional 6 personal gates and 1 double gate would be installed to match the design, material and height of the mesh fencing.

7.2.2 The proposed fencing would appear to enclose the allotment from the street scene and public rights of way which run adjacent to the site. Due to the mesh nature of the fencing, the impact would be more sympathetic than a solid fence structure. The mesh fencing would allow views through and beyond the allotment to be retained.

7.2.3 Given the permeable appearance of the fencing the impact on the streetscene and public rights of way would be acceptable.

7.3 Impact on neighbouring residential amenity

7.3.1 The proposed fencing would not result in any overshadowing, overbearing or lead to overlooking. This is due to the nature of the proposed development and the distance from any neighbouring properties.

7.4 Other Issues

Public Rights of Way

7.4.1 As per the comments received from the Highways Authority, it would be appropriate to include a condition requiring that the Public Rights of Way are to remain unobstructed during the construction phase.

Crime and Disorder

7.4.2 This application is in response to repeated vandalism to the allotment site, the proposed security fencing would help to protect the allotments whilst retain views in to and out of the site. This application would therefore be beneficial to the security of the allotment site.

8. Recommendation

8.1 It is recommended that planning permission 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. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 18 May 2012, drawing no. 2.

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

3. The development hereby permitted shall be carried out using materials as per the submitted details received by the Local Planning Authority on 18 May 2012.

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

4. During the construction phase and thereafter, the Public Rights of Way shall remain unobstructed by the works hereby permitted.

Reason: In order to retain public access to the Public Rights of Way.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the visual impact on the host building and streetscene, and the impact on neighbour amenity. The application has been approved as:

- The visual impact is acceptable
- The visual impact on the street scene and is acceptable
- The proposal would not have a significant impact on the amenities of neighbouring occupiers.

Committee Report

Committee Date : 15 August 2012

Printed: 1 August 2012

Case Officer **Carolyn Tait**

12/00757/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
4 May 2012	4 May 2012	29 June 2012	Rushden Bates	Rushden

Applicant **David Wilson Homes (South Midlands) - Miss E Hale**

Location Open Space Adjacent To 5 Walmer Close Rushden Northamptonshire NN10 0TE

Proposal **Residential development for one single dwelling with associated access and amenity space on land at Walmer Close**

This application is brought before Development Control Committee as the previous application 10/02130/FUL was determined by its Members.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes a detached dwelling to be constructed from brick and tiles.

2.2 The proposed dwelling would measure approximately 9.5 metres in width by 11.5 metres in depth by 8.4 metres in height.

2.3 The proposal includes an attached garage, four bedrooms, two en-suites, a bathroom, a sitting room, an open plan kitchen/dining/family room and a utility room.

3 The Site and Surroundings

3.1 The application site is a vacant plot of land. In 1987 planning permission was granted for 77 dwellings and this was annotated as an area of open space within the plans submitted. In 2000 permission was granted for the site to be used as residential curtilage. It is currently an area of open space with a few trees and a dog litter bin.

3.2 The site measures approximately 0.6 hectares and is situated north of No.5 Walmer Close. The site is bounded by existing residential development of similar character and style on Walmer Close to the south, Glamis Close to the east and Harborough Road to the west and by Newton Road cemetery to the north. The western boundary is formed by a public footpath linking Walmer Close and Harborough Road.

4 Policy Considerations

4.1 National Planning Policy Framework

4.2 East Midlands Regional Plan

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 13b – Housing Provision (Northamptonshire)

Policy 28 – Regional Priorities for Environmental and Green Infrastructure

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 5 – Green Infrastructure

Policy 7 – Delivering Housing

Policy 9 – Distribution and Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

4.4 East Northamptonshire District Local Plan Saved Policies

RL3 – Recreational open space provision by developers

EN20 – Protection of important open land

4.5 Other Documents

Highway Authority Standing Advice for Local Planning Authorities

Three Towns Plan, Preferred Options

5 Relevant Planning History

5.1 87/01316/FUL Residential development: Phase 5, 77 dwellings. PERMITTED. Condition 11 of this planning permission states that:

“Before any work is commenced on the development the subject of this permission a detailed scheme for the future maintenance and management of the proposed amenity area as shown on the submitted plan (as amended) shall have been submitted to and approved by the local planning authority”. No details appear to have been forthcoming and therefore this condition was never formally discharged.

5.2 00/00463/FUL Change of use of public open space to residential curtilage. PERMITTED. This application related to the eastern most part of the site and there is no evidence to suggest that this permission was ever implemented.

5.3 10/00821/FUL Erection of two dwellings. WITHDRAWN. This application was withdrawn following comments received from the Local Highway Authority to state that the proposal would not be in accordance with the highway authority's standards.

5.4 10/02130/FUL Erection of one detached dwelling. REFUSED. This application was recommended by Officers for approval. However, the application was refused by Members of the Development Control Committee held on 23 March 2011 for the following reason:

“The development of this plot would lead to the loss of open space. This would be contrary to guidance contained within PPG17 which states that when an area of open space is to be developed upon, an assessment should be undertaken which clearly shows that this open space is surplus to requirements. The development would also be contrary to Policy 13 of the adopted North Northamptonshire Core Spatial Strategy which states that development should not lead to the loss of open space unless a site of equivalent quality and accessibility can be provided, serviced and made available to the community prior to use of the existing site ceasing”.

6 Consultations and Representations

6.1 Neighbours: Comments received from 1, 10 and 11 Glamis Close, No's 122 and 124 Harborough Road and No.4 Walmer Close. A petition has also been received from 24

residents opposing this development. Comments can be summarised as follows:

- Loss of views of the open space;
- Loss of privacy;
- Overlooking of front drive;
- Loss of a safe playing area for young children;
- Disturbance caused during construction;
- Loss of light;
- Harm caused to the public right of way;
- Would be better used as an extension to the existing cemetery;
- Impact on the appearance of the area;
- Impact on trees;
- Impact on wildlife;
- Loss of open space it is not surplus to requirements;
- A previous application has been refused on this site;
- The land is designated public open space;
- The land was going to be passed over to the Council;
- Possibility of damage to two very large mature trees;
- The hedge should be conserved.

6.2 Rushden Town Council: Object for the following reason:

“The area of land was designated as an area of open space within the original planning application and should remain as such. The Town Council is very concerned about potential damage to adjacent trees within Newton Road cemetery”.

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

6.4 Planning Policy: Comments can be summarised as:

- It should be noted that the surrounding area of this application was formally subject to application reference 87/01316/FUL for 77 houses at Land off Barrington Road. The section of land in question was specifically provided as a section of open space to serve the 77 houses, in line with planning policy at the time.

- The NPPF sets out a series of 12 core planning principles that planning should seek to achieve: contribute to conserving and enhancing the natural environment; proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- The NPPF states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless: an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements; or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision. None of the criteria apply in this instance. Therefore the proposal is contrary to national policy.

- Policy 28 of the East Midlands Regional Plan states that local authorities should increase access to green space that can be used for formal and informal recreation and to promote healthy lifestyles. Therefore the proposal would be contrary to this policy.

- Policy 13 of the North Northamptonshire Core Spatial Strategy states that development should not lead to a loss of open space or recreational facilities unless a site of equivalent quality and accessibility can be provided, serviced and made available to the community prior to the use of the existing site ceasing.

- Policy 5 of the North Northamptonshire Core Spatial Strategy states that a net gain in green infrastructure will be sought through the protection and enhancement of assets and the creation of new multi functional green space.

- In 2006 East Northamptonshire Council commissioned PMP to undertake an audit of open space, scoring existing open space sites on quality, quantity and accessibility. In 2010 this study was reviewed as part of the background evidence works for the emerging Development Plan Documents. The site in question is identified as amenity green space and scored well with comparable sites on quality at v62.2%, which is average and access also scored average at 52%.
 - The PMP report also states that the provision in the south urban area is currently significantly below the minimum standard. The minimum standard is 0.8 hectares of amenity green space per 1000 population with a recommended local standard of all households being within 5 minutes walk time (240 metres).
 - The scheme would represent a departure from national and local planning policy.
- 6.5 Rights of Way Officer: No objection to this proposal noting that the development does not appear to affect the Public Right of Way which shall remain in it's present form.
- 6.6 Wildlife Trust: Verbally confirmed that a condition should be added to any permission to ensure that site clearance does not occur between March and October. An informative is also recommended to ensure that should any protected species be identified during the works then works should stop immediately and an ecologist should be consulted.
- 6.7 Ramblers Association: No comments to make.
- 6.8 Conservation Officer (trees): No objection in principle. Comments can be summarised as:
- The site contains a number of young trees set mainly at the centre of the existing open space. Their loss, as proposed, would not have a detrimental impact on the surrounding area and they could easily be replaced with new trees planted as large specimens. More significantly are the mature trees on the northern site boundary that form part of the adjacent cemetery.
 - The applicant's have proposed to use a pile and beam construction technique. The construction technique used for the erection of the dwelling and the construction of the foundations should be approved through conditions.
 - A tree protection plan is now part of the arboricultural documents and shows suitable protection for nearby trees.
 - A no dig surface has been proposed for the main access to the site and it has been specified that this will be put in as part of the initial works. Whilst this is a sound approach, it needs to form part of a wider method statement for the construction of the site.
 - Possible replanting should be agreed by way of a condition.
 - Conditions should be added to any permission granted for an arboricultural method statement, the proposed construction method and landscaping.
- 6.9 Site notice posted: 14 May 2012 on a post adjacent to the application site.
- 7 Evaluation
- 7.1 The following considerations are relevant to the determination of this application.
- 7.1.1 The previous application 10/02130/FUL was recommended for approval by Officers as it was considered that the proposal would not have resulted in a loss of public open space. The previous committee report highlighted that the site was in private ownership and that the owner was not obliged to maintain it. Officers were of the opinion that in this particular case, given the site's location, it's usability, the ownership and the availability of other sites nearby that the loss of open space would be acceptable. Members, following a site visit, refused the application for the reason set out at paragraph 5.4 above.

7.2 Principle of development/loss of open space

7.2.1 The site is located within a built up area of Rushden where residential development would be acceptable. The main issue which needs to be assessed is whether or not the proposal would lead to an unacceptable loss of public open space. The site has been used as open space since the estate was developed. The report will start by addressing the policies which relate to loss of public open space.

7.2.2 The National Planning Policy Framework states that existing open space should not be built on unless:

- An assessment has been undertaken which clearly shows the open land to be surplus to requirements; or
- The loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational facilities.

The proposal does not comply with any of the above criteria and therefore if the application site is public open space then the proposal would be contrary to this policy.

7.2.3 Policy 28 of the East Midlands Regional Plan states that local authorities should increase access to green space that can be used for formal and informal recreation. This is in order to promote healthy lifestyles. Therefore a loss of public open space would be contrary to this policy.

7.2.4 Policy 13 of the North Northamptonshire Core Spatial Strategy states that development should not lead to the loss of open space or recreational facilities unless a site of equivalent quality and accessibility can be provided, serviced and made available to the community prior to the existing use ceasing. Policy 5 of the same document states that assets should be protected which provide a net gain in green infrastructure. Again any loss of public open space would be contrary to this policy.

7.2.5 In 2006 East Northamptonshire Council commissioned PMP to undertake an audit of open space, scoring existing open space sites on quality, quantity and accessibility. The application site was included in this study. The site was identified as an amenity green space and scored average (62.2%) on it's quality and average (52%) on accessibility. This study also states that provision of open space in the south urban area is below the minimum standard of 0.8 hectares of amenity green space per 1000 population, with all households being within 5 minutes walk time (240 metres).

7.2.6 It can be seen from looking at the above policies, that if the application site is public open space then the proposal would be contrary to policy. Therefore, the main issue which needs to be established is whether the land is formal public open space or whether the land is in private ownership, which the Council has little control over, and is therefore considered to be a vacant plot of land.

7.2.7 Planning permission reference 87/01316/FUL was granted subject to a number of conditions. Condition 11 stated that:

'Before any work is commenced on the development the subject of this permission a detailed scheme for the future maintenance and management of the proposed amenity area as shown on the submitted plan (as amended) shall have been submitted to and approved by the local planning authority'.

It does not appear that these details were ever received and a legal agreement was never drawn up. Therefore the condition was never formally discharged. In any case a legal agreement for the ongoing management and maintenance would likely to have been for around ten years. This is standard practice. Following this ten year period the land is then usually formally adopted by the local authority or the Town Council for example. The application site was never formally adopted as public open space and there is no legal agreement to say otherwise. In addition the Council can not enforce

compliance with the condition because a period of ten years has passed. Therefore the land remains in private ownership with David Wilson Homes (applicant) who have no obligation to maintain it. Based on this information the site can be described as a vacant plot of land which is privately owned rather than being a designated area of public open space.

7.2.8 The findings of the PMP study are noted and must be taken into account when determining this application. However, although stated in the previous report (10/02130/FUL) 'the applicant had an agreement under reference 87/01316/FUL to maintain the site for a period of ten years' this agreement can not be found and there is no evidence to show that the condition was ever formally discharged. Whilst maintenance of the site would be the preferred option, the practicalities of this should be highlighted. The land is in private ownership, has never been formally adopted as public open space and the owner has no obligation to maintain it in the long term. In addition, there is no route through the site and natural surveillance of the site is limited.

7.2.9 It could be argued that this plot of land was required for the initial 77 dwellings until the estate with its planned open space provision was completed. The residential estate is now complete and the original 77 dwellings now form part of a larger estate. The application site is situated on the periphery of this estate and there is a larger area of open space centrally located approximately 115 metres away from Walmer Close, which has better surveillance. This means dwellings on Walmer Close would be within a 5 minute walking distance of public open space as highlighted in the PMP study.

7.2.10 Planning permission was previously granted for this site to form residential curtilage under reference 00/00463/FUL. Therefore the local planning authority has previously agreed to the principle of this site being used as residential land.

7.2.10 Whilst the loss of public open space would be contrary to all policies relating to open space, the site is considered to be a vacant plot of land in private ownership and not public open space. Therefore, Officers are of the view that in this particular case, given the site's location, its usability, ownership issues and the availability of other sites nearby, on balance, the principle of developing this site for one detached dwelling is acceptable.

7.3 Visual impact

7.3.1 The design of the proposed dwelling would not appear out of keeping with the character and appearance of the street scene or the surrounding area. It would incorporate features that are common within Walmer Close such as the inclusion of an attached garage, a bay window, matching fenestration and a pitched roof with a front facing gable. Whilst the design of the proposed dwelling does not imitate that of any of the immediate neighbouring properties, the street is characterised by a number of properties that differ slightly from one another but incorporate similar design features.

7.3.2 The proposed location of the dwelling would follow the plot pattern of the street, by remaining in line with neighbouring properties. Although the plot would be slightly larger than neighbouring properties, the footprint of the proposed dwelling would be of a similar size to those within the surrounding area and would include rear amenity space measuring approximately 10 metres by 12 metres and would be similar to that at 9 Walmer Close which measures approximately 10 metres by 11 metres. Therefore the space within the site is used efficiently so that the proposal does not appear out of keeping with the character and appearance of the street scene.

7.3.3 Providing that appropriate materials and boundary screening are used the proposal would not result in a detrimental visual impact on the character and appearance of the street scene. Conditions are recommended for these to ensure that a satisfactory elevational appearance is achieved.

7.4 Impact on neighbouring amenity

- 7.4.1 The nearest properties likely to be impacted upon by the proposal are No.11 Glamis Close and No.5 Walmer Close. All other nearby properties would be located far enough away not to be impacted to any significant extent.
- 7.4.2 No.11 Glamis Close would be located approximately 21 metres away from the proposed dwelling at the nearest point. This distance would be sufficient to prevent any undue harm caused by overlooking, overshadowing or have an overbearing impact. The back to back distances between the two properties would be approximately the same distance as other back to back distances between properties in Walmer Close and Glamis Close.
- 7.4.3 No.5 Walmer Close would be located approximately 7.5 metres away from the proposed dwelling at the nearest point (side to side). There is a proposed landing window to the south elevation. This window would not serve a habitable room and would therefore not lead to any adverse issues of overlooking. The neighbouring property has a side elevation window to the first floor. This window is obscurely glazed and therefore the proposal would not have an undue overbearing impact or cause any loss of outlook.
- 7.5 Impact on biodiversity
- 7.5.1 A number of local residents have commented on local wildlife and the possible impacts that the proposal would have on it. The Wildlife Trust have informally advised that a condition should be added to any permission granted to ensure that site clearance is not carried out between the months of March to October to ensure that there are no nesting birds around which may be affected by the proposal. They have also advised that there is the potential for bats because of the mature trees in the neighbouring site. Therefore they have recommended that an informative be added to any permission which is granted to ensure that if protected species are discovered whilst works are being undertaken that an ecologist is consulted and works stop immediately.
- 7.6 Impact on highway safety
- 7.6.1 The Local Highway Authority has no objection to the proposal on highway related issues. Although the proposal would mean that five dwellings would be served off of a private drive, the existing access is of a standard which is suitable for multi access and therefore no changes are required to the access in order to accommodate the intensification of its use.
- 7.7 Impact on the public Right of Way
- 7.7.1 The proposed dwelling would not impact upon the public Right of Way. However, a condition is recommended for any permission which is granted for any works which affect the public Right of Way to be agreed by the local planning authority.
- 7.8 Impact on trees
- 7.8.1 The Council's Conservation Officer has commented that she has no objection to the proposal subject to the imposition of relevant conditions. She comments that the site contains a number of young, ornamental trees set mainly at the centre of the existing open space and does not consider that their loss, as proposed, would have a detrimental impact on the surrounding area. The large mature trees to the northern site boundary are more significant.
- 7.8.2 A pile and beam construction technique is proposed. However, the Council's Conservation Officer has advised that the construction technique used for the erection of the dwelling and the construction of the foundations is approved by condition. This is because the dwelling may not be sufficient distance from the nearby trees to allow a piling rig to be used and further investigation is required.
- 7.8.3 A no dig surface has been proposed for the main access to the site and it has been specified that this will be put in as part of the initial works. This needs to form part of a

wider method statement for the site so a condition is therefore recommended.

7.8.4 The Conservation Officer has also recommended that a landscaping condition is added to any permission granted to show the possible locations for replanting and to ensure that the proposal is visually acceptable.

8 Other issues

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

8.2 Access for Disabled – The proposed building would not be subject to any public access and therefore does not raise any significant issues.

8.3 Neighbours have commented that their views of the open space would be lost. Loss of views is not a material planning consideration.

8.4 Neighbours have concerns about construction traffic. As this proposal is only for a single dwelling and traffic will only be temporary whilst the development is carried out, this issue does not raise any concerns and is not a material planning consideration.

8.5 One neighbour has suggested that the proposed site would be better used as extension to the existing Newton Road cemetery. The local planning authority's role is to determine the application that is put before it and not to explore any alternative uses.

9 Recommendation

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

Conditions/Reasons -

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

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

2. The dwelling hereby approved shall be constructed in accordance with the levels information detailed in drawings H408-5 and WC/2010/100C received by the local planning authority on 4 May 2012.

Reason: In the interests of residential and visual amenity.

3. Notwithstanding the submitted information, prior to the commencement of development, details of the proposed facing and roofing materials for the proposed 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: To achieve a satisfactory elevational appearance for the development.

4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme. The scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance shall include the replacement in the current or nearest planting season, whichever is sooner, of shrubs that may die or are removed or become seriously damaged or diseased with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development.

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

retained in perpetuity.

Reason: In the interests of highway safety.

6. Notwithstanding the submitted details, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the local planning authority, implemented prior to occupation of the building hereby permitted and retained thereafter.

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

7. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the local planning authority on 4 May 2012, drawing numbers: H408-5C Elevation, H408-SG First floor plan, H408-5I Ground floor plan, H408-5 Street scene, WC/2010/100C Site layout, WC/2010/102 Location 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.

8. Prior to the commence of any works affecting any public Right of Way, full details of any enhancement, improvement, diversion or closure shall be submitted to and gain the approval of the local planning authority.

Reason: In order to protect the public Right of Way.

9. 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 BS5837:2012 and shall include, but not be limited to, details of how the construction of the site shall be phased and how services shall be installed. The development shall thereafter be carried out in accordance with the approved details.

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

10. Prior to the commencement of the development, details of the proposed construction method for the dwelling and the associated foundation structure, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the construction of the dwelling does not have an adverse impact on the neighbouring trees.

11. All vegetation clearance at the site shall only take place outside the bird breeding season of between March to August inclusive.

Reason: To ensure adherence to legislation regarding protected species in line with the Wildlife and Countryside Act and to provide biodiversity mitigation and enhancements in line with the aims of Planning Policy Statement 9 Biodiversity and Geological Conservation.

Informatives

1. In approving this application, the relevant planning policies and guidance were identified as the National Planning Policy Framework, the East Midlands Regional Plan policies 2, 3, 13b and 28, the North Northamptonshire Core Spatial Strategy policies 5, 7, 9, 10, 13 and 14, East Northamptonshire District Local Plan policies RL3 and EN20, Local Highway Authority Standing Advice for local planning authorities and the Three Towns Plan Preferred Options Document. Having regard to these, the representation received and any other material planning reasons, the main issues were identified as the principle of development/loss of public open space, the visual impact, the impact on neighbouring amenity, biodiversity, impact on highway safety, the impact on the public Right of Way and the impact on trees. The application has been approved as:

1. The principle of developing the site for a single dwelling is considered acceptable and the site has been identified as a vacant plot of land rather than public open space.
 2. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the surrounding area.
 3. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
 4. The proposal would not result in any harm to protected species subject to the attached conditions and the applicant following the advice which has been given by way of an informative.
 5. The proposal would not result in a detrimental impact on highway safety as it would utilise an existing access.
 6. The proposed development would not result in any impact on the public Right of Way.
 7. The proposal would not result in any harm to trees on the neighbouring site subject to the imposition of relevant conditions.
2. Please note that an application to discharge the above conditions may be required. Please ensure that you allow sufficient time for your application to be determined prior to implementing your permission. An approximate timescale of 8 weeks is required. For full details please visit <http://www.east-northamptonshire.gov.uk/conditions>
3. 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.

Committee Report

Committee Date : 15 August 2012

Printed: 30 July 2012

Case Officer **Carolyn Tait**

12/00767/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
8 May 2012	23 May 2012	22 August 2012	Irthlingborough Waterloo	

Irthlingborough

Applicant **Birchester Medicare Ltd**

Agent **David Jackson**

Location **332 Addington Road Irthlingborough Wellingborough Northamptonshire NN9 5UT**

Proposal **Demolition of an existing public house and associated structures and the erection of a sixty five bedroom nursing home**

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

1 Summary of Recommendation

1.1 That permission be REFUSED.

2. The Proposal

2.1 The application proposes the demolition of the existing Crows Nest public house and the erection of a 65 bedroom nursing home.

2.2 The proposed nursing home would have three storeys as well as attic space and would measure approximately 39.5 metres in depth by 39.5 metres in width and 12 metres in height. It would be constructed from red facing brick, vertical cedar cladding, upvc windows, render and grey concrete interlocking tiles.

2.3 29 parking spaces are proposed, four of which will be allocated for disabled users. A loading and unloading area is also proposed to the south of the site. Landscaping has been proposed to soften the appearance of the car parking area to the front of the site.

2.4 The ground floor would accommodate 19 bedrooms (five of which would be double rooms), five of these rooms would have en-suite facilities and all others, a wc and hand basin. It would also accommodate a laundry room, a kitchen, a prep area, a nurses room, a nurses station, a plant room, an office, a reception area, an entrance lobby, a meeting room, two disabled bathrooms, a number of stores, a wet room, a quiet room/dining room and a lounge. The Care Quality Commission's 'Essential Standards of quality and safety' advises that double rooms are acceptable.

2.5 The proposed first floor would accommodate 23 bedrooms (six of which would be double rooms), eight of these rooms would have en-suite facilities and all others would have a wc and hand basin; a dining room, two wet rooms, a nurses room, a nursing station, an office, two lounge areas, two disabled bathrooms, a number of stores and a quiet room. The second floor plan is the same as the first floor.

2.6 The attic plan shows that this floor will be used for storage and the air handling plant room.

- 2.7 An area of amenity space has been provided to the rear of the site and a sensory garden has been proposed to the south of the proposed building.
- 2.8 The application is supported by:
- A phase I ecological survey
 - Design and Access Statement
 - Lighting assessment
 - Noise assessment
 - Supporting planning statement
 - Sustainability appraisal and energy statement
 - Transport assessment
 - Travel plan
 - An accountants report
 - An archaeological trial trench evaluation
 - A phase I contamination risk assessment
- 3 The Site and Surroundings
- 3.1 The application site is located on the edge of Crow Hill housing estate. Crow Hill forms part of Irthlingborough, but is separated from the main town by the A6.
- 3.2 The Crow Hill estate is situated to the south of the site and the remainder is surrounded by open countryside. The Frontier Centre (an outdoor activity resource) is located to the north of the site and there is a Site of Special Scientific Interest within 2km.
- 3.3 The site is accessed off of the Addington Road just within the 30mph area of this road. Beyond the pub to the north, this road is derestricted.
- 3.4 The site currently accommodates the Crows Nest Public House, which up until very recently has been open to the public. There are a number of out buildings associated with the pub and a large rear garden to the east. The pub also benefits from car parking to the west.
- 4 Policy Considerations
- 4.1 National Planning Policy Framework
- 4.2 East Midlands Regional Plan
- Policy 2 – Promoting Better Design
 - Policy 3 – Distribution of New Development
 - Policy 13b – Housing Provision (Northamptonshire)
 - Policy 18 – Regional Priorities for the Economy
 - Policy 29 – Priorities for Enhancing the Region's Biodiversity
 - Policy 38 – Regional Priorities for Waste Management
 - Policy 39 – Regional Priorities for Energy Reduction and Efficiency
 - Policy 48 – Regional Car Parking Standards
- On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish 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
- 4.3 North Northamptonshire Core Spatial Strategy
- Policy 7 – Delivering Housing
 - Policy 8 – Delivering Economic Prosperity
 - Policy 9 – Distribution and Location of Development
 - Policy 10 – Distribution of Housing
 - Policy 11 – Distribution of Jobs

- 4.4 Three Towns Plan, Preferred Options Document
- 4.5 Other Documents
Planning Out Crime SPG
Local Highway Authority Standing Advice for Local Planning Authorities
CAMRA – Public House Viability Test
Planning SPG
- 5 Relevant Planning History
- 5.1 85/01162/FUL Single storey rear extension. PERMITTED.
- 5.2 98/00211/FUL Double garage. PERMITTED.
- 5.3 04/00083/FUL Change of use from public house to residential. REFUSED. This application was refused as it would have resulted in the loss of a community facility without any justification for it's loss.
- 5.4 11/01664/FUL Demolition of an existing public house and associated structures and the erection of a sixty five bedroom nursing home. WITHDRAWN. This application was withdrawn as the officers advised that the application was likely to be refused for a number of reasons. The officers felt that all issues could potentially be addressed so a number of discussions took place following the withdrawal of this application and the resubmission of the current application.
- 6 Consultations and Representations
- 6.1 Neighbours: Comments received from No 41 Churchill Avenue, No.330 Addington Road, No.43 Churchill Avenue and No. 9 Noble Avenue and can be summarised as:
- Noise from the extraction fans in the kitchen and laundry room;
 - Smell coming from the fans;
 - Parking concerns;
 - Smell from the bin area;
 - The height of the building would result in loss of light to homes and gardens
 - Overlooking;
 - Drainage problems, how will the drainage be connected?
 - The pub has lost so much money as it is never open;
 - The pub was given its licence to provide an amenity for local residents, without the pub, residents will become isolated;
 - There is a right of way through the site;
 - The proposal will be completely out of place in this location;
 - Concerned that the site will end up derelict for a number of years through lack of sound investment.
- 6.2 Letter from the existing tenant/operator of the Crows Nest can be summarised as:
- Supports the application for a nursing home.
 - It is impossible to make a living wage from operating the Crows Nest public house.
 - Over the past 2 years many different types of promotion have been tried but unfortunately little support was gained by the nearby housing estate.
 - At present only 1 part timer is employed due to a lack of business. A new nursing home would be able to employ many staff and contribute much more to the local community. This type of facility will be much needed in the future.
- It should be noted that the current land lady is the daughter of the applicant.
- 6.3 Irthingborough Town Council: No comments received.
- 6.4 North Northamptonshire Joint Planning Unit: Comments can be summarised as follows:

- The relatively minor alterations to the front elevation do make quite an improvement, although the building still appears squat by virtue of the roof pitch and width.
- It is good to see that the changes have been enacted to match the rear, with the introduction of more vertical French windows and the introduction of timber cladding has added a bit of variety to the materials and rear elevation.
- As per paragraphs 63 and 64 great weight should be given to outstanding or innovative design which helps raise standards of design more generally in the area and permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- As the building is in such a prominent location, whilst improvements have been made, it has the ability to go further to raise the standards of design in the area.
- The proposed scheme fails to take into account the existing residential development and character of the street by setting it back. It is appreciated that this is so parking can be provided to the front but this is at the detriment of rear amenity space for residents. This is somewhat overcome by the introduction of larger windows and a balcony on the rear elevation which will give views across the countryside.
- The National Care Standards for Care Homes states that people should be able to enjoy spending time outdoors. Outdoor areas should have easy access and hard level surfaces. They should have different types of plants that are interesting to smell and touch. These points are set out in 'Best Practice Design for People with Dementia' (2007).
- The NPPF, Building for Life and the Sustainable Design SPD seek schemes with distinctive character and a high standard of architecture, identity and variety. Whilst there have been some fundamental changes to the scheme which have improved it, it is considered that the scheme could go further to achieving these aims.
- The submitted scheme does not adequately address the requirements of Policy 14b of the North Northamptonshire Core Spatial Strategy, in particular iv, which requires residential development of ten or more units or 0.5 hectares or greater to demonstrate that at least 10% of the demand for energy will be met on site through low or zero carbon technologies. The application should adequately address these issues and further information should be sought from the applicant with regards to their intentions.

6.5 Northamptonshire County Council Archaeological Advisor: The site has been thoroughly landscaped and there was no indication of any surviving archaeological remains. Therefore there is no objection to the proposals and no further archaeological work is required.

6.6 Planning Policy Team: Comments can be summarised as:

- Section 1 of the NPPF focuses on delivering sustainable development by building a strong and competitive economy. In particular it is considered that the planning system should support economic growth.
- The NPPF sets out 12 core land use planning principles which underpin plan making and decision taking including "seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and building" and "encouraging the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value.
- The design of the building will need to be assessed in relation to the character of the area.
- Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities

and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs; ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. The loss of a pub will have to be assessed against these criteria to determine if the proposal is acceptable. Given that this is the only pub at Crow Hill it could be argued that this will result in the loss of a valued facility.

- Policy 1 of the North Northamptonshire Core Spatial Strategy contains the overall spatial strategy for Irthlingborough. It places an emphasis on regeneration of town centres in order to provide jobs and services, deliver economic prosperity and support the self sufficiency of the network of centres. This policy therefore places a strong emphasis on urban regeneration in the case of Irthlingborough.

- Alternatively if Crow Hill is deemed to be a separate freestanding village then the overall spatial strategy states that development will take place on sites within settlement boundaries. Given that the scheme represents the redevelopment of an existing brownfield site, albeit on the edge of Crow Hill, then the case could be presented that the application site falls within the existing built form.

- Nevertheless for the scheme to be acceptable it would need to satisfactorily accord with all relevant criteria of Policy 13 of the North Northamptonshire Core Spatial Strategy. In respect of schemes involving the loss or closure of a village pub, especially the sole pub in that community it will be necessary to be satisfied that the proposal will not lead to the loss of community facilities, unless it can be demonstrated that they are no longer needed by the community they serve and are not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new and existing community.

- A design and access statement submitted with the proposal states that the pub is running at a loss despite hosting a variety of events to attract customers. However, it has not been demonstrated by the applicant that the pub is no longer needed by the community. In fact neighbours opposed to the loss of the public house when consulted on the previous application, arguing it was a key place to socialise. Currently the same objection has been put forward by a neighbour during the consultation period for this application.

- Policies 8 and 11 of the North Northamptonshire Core Spatial Strategy focus upon securing a net increase in jobs. However, in both cases these emphasise the creation of new office and distribution jobs as priority sectors for growth.

- Consideration should also be given to the overall vision and quality of life objectives of this same Policy document. The vision for North Northamptonshire refers to creating a strong network of vibrant settlements and ensuring that growth has brought opportunities and benefits to existing communities. The document states that this should be achieved through supporting initiatives that build stable, safe, healthy and strong communities and supporting area based renewal.

- However, one of the benefits is that 23 jobs will be created which will bring benefits to the existing community. Therefore the proposal could satisfy objective 8 of the North Northamptonshire Core Spatial Strategy.

- It is noted that job creation is a benefit of developing a new nursing home, however after consideration of the NPPF and other relevant local planning documents, it is considered that there is insufficient evidence to suggest that the public house is no longer needed by the community.

- The more local policies represent critical considerations in determining the application. Policy 13f presents a specific policy protection in respect of the loss of an existing community facility. In no way has the applicant demonstrated that the Crows Nest pub is no longer needed by the community. It is therefore considered that the proposal is contrary to Policy 13f of the North Northamptonshire Core Spatial Strategy, so in principle, there is a planning policy objection.

6.7 Northamptonshire Police: No formal objection to the proposal in principle. However, greater detail is needed in order to fully approve the proposals. If approved conditions are required to ensure that adequate safety and security is in place concerning:

- External lighting
- Boundary treatment including access control (gates)
- CCTV
- Access control for both visitors and residents
- Security standard of doors and windows including any specific hardware.

6.8 Local Highway Authority: Comments can be summarised as follows:

- The overgrown hedgerow and shrubs fronting the development site on the north eastern boundary will need to be cleared to allow a vehicle visibility splay of 2.4 metres by 120 metres for emerging drivers using the south easterly exit as indicated on drawing number 532/5 revision c.

- The existing vehicle access points designated on drawing no. 532-5 are to be reconstructed to Northamptonshire County Council standards.

- Requests the appropriate off site accommodation footpath reconstruction and kerbing works within 400 metres of the site boundary throughout the frontages of dwellings numbered 284 to 330 Addington Road to aid the safe passage of pedestrian use for the residents of the promoted development, which can be conditioned accordingly.

- The promotion of an alternative vehicle access from Churchill Way could also be considered should the applicant wish to promote an alternative shared vehicle access to the site. However, the existing vehicular access points fronting Addington Road would need to be removed and the verge reinstated.

- Please note that at this time investigations into speeding drivers are ongoing although any enforcement action or other promoted means of enforcement are separate from the current development application and has no bearing on the site use in any event.

- No objection in principle to this proposal however if minded to grant permission conditions should be added requiring the following details: hard surfacing, vehicle visibility splays and a scheme for the off site improvement works to the existing footpath throughout the frontage of 284 – 330 Addington Road.

6.9 Environment Agency: No objection to the proposed development. However, if permission is granted the following conditions are recommended:

- A preliminary risk assessment to be submitted and agreed
- A site investigation scheme
- A remediation strategy
- A verification plan

- If any contamination is found during development which has not previously been identified then approval should be sought

- No infiltration of surface water drainage into the ground is permitted

- Details of the phasing and future management and maintenance arrangements for the provision of mains foul water drainage shall be submitted and agreed.
A number of informatives are also recommended to bring to the attention of the developer should permission be granted.

6.10 Western Power Distribution: No objection.

6.11 Council's Environmental Protection Officer: Object to the proposed development on the grounds of lack of information as no relevant information has been submitted with respect to noise. Objection can be summarised as follows:

- Having looked through the submitted plans and sections all potentially noisy activity is located nearest to existing residential properties. It is obvious why this has been done, so that bedrooms on the northern and eastern elevations would have views over open countryside and not overlook existing development. The usual argument of aesthetics and requirements of the new development being placed above the amenity value of existing development.
- Of particular concern is noise emanating from the roof top air handling plant room as shown on the attic plan and from the plant room, kitchen and laundry on the southern elevation as shown on the ground floor plan.
- Noise has been briefly mentioned within the supporting planning documents under the title 'Noise Assessment'. This states that 'The proposals show the laundry, kitchen are located on the elevation nearest the adjacent neighbouring properties. None of these items will not be louder than a traditional residential property. These will not be in operation between the times of 2200 and 0800. The air handling unit is set further back within the wing to the front of the building and will not be louder than a traditional residential domestic dwelling'.
- None of this statement has been qualified or supported by a detailed acoustic assessment of the existing noise environment, assessment of noise sources associated with the proposals and possible impacts on nearby existing development.

6.12 Northamptonshire County Council Fire and Rescue: Comments can be summarised as:

- New development schemes place additional demand for fire and rescue resources. The County Council applies a contribution rate of £92 per household towards local fire and rescue services. However, as this development is for a nursing home, a sprinkler system should be conditioned instead.
- This development is likely to require at least one fire hydrant. The hydrant should be installed at the same time as the rest of the water infrastructure and prior to any building being occupied.
- The fire service request that this cost is secured through a planning obligation. The current cost for Anglian Water to install a fire hydrant is £843. Therefore this is the total figure sought for this proposal.

6.13 Council's Waste Management Officer: A site waste management plan should be sought by way of a condition to any permission which is granted.

6.14 Anglian Water: Comments can be summarised as follows:

- Records show that there are no assets owned by Anglian Water within the development site boundary.
- The foul drainage from this development is in the catchment of Broadholme STW that at

present has available capacity for these flows.

- The sewers which were transferred over to Anglian Water in 2011 have capacity to accommodate the foul flows from this development.
- The preferred method of surface water disposal would be to a sustainable drainage system with connection to sewer seen as the last option.
- The surface water strategy/flood risk assessment submitted with the application is unacceptable. The application form states that a sustainable method of surface water disposal will be utilised, however, plans suggest that surface water will connect to sewers in the vicinity of the site and therefore it is recommended that the applicant should consult with Anglian Water and the Environment Agency. A condition should be added to any permission granted requiring a drainage strategy covering these issues.
- An informative should be added to any permission granted to inform the applicant that an application to discharge trade effluent must have been made to and approved by Anglian Water.
- A condition is recommended for a surface water strategy/flood risk assessment to be approved.

6.15 Comments have not been received from the following consultees. Any responses received after writing this report will be added to the update sheet.

- Council's Conservation Officer
- Campaign for Real Ale
- Primary Care Trust
- Northamptonshire Wildlife Trust

6.16 Site notice posted: 7 June 2012 on a lamp post adjacent to the site.

7 Evaluation

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

7.2 Principle of development

7.2.1 The site is located outside of the main town of Irthlingborough, on the edge of a housing estate known as Crow Hill. The Three Towns Plan Preferred Options Document shows Crow Hill as being a separate settlement to Irthlingborough and therefore will be treated as such for the purposes of this planning application. The Three Towns Plan shows the application site to be located outside of the settlement boundary and therefore in the open countryside. However, the site is classed as previously developed land as there is an existing building on the site and it is adjacent to the settlement boundary. For those reasons the principle of redeveloping the land is acceptable. The main issue here is whether or not the proposal would result in the loss of a community facility. This is addressed below.

7.2.2 The National Planning Policy Framework makes it clear that local planning authorities should plan positively for the provision and use of community facilities, such as public houses, to enhance the sustainability of communities and residential environments. Local planning authorities should guard against the unnecessary loss of valued facilities and services and they should allow established facilities to develop and modernise in a way that is sustainable (paragraph 70). Therefore community facilities are a valuable asset and help keep communities sustainable.

7.2.3 The NPPF also highlights that the Government is committed to securing economic growth in order to create jobs and that the planning system should do everything it can to support sustainable economic growth. This proposal could create up to 69 jobs and so would therefore be contributing to the economy.

7.2.4 The NPPF sets out that the purpose of planning is to help achieve sustainable development. It defines sustainable as ensuring better lives for ourselves whilst ensuring that this does not mean worse lives for future generations. It defines development as growth and continues to state that we must accommodate the new ways by which we will earn money. This includes housing a rising population which is living longer as things will be worse if they stagnate.

7.2.5 Therefore it can be seen that the NPPF does not support the loss of community facilities such as public houses but on the other hand supports economic growth. The proposal therefore needs to be addressed by assessing whether the proposed job creation outweighs the harm caused by losing Crow Hill's only public house.

7.2.6 The NPPF highlights the three dimensions to sustainable development – economic, social and environmental (paragraph 7). These roles are mutually dependant and in order to achieve sustainable development these three elements should be sought jointly and simultaneously through the planning system (paragraph 8). It states that sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. Therefore, the proposal by reason of the loss of a public house, the only one in Crow Hill, would be contrary to the guidance in the NPPF and would not satisfy the criteria of what sustainable development is. The proposal does not plan positively for future growth.

7.2.7 Paragraph 12 of the NPPF makes the development plan the starting point for decision making. It states that 'proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'. The next section of this report will therefore look at policies which are relevant to East Northamptonshire.

7.2.8 Policy 13f of the North Northamptonshire Core Spatial Strategy states that development should 'not lead to the loss of community facilities, unless it can be demonstrated that they are no longer needed by the community they serve and are not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new and existing community'. No details have been provided by the applicant or their agent to show that this facility is being relocated and therefore this option can be disregarded.

7.2.9 The applicant has provided some limited information regarding the promotion of the pub since it has been in his ownership. This information includes:

- A schedule of events for 2010 and 2011;
 - A history of the pub since October 2009;
 - Various posters and Facebook pages which have advertised events;
 - Trading, Profit and Loss Account Summary;
 - Letter from Mike Mead, Chartered Accountants to show the last three years takings.
- Information has also been provided to show the need for a 65 bedroom nursing home. This includes:
- Market analysis report; and
 - Staffing requirements for the proposed 65 bed nursing home.

7.2.10 Since the application was received by the local planning authority the public house has closed. The Facebook page which the applicant has made reference to does not appear to exist any longer. Whilst the information provided does go into detail, it is not sufficient for the local planning authority to consider whether or not the pub would be viable if it was in the right ownership or whether this is a facility which is no longer needed by the community which it serves. Suitable evidence may have included a local questionnaire or survey highlighting what the needs of the community are. There are a number of factors which must be taken into account. In order to assess whether the pub could be viable, the Campaign for Real Ale Public House Viability Test has been applied. However, officers were not able to apply this assessment in full. This document advises that many of the pubs which have

closed in recent years would, in the right hands, have continued serving their local communities as well as providing a decent living for those running them.

7.2.11 The test is an objective one aimed at decision makers to make fair, open and informed judgements on the question of viability. The document has been widely used by local planning authorities and planning inspectors. It includes questions which relate to population density; visitor potential; competition; flexibility of the site; parking; public transport; multiple use; the business at present and the sale. Officers are of the view that insufficient information has been provided by the applicant to enable the local planning authority to be able to make a full assessment of the viability of the Crows Nest. The test would suggest that the pub could be viable if in the right hands. In addition no evidence has been provided by the applicant to indicate that the pub is no longer needed by the community which it serves.

7.2.12 In fact, the previously withdrawn application 11/01664/FUL saw nine residents plus the Town Council object to the same proposal, as it would have resulted in the loss of a community facility. Comments were also received from residents about how the pub had not been run efficiently and in the right hands the pub could have been a success. However, only one neighbour has objected for this same reason with regards to this current application. This evidence shows that the pub was used by the local community which it served.

7.2.13 Overall, it is considered that the proposal would result in the loss of a community facility which would be detrimental to the future of the Crow Hill community. Insufficient evidence has been provided by the applicant or his agent to indicate that there is no longer a need for this facility, especially when this is the only public house serving Crow Hill. It is noted that there are pubs located within the main town of Irthlingborough, but the nearest is located over 2 km away and the nearest village pub is located 1.2 km in Little Addington, however, this has also recently closed. The existing site has a large rear garden with play equipment and is located adjacent to open countryside which gives it an advantage over many town pubs and provides attractive views. Whilst the proposed 65 bedroom nursing home would create up to 69 jobs and would house an aging population, on balance, this does not outweigh the loss of a community facility for the reasons above.

7.3 Visual impact

7.3.1 The site is located adjacent to the existing settlement of Crow Hill. This housing estate is characterised by properties which are all very similar in their appearance. The properties were built around the 1950s with some infill development in the preceding years.

7.3.2 The existing Crows Nest pub reflects the character of nearby dwellings but at the same time stands out as being a building with a different use as the property is detached and located within a large plot. The building has a larger footprint than those in the surrounding area and also has a car park to the front. This means that the Crows Nest public house forms a gateway feature and helps to identify Crow Hill.

7.3.3 The proposed nursing home would be three storeys in height and would cover an area of approximately 1226 sqm. It would be located to the east (rear) of the plot with parking to the west (front). The proposed building is an amended version of what was previously submitted as part of application 11/01664/FUL. More vertical timber cladding has been added and windows have been lengthened. This has helped to reduce the squat appearance of the building.

7.3.4 A number of informal discussions have taken place with the applicant and agent to try and redesign the building so that it appears less squat; however, the building has been designed so that there are no corridors and that the nurses stations are in a central location. Therefore the amendments to the windows and materials were one way to minimise the visual impact of the proposal.

- 7.3.5 Paragraphs 63 and 64 of the NPPF state that great weight should be given to outstanding or innovative design which helps to raise the standard of design more generally in the area and permission should be refused for development of poor design that fails to take the opportunities available for improving the character or quality of an area and the way it functions. The North Northants Joint Planning Unit consider that the proposal could go further to raise the standard of design in the area and that the proposed scheme fails to take into account the existing residential development and character of the street by setting it back in the plot. Whilst this may be so, the proposed building would improve the standard of design more generally in the area by using high quality materials and having distinctive design features such as a glazed front entrance porch and glazed balconies to the rear.
- 7.3.6 The proposed roof form mirrors that of nearby dwellings and helps to emphasise this style of roofing as a common feature of the surrounding area. The right angles of the building also reflect those of nearby properties which are very simple in their layout and form.
- 7.3.7 Although the proposed building is set back within the plot to allow for sufficient parking space to the front, and would therefore not follow the built form along Addington Road or Churchill Avenue, the set back distance would help to reduce its prominence and would give a visual reduction in its height when viewing it adjacent to existing residential properties.
- 7.3.8 Whilst the proposal is large in comparison to nearby properties, this building is not intended to be a residential dwelling, it is a nursing home and therefore should appear as a different type of building with its own unique identity. It is not necessary for the design to mirror that of nearby properties but to reflect the nearby character. This has been achieved as stated at 7.3.6 above.
- 7.3.9 This is a gateway site and the proposal reflects this. It enables the public to identify where they are. The size of the proposal allows the public to identify this building as having a different use to other properties. The proposal is institutional in appearance, which is what would be expected from a nursing home.
- 7.3.10 For the reasons stated above the proposal would comply with the NPPF in terms of its visual appearance as it would help raise the standard of design more generally in Crow Hill. It would also take the opportunity to improve the character and quality of the area and the way it functions by establishing that this is a building with a different use.

7.4 Impact on neighbouring amenity

- 7.4.1 The proposed building would be located closest to the neighbouring properties at No.43 Churchill Avenue and Nos 328 and 330 Addington Road. It would be located approximately 3 metres away from the boundary of No.43 Churchill Avenue at the nearest point and would be located along almost the entire length of this neighbouring property's rear garden. The proposed building would measure approximately 12.8 metres in height along this boundary and would therefore result in an overbearing impact on the occupiers of this property. It is noted that there are very high Leylandii trees along this boundary at present. However, these do not appear to be 13 metres in height and have a softer appearance than a solid brick or timber wall. The proposed building would be located to the north of this property and as such there would be no undue overshadowing to any of this property's windows or its rear amenity space. The only windows which would face this neighbouring property are those which serve en-suites, a dining room and a laundry room. En-suites are non-habitable rooms and therefore these would not result in direct overlooking of the neighbouring site. The proposed dining and laundry room windows would be high level windows. However, if permission were to be granted then a condition could be added to ensure that these were 1.8 metres above floor level to prevent any overlooking.

- 7.4.2 The proposed nursing home would be located approximately 11 metres away from the boundary of No's 328 and 330 Addington Road at the nearest point and this distance is considered sufficient to result in an overbearing impact on the occupiers of these properties. A number of bedroom windows along the proposed south elevation would face these neighbouring properties' garden. Overlooking is likely to be caused from bedroom windows at second floor level given their height and close proximity to these neighbouring properties. As the proposed building would be located to the north of these neighbouring properties then no undue harm would be caused by overshadowing.
- 7.4.3 The Council's Environmental Protection Officer objects to the proposal on the grounds of lack of information. This is because no relevant information has been submitted with respect to noise. All potentially noisy activity is likely to be on the side of the building which is located nearest to residential properties. The Council's Environmental Protection Officer has commented that of particular concern is noise emanating from the roof top air handling plant room within the attic and from the plant room, kitchen and laundry rooms on the southern elevation. The application details state that none of the items used will be louder than a residential property and that they will not be in operation between 2200 and 0800. However, this statement has not been qualified or supported by a detailed acoustic assessment of the existing noise environment, assessment of noise sources associated with the proposal or the possible impact on nearby existing development. For this reason the proposal is recommended for refusal on lack of information as a full assessment can not be made as to the likely impact that the proposal would have on nearby residents.
- 7.4.4 Neighbours have objected about the nearby bin store and odours which would be associated with it. A condition could be added to any permission granted requesting revised bin storage details to show how this would be secured in order to prevent odour nuisance.
- 7.5 Parking/highway safety
- 7.5.1 The proposal accommodates 29 parking spaces, of which four are for disabled highway users. A dedicated cycle storage area has also been shown on the submitted plans which shows sufficient space for 14 bicycles.
- 7.5.2 The Parking SPG sets out the maximum number of spaces required for each development type. For this type of proposal 2 spaces per 5 residents are required. The maximum number of residents that this development could house would be 82. Therefore a maximum number of spaces required would be 34. Twenty nine spaces therefore complies with the maximum number of spaces required within the Parking SPG.
- 7.5.3 The Parking SPG sets out that one cycle space is required per ten bedrooms. Fourteen cycle spaces is therefore sufficient.
- 7.5.4 Each vehicular parking bay would measure approximately 4.8 metres by 2.4 metres with approximately 6.8 metres behind each bay to allow for manoeuvrability. This would be in accordance with the Parking SPG.
- 7.5.5 The Local Highway Authority has no objection to the proposal, but should permission be granted conditions are recommended for:
- Hard surfacing materials to be used to form the reconstructed vehicle access and egress points;
 - Vehicle visibility splays measuring 120 metres in a north easterly direction and 43 metres in a south easterly direction. These points should be measured 2.4 metres back along the centre line of the identified vehicle egress point; and
 - A scheme showing the off site footway improvement works throughout the frontage of

284 – 330 Addington Road within 400 metres of the site boundary.

7.5.6 Therefore the proposal would not result in a detrimental impact on highway safety.

7.6 Archaeology

7.6.1 The site is adjacent to important archaeological sites including Crow Hill Iron Age hillfort that was also settled in Roman and Saxon times and undated cropmarks immediately to the south east. The Addington Road may also follow the line of a former Roman road. For this reason, trial trenching was carried out at the site. A trial trench evaluation has been submitted as part of the application. No archaeological features were observed in the excavated trenches and no artefacts were recovered. Therefore the proposal would not result in any harm to archaeological remains.

7.7 Fire and Rescue

7.7.1 Northamptonshire County Council have requested that a sprinkler system is used for the proposed development. It is considered that a condition could be added to any permission granted to ensure that one is installed and that the details are agreed prior to the commencement of development.

7.7.2 Fire and Rescue have also requested a contribution of £843 for a fire hydrant to be installed. This is not considered necessary as a condition can be added to any planning permission to ensure that a fire hydrant is incorporated.

7.8 Drainage/contamination

7.8.1 Anglian Water and the Environment Agency have no objection to the proposal subject to a number of conditions to be added to any permission granted. The recommended conditions are for:

- A surface water strategy/flood risk assessment to prevent environmental and amenity problems as a result of flooding;
- A preliminary risk assessment identifying all previous uses and potential contaminants associated with those uses;
- A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- The results of the site investigation and detailed risk assessment shall be used to create an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, and to identify any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action;
- If any contamination not previously found is present at the site then no further development shall be carried out without the written approval of the local planning authority;
- No infiltration of surface water drainage into the ground to be permitted other than where it can be demonstrated that there is no resultant unacceptable risk to controlled waters; and
- A scheme including phasing and future management and maintenance arrangements, for the provision of mains foul water drainage shall be agreed by the local planning authority.

7.8.2 Neighbours have commented about problems with drainage. However, the above conditions are recommended to ensure that the proposal does not cause flooding, pollution or detriment to public amenity through the provision of suitable water infrastructure. Therefore the proposal would not be unacceptable for this reason.

7.9 Biodiversity

7.9.1 The site is located within 2km of a Site of Special Scientific Interest. A Phase I ecological survey has been submitted with the application. The survey considers that

the works could proceed as proposed but it has outlined a number of recommendations that should be followed. These include:

- Avoiding vegetation clearance during the months of March to August inclusive;
- Having working practices in place, so that should any protected species be identified then all works stop immediately and an ecologist is contacted; and
- Biodiversity enhancement measures are incorporated with any proposals.

7.9.2 The ecological survey recommendations can be added as conditions or informatives to any permission granted and therefore the proposal would not result in a detrimental impact on biodiversity.

7.10 Sustainability and energy

7.10.1 Policy 14 of the North Northamptonshire Core Spatial Strategy states that residential development involving 0.5 hectares or more of land should demonstrate that at least 10% of the demand for energy will be met on site and renewably. The submitted plans show that PV panels will be incorporated, however, no information has been provided to show how the 10% will be generated. Whilst this is not a reason for refusal of planning permission, this is an area that requires further consideration and this could be achieved through further negotiations with the applicant or by way of a condition added to any permission which is granted.

7.11 Waste

7.11.1 The Council's Waste Management Officer has requested that a condition be added to any permission which is granted for a site waste management plan to be agreed by the local planning authority prior to the commencement of development.

7.12 Crime and disorder

7.12.1 Northamptonshire Police have no objection to the proposal based on the information which has been submitted. An email from Glen Coltman at David Jackson Architectural Services Ltd sets out the security measures which will be in place. Northamptonshire Police were satisfied that their concerns were being addressed but have requested that further information is secured through the use of planning conditions. The conditions which they have recommended to ensure adequate safety and security are:

- External lighting details;
- Boundary treatment details including access control;
- CCTV;
- Access control for both visitors and residents; and
- Security standards of doors and windows including any specific hardware.

7.13 Developer contributions

7.13.1 The Primary Care Trust has been consulted with regards to this application, however no response has been forthcoming. Whilst medical care is likely to be required for the residents of the proposed nursing home, they are likely to be from the surrounding area and would therefore not put any pressure on existing services. Therefore no developer contributions are required.

8 Other issues

8.1 Access for Disabled – The proposed building would be suitable for use by disabled residents.

9 Recommendation

9.1 That permission be refused for the following reasons:

Conditions/Reasons -

1. The applicant has failed to submit sufficient evidence to demonstrate that the public house, which is proposed to be demolished, is no longer needed by the community which it serves. The proposal would therefore not lead to sustainable development and would lead to the loss of a community facility without sufficient justification. Therefore the proposal would be contrary to policy 13(f) of the North Northamptonshire Core Spatial Strategy and the National Planning Policy Framework.
2. The proposed three storey building for reasons of bulk, height and proximate siting to the neighbouring property would result in an unacceptable overbearing impact at No. 43 Churchill Avenue, to the detriment of the residential amenities of the occupiers in this property. As such, the proposal is contrary to Policy 13(l) of the North Northamptonshire Core Spatial Strategy and Policy 2 of the East Midlands Regional Plan.
3. The proposed building by reason of it's siting and layout, would be reliant upon and create an unacceptable degree of overlooking onto the neighbouring gardens at No's 328 and 330 Addington Road. The proposal would therefore be contrary to Policy 13(l) of the North Northamptonshire Core Spatial Strategy and Policy 2 of the East Midlands Regional Plan.
4. The applicant, by failing to submit satisfactory noise information, has failed to demonstrate that there will be no adverse impact on the amenity of adjacent occupiers. As such the proposal is contrary to Policy 13(l) of the North Northamptonshire Core Spatial Strategy.

Informatives

1. The drawings to which this decision relates are as follows:
Plans received by the Local Planning Authority on 8 May 2012

And Received by the Local Planning Authority on 4 July 2012

Drawing numbers:

532-1 Existing site plan
532-2 Existing elevations
532/5D Proposed site plan
532/6C Proposed external lighting plan
532/10D Proposed ground floor plan
532/11D Proposed first floor plan
532/12D Proposed second floor plan
532-13C Attic plan
532/14D Proposed roof plan
532/20D Proposed elevations sheet 1
532-21E Proposed elevations sheet 2
532/22D Proposed sections
532-23B Proposed street scene
OS Sitemap at a scale of 1:1250

Committee Report

Committee Date : 15 August 2012

Printed: 6 August 2012

Case Officer **Amie Baxter**

12/00844/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
21 May 2012	21 May 2012	16 July 2012	Rushden	Pemberton

Applicant **Mr A Gibson**

Agent **Toby Pateman Architect Ltd. - Toby Pateman**

Location **45 Sartoris Road Rushden Northamptonshire NN10 9TL**

Proposal **Proposed conversion of an industrial unit into 6 no. flats and the division of a single dwelling (first floor only) into 2 no. flats**

This application is brought before the Development Control Committee at the request of the Local Ward Member.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes to convert an existing building which is currently used as a screen printers with the top floor used as a flat. The building would be converted into 8 residential units (including the existing flat which would be made smaller).

2.2 No external changes are proposed for the front elevation but a small number of alterations would be made to the rear elevation, namely, the removal of a timber staircase and single storey lean-to extension, substitution of a window to a door and the insertion of an additional door.

2.3 8 parking spaces would be created to the rear of the building along with a small patio and grassed area.

2.4 Access to the site would be gained via an existing under-croft to the north east corner of the site. It is not proposed to make any physical alterations to this access but, on the advice of the Highways Authority, the applicant proposes several aids (as shown on plan ref: 4775-SK01A) to enable drivers to access and leave the site without conflict.

3 The Site and Surroundings

3.1 The subject building is four storeys in height and is positioned on the southern side of Sartoris Road, with a direct frontage to the street. The frontage spans a width of 20 metres and the building is 7.6 metres deep. There is a three storey high projecting element to the rear.

3.2 The building is constructed from red brick with buff brick detailing. Windows are a mix of steel and Upvc.

3.3 The site is surrounded on all four boundaries by residential property of a similar age and style. There are a number of commercial and industrial premises to the western end of Sartoris Road.

3.4 None of the dwellings in the immediate vicinity have off road parking; all parking is therefore directed to the street.

4 Policy Considerations

4.1 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 39 – Regional Priorities for Energy Reduction and Efficiency

Policy 45 – Regional Approach to Traffic Growth Reduction

Policy 48 – Regional Car Parking Standards

4.3 North Northamptonshire Core Spatial Strategy, June 2008:

Policy 1 – Strengthening the Network of Settlements

Policy 9 – Distribution & Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

4.4 Supplementary Planning Guidance:

Parking SPG, March 2003

Planning Out Crime in Northamptonshire, Feb 2004

4.5 Supplementary Planning Document:

Design SPD, March 2009

4.6 Other Documents:

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

Three Towns Preferred Options Document

5 Other Relevant Planning History

5.1 EN/02/01138/FUL. Proposal to convert the ground and first floor into three flats (with the second floor remaining as a light industrial use). Planning permission was granted on 19.03.2003 by the Development Control Committee. A condition was used to restrict the occupancy of the flat on the first floor to the owner of the industrial unit on the second floor, to prevent residential amenity concerns.

6 Consultations and Representations

6.1 Neighbours: 8 letters of objection have been received, including a petition with 67 signatures. The neighbours object on the following grounds:

Highway Safety Issues:

- The road is already in a poor state of repair with potholes and the proposal would make this worse.
- The occupier of 37 Sartoris Road has a conservatory to the rear and is concerned that someone might crash into it if they have an accident in the rear parking area. Crash

barriers should therefore be installed.

- The proposed access is very tight and there would be little room to manoeuvre into and out of the site, given that cars will park on the road close to the access. The owners do not even use the access themselves at present.
- Who is going to take responsibility for the maintenance of the traffic warning system? The proposed traffic warning system will not work as residents will not want to wait in the street for someone to access or leave the application site.
- There are a number of families in Sartoris Road with children. Road safety would be compromised as a result of this proposal.

Parking Concerns:

- It can be assumed that each of the 8 flats created would have two cars and it would be reasonable to assume that at least two of those flats would be shared occupancy. This would equate to at least 12 extra vehicles parking on the street, plus any family or friends visiting.
- Sartoris Road is already very busy in terms of traffic and parking and the proposal would only add to the existing problems. There are also two businesses in Sartoris Road and the proposed development would not have less of an impact than the existing factory does at present.
- The applicants say that they have three vehicles and one is garaged. This is not so as all three are normally parked on the road and are used at all times.

Residential Amenity concerns:

- The occupier of 37 Sartoris Road is concerned that the access to the site is directly adjacent to their property and increased use of the access would have noise and air quality implications. Car headlights would also shine in windows at night.
- Some neighbouring occupiers work shifts and sleep through the day. Sleep would therefore be disturbed. Any lighting in the car park would have an effect on neighbouring dwellings and the proposed development would generate additional noise internally, through party walls.
- The proposal would mean that neighbouring properties would decrease in value and the proposal would overlook adjacent gardens where there area often children playing.

Other issues:

- Residents currently experience low water pressure which would be made worse by the proposed development. One neighbour is unable to have a bath or shower at the same time as her neighbour as the water pressure is so low and the drainage system will not be able to cope.
- There would be no gate to prevent people from entering the proposed car park and this would make it easy for someone to access the rear gardens of neighbouring dwellings.

6.2 Rushden Town Council: Object to the proposal on the following grounds:

- The proposal would be overdevelopment of the site.
- The proposed flats would be inferior in quality and would be too small.
- Rushden already has an overprovision of flats.
- The Town Council would welcome a development of 3 town houses on this site.

6.3 Cllr Wright- A letter of objection has been received from Cllr Wright. He objects to the development on the following grounds:

- The idea to convert the building to flats when there are already a number of flats unoccupied in Rushden would create many other problems.
- Access and egress to the building is not practical by the means suggested by the developer and it is almost impossible for current residents to park along Sartoris Road, let alone outside their own house.
- The Councillor wishes to echo the objections already made by neighbouring occupiers.
- Within 500 yards of the proposed development there are flats where occupation has

been difficult and the owner has had to resort to allowing occupancy to any degree, just to seek a return on his investment.

- A number of applications have been granted for flats in the recent past where developers have then realised that the market in Rushden does not demand for flats.
- Environmental Services have said that they would not be able to pick up waste from the site and this highlights one of many factors that makes this application unacceptable.
- It is understood that planning law dictates how we should deal with a proposal and that the law is on the side of the applicant but we must use common sense and refuse the application.
- The developer is already commencing works so he must feel that a permission is automatic. The Councillor would like it to be recorded that the Enforcement Department have advised the applicant that he would need to reverse any works if this planning application is not approved.

6.4 Local highway authority: No objection subject to the use of a condition which would request details of the proposed management company which would be responsible for the safety technology at the access point, details of surface materials to comprise the off site accommodation works and to ensure that the parking and turning space shown is retained.

6.5 Crime Prevention Officer (Northamptonshire Police): no objection.

However, the Crime Prevention Officer makes the following recommendations:

- For security and to prevent anti-social behaviour, it is recommended that the existing access gates remain.
- The proposed bin store should have doors or gates installed and they should be secure and lockable.
- The new external communal door to the southern elevation should be secure and to certified standards as required by Secured by Design 'New Homes 2010' section 24.
- Existing doors should have their security enhanced with British Standard certified locks.
- Internal Flat doors should be certified to standards as per the requirements of Secured by Design 'New Homes 2010' section 25.
- Any replacement ground floor windows/glazing should incorporate laminated glass and be certified to BS7950 security standards as described in Secured by Design.
- External lighting to the rear of the development should be installed to provide uniform lighting for both safety and to enable adequate surveillance over the parked vehicles. This should ideally be operated on an automatic dusk to dawn basis.

6.6 ENC Waste Management- The bin store shown on the submitted plans is acceptable. A condition should be used to ensure that a Site Waste Management Plan is submitted prior to the commencement of development.

6.7 ENC Environmental Health – No objection provided that conditions are used which require the investigation and remediation of contamination as necessary.

6.8 NCC Archaeological Advisor – No objection subject to the use of a condition requiring an archaeological scheme of works.

6.9 ENC Housing Strategy – Housing needs evidence from the 2007 Strategic Housing Market Assessment concludes that generally more medium to larger properties are required in Rushden. However, this needs to be balanced against the implications of the Welfare Reform Act, which will inevitably lead to some degree of need for smaller dwellings due to housing benefit restrictions. Given this and that this proposal is for a conversion, no objections are raised.

7 Evaluation

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

7.2 Principle of Development

7.2.1 The application building falls inside a built-up settlement surrounded by other residential development. Therefore, the principle of changing the use of the building to

wholly residential is acceptable in this location.

7.2.2 The existing commercial business has been in operation for over 20 years. The applicant is settled in this area and intends to relocate the business close by, preferably in Rushden. Therefore, there would be no loss of a commercial business as a result of this proposal.

7.2.3 As mentioned at 6.9 of this report, there is likely to be an increase in the need for smaller units due to the amended details in the Welfare Reform Act.

7.2.4 Rushden Town Council has suggested that they would encourage an application for the conversion of the subject building into 3 town houses. However, this would result in three large, family sized units where a reasonably sized garden would be expected. There would not be room within the site to provide a large garden for each dwelling along with off road parking and therefore, occupiers would be forced to park on the street. Therefore, it is likely that a proposal for town houses would have more of an impact in terms of parking than the proposed conversion to flats.

7.2.5 The subject building is an attractive and valuable example of a former shoe factory and therefore, officers suggest that the demolition of this building should be resisted. Therefore, the conversion of the building to flats would appear to be the most sympathetic and appropriate option.

7.2.6 Therefore, the principle of development is acceptable, subject to the consideration of all other material planning considerations as set out below.

7.3 Visual Impact

7.3.1 The applicant acknowledges the historical importance of the existing building and has proposed only minor alterations to the rear elevation, as detailed in section 2.2 of this report, in order to retain the character of the building. The front elevation would remain as it is, minus the advertisement signs associated with the current business use.

7.3.2 The property has existing white Upvc windows which is unfortunate. The applicant is not in a position to replace these windows with something of a more traditional nature and therefore, a condition is recommended to ensure that any new or replacement windows and doors are Upvc to match those (in material and design) used for the existing building.

7.3.3 The proposed traffic warning system (as discussed in detail at 7.5.2) would be positioned as discreetly as possible to prevent visual harm.

7.3.4 Overall, the appearance of the building would improve and the proposal would guarantee the structural integrity of the building, lessening the likelihood of it falling into disrepair and becoming an eyesore.

7.4 Neighbouring Amenity

7.4.1 The proposed development does not include the insertion of additional windows, above first floor level. Therefore, the degree of overlooking would not be increased as a result of the proposed development. In actual fact, the degree of overlooking could be lessened as some of the windows would serve bathrooms and would need to be obscure glazed. A condition is recommended to ensure this.

7.4.2 No additional structures would be erected to accommodate the proposed development and therefore, there would be no further impact in terms of overshadowing or overbearing impact.

7.4.3 Several neighbours have expressed concerns regarding an increase in noise as a result of the proposed development. However, it is likely that overall noise levels would diminish, or at least any noise generated would be of a domestic type which is more

compatible with the surrounding area than the existing commercial use.

- 7.4.4 Although the existing access to the site is not often used at present, there would be no reason to prevent the existing owner from opening up the rear of the site for staff parking for example. This would generate as much, if not more, noise to the rear of the property as is likely to be created by the proposed development. Given this, and taking a realistic approach to the number of vehicles that would be using the proposed access each day if the application were approved, on balance, it would be unreasonable to refuse the current application on the grounds of noise from vehicles or through the shining of headlights into neighbouring windows. The rear boundary of the site would be screened which would prevent headlights shining into properties to the east.
- 7.4.5 One neighbouring resident is concerned that the proposed development would disturb sleep, particularly for night shift workers sleeping during the day. However, as there is limited external work to be done, and only the reconfiguration and refitting of the internal space to be undertaken, it is unlikely that neighbours would suffer prolonged noise disturbance during the construction period. ENC Environmental Health Team have not felt it necessary to impose any conditions to limit the hours of works. Should a statutory noise disturbance be experienced, then this can be dealt with under separate powers by the Environmental Health Team. Once the proposed flats are occupied, only domestic noise is expected which would be compatible with and similar to that generated by the neighbouring dwellings.
- 7.4.6 The small patio/garden area would not provide any meaningful private amenity space for the potential occupiers of each flat. However, the applicant has demonstrated that there are a number of public parks and amenity areas within walking distance of the application site, should open space be required. In addition, the lack of amenity space may appeal to some occupiers and is characteristic of many town centre developments.
- 7.4.7 The residential amenity for future occupiers is likely to be reasonable, given that there are no issues in terms of overshadowing, overlooking or overbearing impact. The neighbouring land uses are compatible with the proposed residential use. Although each unit may be small, it has been demonstrated that eight residential units could be accommodated within the existing building without resulting in overdevelopment.
- 7.4.8 Any lighting installed (including the proposed flashing beacon as part of the traffic warning system) would need to be carefully positioned so that it does not create a nuisance. A condition is therefore recommended to ensure that the local planning authority can assess the potential for harm in this respect.
- 7.4.9 Overall then, it is considered that the proposed development would have a positive impact and would be much more compatible with the surrounding residential use.

7.5 Highway Impact Access

7.5.1 The proposed development would make use of an existing access into the site, gained via an undercroft. It is acknowledged that, due to parked cars, the visibility along Satroris Road is sometimes limited.

7.5.2 In terms of highway and pedestrian safety, the applicant has worked with the Highways Authority to put together a scheme to install several mechanical and technical features to the access. These features would consist:

- Two CCTV cameras: one facing east and the other facing west, which would generate a view along the road in both directions which would be shown on two monitors positioned within the undercroft.
- A flashing beacon would be mounted on the front elevation of the property above the undercroft, which would warn drivers travelling to the site that there was a vehicle attempting to leave the site

- The existing access gates would be kept and a mechanical opening system would open the gates (inwards only) once a vehicle had been sensed. Further information as to how the sensors would be activated has been sought and the findings will be reported in the committee update sheet.

7.5.3 To ensure that the warning system is maintained and fully functioning at all times, the applicant would need to put in place a management agreement. Therefore, a condition is recommended to ensure that this agreement is formulated and adhered to.

7.5.4 In the interests of highway safety, it is recommended that a condition be imposed to ensure that the existing (or any replacement) access gates are kept and that the gate and any entrance doors or windows at ground floor level open inwards, in order to prevent obstruction to the highway.

Traffic

7.5.5 Neighbours are concerned that the proposed development would result in an increased number of vehicles being attracted to the site, in comparison to the current situation. However, with the commercial use ceasing, the need for delivery, maintenance and customer vehicles to visit the site would end. This would then be replaced by domestic trips to the site for each of the 8 units, which is likely to be less than that attracted to the site at present. This is demonstrated within the traffic statement submitted with the application.

7.5.6 The traffic statement highlights that the period at which the development would be most significant in terms of traffic generation is between the hours of 0800 and 0900 and the consultant has chosen this period to demonstrate a worst case scenario. The consultant notes that during this hour the existing building generates approximately 6 trips (there and back), and 4 of which are staff travelling to the site.

7.5.7 The consultant then concludes that the proposed development would generate approximately 5 trips during this hour; one trip less than with the existing use.

Parking

7.5.8 The proposed development would arguably be self-sufficient in terms of parking, with one space per dwelling, and it would not therefore put any significant pressure upon the current parking situation on the street.

7.5.9 The Parking SPG states that developers shall provide a maximum of 1.5 parking spaces per dwelling. Given that the proposed flats are small and as the site is close to the town centre and other amenities, one parking space per unit is considered adequate. A condition is recommended to ensure that cycle parking is installed in accordance with the requirements of the Parking SPD.

7.5.10 One neighbour notes that the existing commercial occupiers have up to three cars parked on the road outside the property; this would of course not be the case if the commercial use ceased, freeing up at least 3 on-street parking spaces.

Condition of Sartoris Road:

7.5.11 Given that the proposed development is unlikely to result in an increase in traffic, it is unlikely that it would result in the physical condition of Sartoris Road becoming any worse. In any case, this would be a matter for the Highways Authority.

7.5.12 The Highways Authority have confirmed that they are satisfied the proposed warning system and the approach taken by the applicants consultant. The Highways Authority are also satisfied with the suitability of the access for the proposed development and that the proposal would not result in any outstanding highway safety concerns. A crash barrier inside the proposed car park is not considered necessary. Overall then, it would be difficult to justify a refusal of planning permission on this application on parking or other highway grounds.

7.6 Other Issues

- 7.6.1 Crime and Disorder - In order to ensure that there would be no significant crime and disorder issues, conditions are recommended in accordance with the recommendations of the Crime Prevention Officer (as detailed at 6.4 of this report) for approval before commencement of development. Care would need to be taken to ensure that any lighting installed to serve the car park would not disturb neighbouring occupiers.
- 7.6.2 Contamination- In accordance with the suggestions of the Environmental Protection Officer, a condition is recommended to ensure that the site is investigated and any contamination found is remediated as necessary, prior to the commencement of development.
- 7.6.3 Archaeology - In accordance with the recommendations of the NCC Archaeological Advisor, a condition is recommended to ensure that a programme of works is submitted prior to the commencement of development.
- 7.6.4 Water and Drainage - Low water pressure is not a material planning consideration and would instead be dealt with by the local water authority.
- 7.6.5 Drainage - A condition is recommended to ensure that an adequate drainage system is installed, prior to the commencement of development, to prevent detriment to the existing drainage system.
- 7.6.6 Value – Property value is not a material planning consideration.
- 7.6.7 Conversion – The proposed conversion of the subject building is a significant positive step in preserving the integrity and continued use of this historically valuable property, in order to limit the likelihood of it becoming disused and derelict. This benefit should hold a degree of weight in the determination of this planning application.
- 7.6.8 Waste Collection - A communal bin store would be provided within the site, close to the access. This bin store would be an appropriate distance away from the highway to allow for collection.
- 7.6.9 Ecology - The existing building has not been abandoned and is in good structural order. Therefore, it is unlikely that the proposed conversion would harm local wildlife.

8 Recommendation

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

Conditions/Reasons -

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the submitted details, any alterations made to the external elevations of the existing building shall be carried out using materials matching those of the existing building and shall be retained thereafter in perpetuity
Reason: To achieve a satisfactory elevational 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 and gates 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, shared private footpaths 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.

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. Notwithstanding the submitted details, the existing gates (or a like for like replacement where details must have been submitted and agreed in writing prior to installation) shall be mechanically operated and are to remain in situ in perpetuity, unless otherwise agreed in writing by the local planning authority. A specification of the mechanical operation equipment and sensor equipment shall be submitted to the local planning authority prior to the commencement of development and the development shall be carried out in accordance with the approved details and then maintained in perpetuity, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of security.

7. Prior to the first occupation of the flats hereby permitted, a scheme which is in accordance with the recommendations of the Crime Prevention Design Officer ensuring the security of the flats (including communal ground floor door and internal doors to flats), and external parking, cycle and refuse areas and lighting for the car park shall be submitted to and be approved in writing by the local planning authority. The development shall be carried out in accordance with the details so approved, unless otherwise agreed in writing by the local planning authority.

Reason: To minimize opportunities for crime and fear for crime.

8. Notwithstanding the submitted information, all new and replacement windows and doors shall be of a design and material to match those of the existing building. Samples of any new or replacement windows shall have been submitted to and approved in writing by the local planning authority prior to the commencement of development and the development shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance for the subject building.

9. Notwithstanding the submitted details, all W/C and bathroom windows in the units hereby permitted shall be fitted with obscured glazing to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent prior to the first occupation of any unit, and this obscure glazing shall thereafter be retained permanently.

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

10. 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 NPPF, Policy 14 of the adopted North Northamptonshire Core Spatial Strategy and Policy CS7 of the Northamptonshire Minerals and Waste Development Framework Core Spatial Strategy.

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

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

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

12. 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:

- A comprehensive management schedule, including (but not limited to) details of the management company responsible and details of the day to day maintenance and continuation of the serviceable technology (traffic warning system), identified in drawing 4775-SK01 Rev A.

The development shall then be constructed in strict accordance with the approved details unless otherwise agreed in writing by the local planning authority and the management scheme implemented in perpetuity.

Reason: In the interests of highway safety

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, in accordance with NPPF.

14. Before any work is commenced on the development the subject of this permission details of the provision of foul water and surface water drainage installations to serve the development proposed shall have been submitted to and approved by the local planning authority, and the development shall thereafter be carried out in accordance with the approved details.

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

15. Notwithstanding the submitted details and prior to the commencement of development, the applicant shall submit details of a minimum of 8 cycle storage points to be installed., as required by the Parking SPG 2003. Details of the location and security specification of these storage points shall have been submitted to and approved in writing by the local planning authority and once approved, the development shall be carried out in accordance

with the approved details, and retained and maintained in the agreed manner in perpetuity, unless otherwise agreed in writing by the local planning authority.

Reason: To encourage sustainable methods of transport and ensure secure storage of cycles.

16. The development hereby permitted shall be carried out strictly in accordance with the approved plans: 50-11-02b, 4775-SK01A, 4775-SK02, 50-11-02B, 50-11-01 received by the Local Planning Authority on 21.05.2012 and 07.07.12

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

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as NPPF, RSS policy 1, 2, 3, 39, 45, 48, North Northamptonshire Core Spatial Strategy 2008 policy 1, 9, 10, 13 and 14, Three Towns Preferred Options Document, Highway Authority Standing Advice Document, Design SPD, Parking SPG and Designing Out Crime SPD. Having regard to these, the representations received and any other material planning reasons, the main issue was identified as the policy background and how this manifests in respect of the principle of the development, visual impact, impact on neighbouring amenities, highway matters, parking and crime. The application has been approved as:

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

- The proposal represents an effective use of a previously developed site.

- The proposal would not have an unacceptable impact on the local highway or parking.

- The development would not harm the visual amenity or character of the area or the subject building itself

- The proposal would not have a significant impact on the amenities of neighbouring occupiers.

- The proposed development would not have a detrimental impact in terms of crime and anti-social behaviour.

Committee Report

Committee Date : 15 August 2012

Printed: 1 August 2012

Case Officer **Carolyn Tait**

12/00861/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
22 May 2012	30 May 2012	25 July 2012	Higham Ferrers	Lancaster

Chelveston-cum-Caldecott

Applicant **Mr M Jefferies**

Location 1 Kimbolton Road Chelveston Wellingborough Northamptonshire NN9 6AN

Proposal **Outline: Residential development of one unit (some matters reserved)**

This application is brought before Development Control Committee at the request of the local ward member.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 This is an outline application for the erection of one detached dwelling. The application is seeking approval for the principle of one dwelling house and the access. All other matters, including scale, layout, appearance and landscaping, are reserved for later consideration.

2.2 Indicative drawings show that the maximum length of the dwelling would be 14.7 metres, the maximum width 8 metres and the maximum height 8 metres.

3 The Site and Surroundings

3.1 The application site forms part of the garden to No.1 Kimbolton Road.

3.2 There is residential development to the north, south and west of the site. To the east is open countryside. The surrounding residential properties differ in their character and appearance. However, nearby properties along Kimbolton Road are all detached.

3.3 Kimbolton Road is a classified road also known as B645.

4 Policy Considerations

4.1 National Planning Policy Framework

4.2 East Midlands Regional Plan

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 13b – Housing Provision (Northamptonshire)

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

been revoked.

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

- 4.4 Other documents
 - Local Highway Authority Standing Advice for Local Planning Authorities
 - Parking SPG
 - Three Towns Plan Preferred Options Document

5 Relevant Planning History

- 5.1 12/00258/OUT Outline: Erection of dwellinghouse (some matters reserved to include external materials). WITHDRAWN. This application was withdrawn as Officers were minded to refuse the application because of the impact on the south facing window at No.1 Kimbolton Road.

6 Consultations and Representations

- 6.1 Neighbours: No comments received.

- 6.2 Parish Council: Objection to the proposal for the following reasons:

Contrary to National Policy. PPS3 was amended in June 2012 to prevent garden grabbing, by removing private residential gardens from the definition of previously developed land. Although Annex 3 of the NPPF states that PPS3 is replaced by the NPPF, Annex 1 para 214 states that for 12 months, decision takers may give full weight to relevant policies adopted since 2004.

- The definition of previously developed land within the NPPF also excludes private residential gardens. Accordingly the proposed development would be contrary to both national policies.
- Overdevelopment of the plot. The proposed development is too large for the plot and would bring the new property to within approximately 1 metre of the existing 1 Kimbolton Road. An application at nearby Storefield House (11/01203/FUL) was similarly objected to and subsequently withdrawn for being contrary to the Core Spatial Strategy.
- The scale and mass of the proposed development would dominate the adjacent bungalow.
- The proposed garage would bring the dwelling forward of the existing building line , thus altering the street scene and therefore contrary to the Core Spatial Strategy.

- 6.3 Local Highway Authority: No objection in principle to this proposal, but the local planning authority should be satisfied that an adequate turning area is provided within the site to allow a driver to enter and exit in a forward gear. The following conditions should be added to any planning permission which is granted:

- Swept path analysis details to show how a vehicle would enter and exit in a forward gear.
- Pedestrian visibility splays of at least 2 metres by 2 metres shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary within the cartilage of the site. The areas of land forward of these plays shall be reduced to and maintained at a height not exceeding 0.6 metres.
- The site shall remain ungated.
- A means of drainage to prevent the unregulated discharge of surface water onto the

adopted highway.

- A maximum gradient of 1 in 15.

6.4 Northamptonshire County Council Assistant Archaeological Advisor: The application site is situated on the eastern edge of Chelveston and on the western side of Kimbolton Road. On the opposite side of Kimbolton Road, metal detecting in 2000 and 2001 retrieved finds of pre historic Romano-British, Saxon and medieval date. To the south of the application site, a medieval pit was recorded during building work. There is therefore the potential for remains of archaeological interest to survive on the site. The proposed development would have a detrimental impact on any archaeological remains present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. A condition is therefore recommended for an archaeological programme of works.

6.5 Environmental Protection Officer: No comments received. Any comments will be reported on the update sheet.

6.6 Site notice posted: 14 June 2012 on a post to the front of the site.

7 Evaluation

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

7.2 Principle of development

7.2.1 The proposed dwelling would be located between two existing dwellings within the settlement of Chelveston and therefore would not be located within the open countryside. Whilst the National Planning Policy Framework excludes garden land from the definition of previously developed land, the proposed dwelling would be located within an existing settlement so would have the same access to services which other residential properties benefit from. It could also be argued that a new dwelling would help to support local services and community facilities such as the nearby public house.

7.2.2 Paragraph 49 of the NPPF highlights that housing applications should be considered in the context of the presumption in favour of sustainable development. However, paragraph 53 states that local planning authorities should set out policies for resisting inappropriate development of residential garden land. The site is currently being used as garden land, however, this does not automatically make the site unsuitable for development. Inappropriate development would include that which has a detrimental impact on prevailing character. In this case the proposed dwelling would have a frontage to the street and would avoid a tandem layout whereby a dwelling occupies a rear garden. The site is within an existing settlement and subject to all material considerations being addressed satisfactorily, the development would not be inappropriate and would be sustainable as supported by the NPPF.

7.2.3 Policy 3 of the East Midlands Regional Plan gives a target of 60% of development to be carried out on previously developed land, and therefore garden land is not completely excluded.

7.2.4 The Parish Council have made reference to PPS3 within their objection, however, PPS3 is no longer a relevant planning document and was replaced by the NPPF in March 2012.

7.2.5 Therefore for the reasons set out above, the principle of developing the site for residential use is acceptable subject to the considerations below being satisfactorily addressed.

7.3 Scale

7.3.1 Scale is not a matter for consideration at this stage. However, indicative drawings show that a dwelling could be accommodated within the site which is of a scale similar to

nearby properties, in particular Tanglefoot. The indicative drawings show a dwelling which would be a maximum of 8 metres in width by 14.8 metres in depth by 8 metres in height. Tanglefoot measures approximately 9 metres in width by 14 metres in depth by 8 metres in height. This is very similar to the maximum scale parameters for the proposed dwelling.

7.4 Siting/layout

7.4.1 Siting is not a matter for consideration at this stage. However, indicative drawings show that a dwelling could sit comfortably within the site with sufficient front and rear amenity space. The amount of rear amenity space would be more than what is available at Tanglefoot and would be of a similar depth to that at No.1 Kimbolton Road. The indicative siting demonstrates that the proposed dwelling would not constitute 'backland' development but instead a form which would be in character with the prevailing built development along Kimbolton Road.

7.4.2 The Parish Council have objected to the proposal on the grounds that the proposed dwelling would be forward of the built form of Kimbolton Road. Whilst the indicative drawings show a dwelling that would be set forward from the properties to the north and approximately 2.5 metres forward of the existing dwelling at The Sheiling, the siting of the dwelling would follow the natural curve in the road and would not be in a prominent position. However, this siting is illustrative only and could be subject to change at the reserved matters application stage.

7.5 Appearance

7.5.1 Appearance is a matter for later consideration; however, the indicative drawings show that a dwelling could be designed to be in keeping with nearby residential properties. The front elevation of the proposed dwelling as shown on the indicative plans has been designed to reflect the features of the existing dwelling at Tanglefoot.

7.6 Neighbouring amenity

7.6.1 Whilst siting, appearance and scale are not matters being considered at this stage, indicative drawings have been provided with the application which show that a dwelling could be accommodated without impacting on nearby properties. A previous application 12/00258/OUT was withdrawn as it was considered that a dwelling could not be accommodated within the site without impacting on a south facing window at No.1 Kimbolton Road. Drawing number KRC00 shows that this window would be removed under permitted development rights to ensure that the proposal would not result in any harm to the occupiers of this property (which is currently owned by the applicant and has been shown within the red line). Therefore a condition is recommended ensuring that the removal of this window is carried out prior to the commencement of development.

7.6.2 The Sheiling is located to the south of the proposal and has no north facing windows, therefore the proposal is unlikely to impact upon the occupiers of this property. However, siting, appearance and scale are matters for later consideration. The indicative drawings show that a dwelling could be accommodated without impacting upon this property.

7.7 Landscaping

7.7.1 This is a matter for later consideration.

7.8 Access

7.8.1 Access is a matter which is being considered as part of this outline planning application. The drawings show that the proposal would have it's own private driveway which would be accessed from Kimbolton Road. The proposed access would measure 3.5 metres in width and there is space either side of this access to accommodate pedestrian visibility splays.

7.8.2 The submitted details show that the dwelling would accommodate a garage. However, layout is a matter for later consideration. Any garage should be positioned so as to allow sufficient turning and manoeuvrability space within the site. Therefore a condition is recommended to ensure that a swept path analysis is submitted with any subsequent application which seeks approval for the layout of the site.

7.9 Archaeology

7.9.1 There is the possibility for archaeological remains to be present on site and therefore a condition is recommended for an archaeological programme of works to be carried out.

8 Other issues

8.1 The Parish Council have made reference to 11/01203/FUL and the fact that this application was withdrawn for being contrary to the Core Spatial Strategy. However, this was for a large two storey front extension and all applications should be treated on their individual merits.

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

8.3 Access for Disabled – The proposal would not be subject to any public access and therefore raises no concerns.

9 Recommendation

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

Conditions/Reasons -

1. Details of the appearance, landscaping, layout and scale (herein after called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall thereafter be carried out in accordance with the approved details.

Reason: The application is in outline only.

2. Application for the approval of the reserved matters (appearance, landscaping, layout and scale) 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 hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include drawings showing the slab levels of the building in relation to the existing and proposed levels of the site and the surrounding land. The building 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.

5. The details required to be submitted by condition No. 1 shall include the provision of boundary screening to the site. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary screening shall then be provided in accordance with the details so approved before the development is brought into use and shall be retained thereafter in perpetuity, unless otherwise agreed in writing by the local planning authority.

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

safeguard the amenity of the area.

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

Reason: To achieve a satisfactory appearance for the development.

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

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

8. Notwithstanding the submitted details, the details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include pedestrian visibility splays of 2 metres x 2 metres 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.

9. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include swept path details of the turning area for any vehicles attracted to the site to ensure that a driver is able to enter and exit in a forward gear.

Reason: In the interests of highway safety.

10. The vehicular access shall be ungated.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

13. Prior to the first use or occupation of the development hereby permitted, a positive means of drainage shall be installed to ensure that surface water from the vehicular access or private land does not discharge onto the highway.

Reason: In the interests of highway safety.

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

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

15. Prior to the commencement of development hereby permitted, the south facing window of No.1 Kimbolton Road, shall be removed as per the details submitted on drawing number KRC00 received by the local planning authority on 22 May 2012.

Reason: In the interests of neighbouring amenity.

16. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 22 May 2012 and 30 May 2012, drawing numbers: KRC00 Proposed relocation of existing south facing window of one Kimbolton Road, KRC01A Site location plan, and KRC02A Elevational view of houses fronting Kimbolton Road as proposed, Existing and proposed block plans and proposed site plan showing access modification and basic landscape.

Reason: To clarify the terms of this planning permission.

Informatives

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

- The principle of the development is acceptable and is consistent with the guidance contained in national planning policies. The dwelling would be located on land within an existing settlement between two existing dwellings.
- The indicative drawings show that the proposal would not have a negative impact on visual amenity or the character and appearance of the area.
- The indicative drawings show that the proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
- The proposed access would accord with highway standing advice subject to appropriate conditions.

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

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

3. The following drawing was considered in the determination of this application: KRC01A Proposed house plans and elevations received by the local planning authority on 22 May 2012.

Committee Report

Committee Date : 15 August 2012

Printed: 1 August 2012

Case Officer **Mr Rhys Bradshaw**

12/00923/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
6 June 2012	12 June 2012	7 August 2012	Lyveden	Sudborough

Applicant **Barnwell Manor Wind Energy Ltd**

Agent **West Coast Energy Ltd - Mrs K Elliott**

Location **Area North Of Catshead Woods Brigstock Road Sudborough Northamptonshire**

Proposal **Retention of 60m anemometer mast for a period of three years up to 12th June 2015 (Previous application 08/02017/FUL allowed at appeal on 12 June 2009)**

This application is reported to the Development Control Committee at the request of a local Ward Member because of the history of the site.

1 Summary of Recommendation

1.1 That the application be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes the retention of a temporary guyed anemometer mast, 60 metres high, for a further temporary period of no more than 3 years. A period of 3 years has been requested as the mast is required to supplement the existing wind data that the applicant has collected to date. This data was used to design the wind farm currently the subject of a joint legal challenge by ENC and the National Trust. The applicant has stated that the further temporary period would be used to provide more accurate wind data and to confirm the long term wind speed at the site with the intention of ensuring that the optimum specification of turbine can be selected for the site to meet the requirements of the planning conditions and that the appropriate level of finance can be obtained to purchase the turbines and deliver the development.

3 The Site and Surroundings

3.1 The site is located in the open countryside to the east of Brigstock and north of Sudborough. The site is surrounded by agricultural land. Cats Head Wood is to the south of the proposed site and Fermyn Country Park is to the north west. A SSSI, County Wildlife site and Ancient Woodland is to the north of the mast. There are a number of networks of public rights of way in proximity to the site. Lyveden New Build is to the north of the site, beyond Fermyn Woods Country Park.

3.2 The mast which is the subject of this application is in an identical position to that which has been allowed on appeal under application reference EN/10/00068/FUL.

4 Policy Considerations

4.1 National Planning Policy Framework (2012)

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.

4.3.2 Climate Change Act (2008) - sets 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

4.6 Rural North, Oundle and Thrapston Plan, Submission Document

Policy 14 – Protection of local sites of conservation interest and designation of Local Nature Reserves

5 Relevant Planning History

5.1 EN/08/02017/FUL - Erection of 80 metre anemometer mast for a period of three years. This application was refused by the Development Control Committee on 28.01.12 and subsequently allowed on appeal.

5.2 EN/10/00068/FUL - Wind farm comprising five wind turbine generators, substation, access road, 80m anemometer, underground cabling and temporary construction facilities. This application was refused by the Development control Committee on 19.01.11 and allowed on appeal in March 2012 following a public inquiry. The decision of the Planning Inspectorate is currently the subject of a joint legal challenge by ENC and the National Trust. This challenge is due to be heard in the high court in December 2012.

6 Consultations and Representations

6.1 Sudborough Parish Council – No objection subject to the time limit being reduced from three years to eighteen months. The reason for this is that this is the third consecutive temporary application for an anemometer on this site. The original applications were to allow wind speed to be determined in order to consider the viability of a wind farm. The fact that this was followed by an application for wind turbines, refused by ENC, later successfully appealed, and now subject to an appeal to the High Court suggests that the original purpose of the anemometer has been fulfilled. Not wishing to be unreasonable, the Parish Council consider that a further eighteen months will enable the due process to be completed after which time, if the appellant is successful, they will then have twenty-five year permission in place.

- 6.2 Brigstock Parish Council – Objection as it is a sensitive area and granting an additional 3 years would only compound the current detrimental impact.
- 6.3 Stanion Parish Council: No objection
- 6.4 Pilton, Stoke Doyle & Wadenhoe Parish Council: The Council objects to a 3 year extension, and are of the opinion that an extension of a maximum of 1 year would be more appropriate.
- 6.5 Kettering Borough Council: No objection
- 6.6 Ramblers Association: No comment
- 6.7 National Trust: The National Trust raised concerns about the potential impact of the mast on the heritage assets at Lyveden when permission was first sought in 2008. We also objected to the proposed turbines on this site, appeared at the public inquiry relating to them and are a party to the judicial review into the Inspector's decision to grant planning permission. However, we fully recognise that this application is not an application for the turbines, or indeed directly for renewable energy production of any sort, and that it falls to be determined on its own merits.

The National Trust considers that the mast causes material, albeit less than substantial harm to the setting of the Lyveden heritage assets and that the applicant has not provided any evidence of public benefit that would justify this harm.

National Planning Policy

The National Planning Policy Framework sets out the government's planning policies for England. It requires economic, social and environmental gains to be sought jointly and simultaneously through the planning system (paragraph 8). The environmental role of the planning system includes contributing to protecting and enhancing our historic environment (paragraph 7). Paragraph 14 establishes that planning permission should be refused where the adverse impacts would significantly or demonstrably outweigh the benefits or where specific policies in the framework indicate development should be restricted.

Specific policies on heritage assets are provided by chapter 12. Paragraph 128 requires applicants to provide information relating to the significance of heritage assets affected by development proposals. Paragraph 131 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 requires great weight to be given to the conservation of designated heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed by development within the setting of heritage assets. Any harm or loss should require clear and convincing justification. Paragraph 134 requires harm that is less than substantial to be weighed against the public benefits of the proposal.

The heritage assets

The heritage assets at Lyveden are undoubtedly of the highest significance. The unfinished Elizabethan garden lodge of Lyveden New Bield is a grade I listed building. The lodge and garden form a scheduled ancient monument. The Elizabethan garden is registered grade I on the English Heritage register of historic parks and gardens. The lodge and garden are also associated with Lyveden Old Bield, a grade I listed manor house dating from the late 16th century. The Old Bield and New Bield were originally in the same ownership and the New Bield was designed in relation to the Old.

Impacts on the heritage assets

The anemometer mast is a notable intrusion in the surrounding landscape. It certainly does not enhance the setting and in our view it causes a marginal degree of harm. In the terminology of the National Planning Policy Framework, we regard the harm as

being less than substantial.

Application of national policy

National planning policy requires that the public benefit of the proposal be weighed against the harm caused. Put simply, if a structure is harmful and achieves no public benefit, it should be refused. If it results in some public benefit, then that might justify granting permission but only if the justification can be said to be clear and convincing. The applicant has stated that they already have three years of wind monitoring information and have concluded that this is enough to demonstrate the viability of the scheme. Their letter of 1st June refers to additional wind monitoring data being used to ensure that the optimum specification of turbine can be selected. No clarification is given of how finely tuned the turbine specification can be or how much better this would be with six years' data rather than three.

There is reference to "normal practice" in the applicant's letter dated 1st June. If the applicant is stating that prolonged retention of anemometer masts is "normal practice" they should be in a position to provide evidence showing how much public benefit derives from retaining masts for longer than 3 years. If the public benefit is illusory or negligible then we suggest that the application should be refused and the mast removed now that its original consent has expired

6.8 English Heritage: Summarised

The anemometer mast makes a negative contribution to the setting of designated heritage assets of the highest significance at Lyveden and Brigstock. The harm that the retention of the mast would cause to the significance of designated heritage assets should be justified by the benefits of gathering meteorological information for a further three years.

The mast is visible in views towards the Church of St Andrew (grade I listed). Its presence detracts from the appreciation of the church within its rural village setting. It competes with the Church's intentional prominence as the village's tallest structure. As an obviously modern feature it jars with viewers' experience of the church within its harmonious setting, which otherwise largely reflects the historic character of the church's surroundings. ENC's Brigstock Conservation Area Character Appraisal identifies St Andrews and a landmark building and recommends protection of this particular view.

The complex of designated heritage assets at Lyveden includes the New Bield (grade I listed and scheduled ancient monument) and the remains of the surrounding gardens (grade I registered park and garden and scheduled ancient monument).

The setting of the heritage assets at Lyveden lends them significance. It comprises a mixture of woodland, arable land and pasture, which reflects the historic character of the locality. With the exception of the mast, views to and from the heritage assets are remarkably free of large scale modern development. It is possible therefore for visitors to experience the heritage assets within a setting that evokes the landscape of the 16th and 17th century within which the New Bield and its gardens were constructed and within which they were designed to be enjoyed.

The mast is visible in views of the New Bield and from the New Bield towards the west. It is visible from various places within the registered park and garden and from the scheduled earthworks. The mast, as an obvious modern intrusion, detracts from the appreciation of the heritage assets within their harmonious setting and thereby harms their significance. The level of harm that the mast causes is mitigated by the temporary nature of the installation, although it should be acknowledged that the retention of the mast for another 3 years means that it would be perceived as a persistent presence in the locality.

Data gathered since its installation has been used by the applicant to determine that

the site is suitable for the proposed wind farm development. It is not clear exactly what benefits could derive from further data or how the data could be used to inform the construction of the wind farm that has been permitted on appeal.

This application should be determined in accordance with NPPF par 131, which requires LPAs to take into account the desirability of sustaining and enhancing the significance of heritage assets and the desirability of ensuring that new development makes a positive contribution to local character and distinctiveness; NPPF para 132, which requires harm to the significance of heritage assets to be clearly and convincingly justified; and NPPF para 134 which requires less than substantial harm to be weighed against public benefits of the proposal.

6.9 Natural England – No objection

This application is in close proximity to Sudborough Green Lodge Meadow 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 according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

The lack of further comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.

However, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

Protected species

Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application (Paragraph 99 Circular 06/05).

Guidance on our website has been produced to help the authority better understand the impact of this particular development on protected or BAP species should they be identified as an issue at this site and whether following receipt of survey information, the authority should undertake further consultation with Natural England.

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Biodiversity Enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

6.10 NCC Highways: No objection.

6.11 ENC Senior Conservation Officer: The mast in question falls within the setting of a number of highly graded heritage assets, namely, St Andrews Church, Brigstock and Lyveden New Bield, which comprises a number of designations.

The mast is a tall, modern intrusion into the landscape, albeit a very slender one, which I consider causes a degree of harm to the setting, and in turn the significance, of the above mentioned assets. I judge the level of harm to be relatively minor, falling within the 'less than substantial' class, thereby engaging paragraph 134 of the NPPF. This policy requires the harm to be weighed against the public benefits of the proposal. I therefore suggest that the benefits of gathering additional meteorological information be evaluated.

7 Evaluation

7.1 The main considerations in the determination of this application are compliance with planning policy; visual impact; and highway matters.

7.2 Planning policy

7.2.1 Although the NPPF is highly supportive of proposals for renewable energy generation, there is little in the way of guidance for this type of development. This is not a wind energy application. Although the NPPF supersedes Planning Policy Statements, the Companion Guide to PPS22 remains a relevant material consideration. The Companion Guide to PPS22 (paragraph 32 of Technical Annex 8) states that; "assessing whether a particular site will harness wind power satisfactorily entails using historical meteorological data (available from the Meteorological Office) and information derived from anemometers placed on site. Anemometer masts are normally required on a site for at least 12 months; the longer measurements are taken the better the predictions will be. The measurements from the anemometers help to determine whether or not a candidate site is suitable and, if it is, the measurements help to determine the best position for the wind turbines within the site's boundary."

7.2.2 General policies in the Development Plan allow for permission to be granted providing that the detailed considerations of location, scale, siting, layout, design and materials are acceptable.

7.2.3 The applicant has applied for an extension of the temporary permission allowed at appeal for application EN/08/02017/FUL. The period requested is three years, the original consent having expired on 12th June 2012. The mast has been in place for the three years since the appeal decision and the data gathered has, in turn, informed the application for a five turbine wind farm on the site.

7.2.4 Whilst the original three year permission gave a reasonable timescale for data gathering to be undertaken and it would not usually be the Council's approach to renew temporary consents for such structures, the current situation with regards to the wind farm application must be taken into consideration. In March 2012, the Inspector allowed the appeal for the wind farm, albeit for four turbines instead of five. This scheme included the 60m anemometer which is the subject of this application so it therefore technically has planning permission. Whilst this is so, Members will be aware that this authority, together with the National Trust, launched a legal challenge to the appeal decision and this is due to be heard in the high court in December 2012. Should the challenge be dismissed then the applicant can retain the mast in the current position and at the current height for the 25 year lifespan of the wind farm. Should the decision of the Inspector be quashed then the appeal process starts again and a date for a new public inquiry will be set.

7.2.5 With an extant planning permission in place and the decision of the high court not due until the New Year, the mast remains in situ and it would not be expedient for the council to take enforcement action against its retention in the interim. The principle of a

temporary consent to cover the intervening period would therefore be acceptable. The rationale behind requesting a further temporary consent is to gather further data to help determine the optimum specification of turbine to meet the requirements of the planning conditions and to secure the appropriate level of finance for the wind farm.

7.2.6 Given the details of the legal challenge above, Officers are of the view that a three year extension of time is unnecessary. Sudborough Parish Council has suggested that 18 months would be a more reasonable period of time and, taking into account the projected timescales for the judicial review; Officers share this view and have negotiated with the applicant to reduce the temporary period to 18 months. The applicant has agreed to a condition limiting the consent accordingly. Your Officers would suggest that this is a reasonable length of time for the legal challenge and possible subsequent appeal to be concluded.

7.3 Visual impact

7.3.1 The mast is 60m tall and is supported by steel wire guys. Having been in situ for three years, the visual impact is easier to assess. There is no doubt that the mast is highly visible in the landscape and affects the setting of numerous heritage assets, including St Andrews Church, Lyveden New Bield and the registered park and gardens. In visual terms, the mast has less of an impact than electricity pylons that can be found in the rural landscape. The Inspector, in assessing the original proposal for the mast, made a judgement that "...this would be a relatively lightweight structure whose visual impact would be limited..." and "I am not convinced that it would be a dominant feature, particularly from a distance, because its slender form would make it difficult to see. It would, for instance, be far less intrusive than the lower but repetitive and more substantial form of electricity pylons which cross the landscape, examples of which can be found nearby".

7.3.2 The NPPF categorises harm as substantial as or less than substantial. English Heritage, the National Trust and the Council's Senior Conservation Officer, in using this guidance, have assessed the harm as less than substantial, although the Council's Senior Conservation Officer also judges the level of harm to be relatively minor. Your Officers concur with this assessment.

7.3.3 Paragraph 134 of the NPPF requires less than substantial harm to be weighed against the public benefits of the proposal. The practical case for an extension of time has already been discussed above. Until such time that the appeal decision is overturned in the high court, the wind farm scheme, including the anemometer, has planning permission. This position is key in the determination of this application. The public benefit in this case is that an extension of time would allow the applicant to establish the optimum specification of turbine, which would ultimately result in more efficient energy generation in the long term. Should the appeal be quashed in the high court, the revised period of 18 months would ensure that the visual impact is kept to a minimum and the harm to landscape and heritage assets reversed as soon as possible.

7.4 Highway matters

7.4.1 The previous application considered the impact of the erection of the mast on the local highway network in terms of delivery routes etc. As the mast is now in place, these issues are not relevant to the determination of this application. Northamptonshire County Council as the highway authority has no objection to the retention of the mast.

8. Other Issues

8.1 Crime and Disorder – this proposal does not appear to pose any significant potential for increased crime or disorder in the locality.

8.2 Access for the Disabled- this is not relevant to this application

8.3 Impact on protected species - Natural England has raised no objection to the retention

of the mast given the nature and scale of this proposal. Any biodiversity enhancements would be brought about in the longer term in association with the wind farm development should it go ahead. It would therefore be unreasonable to insist on such measures through conditions under this application given the temporary nature of the permission should Members be minded to grant.

9 Recommendation

9.1 That the application be GRANTED subject to the following conditions

Conditions/Reasons -

1. The mast and guy ropes shall be sited at least 30m from a bridleway or byway. The whole set of nearest guy ropes to a bridleway or byway shall be wrapped in hi-viz tape up to at least 4m from the ground. The right of way shall be kept clear during the construction of the mast.

Reason: in order to safeguard users of the bridleway and / or byway.

2. This permission shall be limited to a period of time expiring on 15 February 2013; within one month of the expiration of that period the mast shall have been removed and the site restored to its former condition.

Reason: In order to clarify the terms of this planning permission and to reflect the temporary nature of the proposal as stated by the applicants.

3. This permission relates to the following drawings: 1290/MT/264b, 1290/MT/263b, 1290/MT/239c, 1290/MT/265a, 1290_LS_1.103, 1290_LS_1.104, 1290_LS_1.105, 1290_LS_1.106 and 1290_LS_1.107 received by the Local Planning Authority on 12 June 2012

Reason: In order to clarify this permission.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as the 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 14. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as: policy and the principle of the development; visual impact; highway matters and the ecological impact. The application has been approved as:

- The principle of development is acceptable and is consistent with the development plan.
- The less than substantial harm on the landscape and designated heritage assets would be acceptable when weighed against the benefits of the application and practicalities around the current planning situation on site.
- 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.

Committee Report

Committee Date : 15 August 2012

Printed: 1 August 2012

Case Officer **Amie Baxter**

12/00941/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
7 June 2012	13 June 2012	8 August 2012	Prebendal	Yarwell

Applicant **Elton Homes**

Agent **Wythe Holland Partnership LLP**

Location **83 Main Street Yarwell Northamptonshire PE8 6PR**

Proposal **Residential Development comprising 3 No. dwellings**

The application has been brought to Development Control Committee for determination in accordance with the Scheme of Delegation, as the proposal relates to more than one residential unit within a former Restricted Infill Village.

1 Summary of Recommendation

1.1 That full planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application seeks full planning permission for the erection of three dwellings with integral garages and associated parking.

2.2 The current application is very similar to a previously approved scheme on this site. Outline planning permission was granted for four dwellings, with all matters reserved, under reference EN/07/01138/OUT. Reserved Matters approval was granted on 19.05.2010 under reference EN/10/00074/REM.

2.3 This application differs from the previously approved scheme in the following ways:

- The site area and the number of dwellings proposed has decreased. This is because the land owner no longer wishes to be responsible for the construction of all four dwellings. Instead, he has sold off most of the site to the current applicant and plans to keep part of the site for himself to build a single dwelling (application to follow at a later date). So, the current application proposes the construction of 3 dwellings and an application for the construction of one other dwelling (previously known as plot 4 of the original site) is expected in the future.
- The dwelling proposed for plot one is a revised design, compared to that previously approved for plot one but it has a similar footprint, a lower ridge height and would be positioned further away from the dwellings at Locks Green than the previously approved dwelling.
- There have been only slight amendments made to the proposed dwellings on plots 2 and 3, compared to those previously approved.
- Plot four of the previously approved scheme has been excluded from the current application altogether (reason stated above).

3 The Site and Surroundings

- 3.1 The site is positioned behind a number of existing dwellings, some fronting onto Main Street and others, at Locks Green, forming a cul-de-sac.
- 3.2 There is open countryside to the north of the site and a paddock to the east. There is a public footpath which runs along the western boundary of the site and beyond that, a modern cul-de-sac known as Locks Green. To the south, there is a converted barn known as Manor House Cottage. There are also two Grade II listed buildings to the south, known as the Manor House and 1 Mill Cottage.
- 3.3 There is an existing access road to the site which passes between Manor House Cottage and The Manor House.
- 3.4 The application site currently comprises two freestanding former agricultural buildings and it is understood that in the past the application site was used for a skip hire business. The site is currently surfaced with a mix of concrete hard standing, scrub and grass. There are also a number of sheds within the site and it is proposed that these will be removed.
- 3.5 The site is not within the conservation area.

4 Policy Considerations

4.1 National Planning Policy Framework

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 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 2 - Promoting Better Design

Policy 39 - Regional Priorities for Energy Reduction and Efficiency

Policy 13b – Housing Provision

4.3 North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the Network of Settlements

Policy 6 – Residential Parking Standards

Policy 9 – Distribution and Location of Development

Policy 10- Distribution of Housing

Policy 13 – General Sustainability principles

Policy 14 – Energy Efficiency and Sustainable Construction

Policy 15- Sustainable Housing Provision

4.4 Rural North Oundle and Thrapston Plan

Policy 1 – Settlement Roles

Policy 10- Housing Density

4.5 Supplementary Planning Guidance

Planning Out Crime Adopted February 2004

Parking Adopted March 2003

Design SPD, March 2009

5 Relevant Planning History

5.1 94/00251/FUL Conversion of barns to dwelling granted 20 October 1994.

5.2 02/00434/OUT Outline application for residential development. Planning permission granted 8 November 2002.

- 5.3 05/02199/REM Reserved matters application refused 11 January 2006. Appeal dismissed.
- 5.4 06/01718/FUL Full application for change of use from skip hire to residential development for 3 dwellings refused 3 November 2006.
- 5.5 07/00441/OUT Outline application for residential development. Application withdrawn
- 5.6 07/01138/OUT Outline application for four dwellings (all matters reserved). Permitted on 02.10.2007
- 5.7 EN/10/00074/REM Reserved matters application for four dwellings. Permitted on 19.05.2010.

6 Consultations and Representations-

- 6.1 Neighbours: No comments received.
- 6.2 Yarwell Parish Council: No response received at the time of writing this report. The consultation deadline for the Parish Council expired on 10th June 2012.
- 6.3 ENC Environmental Health: The submitted contamination report did not identify the potential for contaminated land within the site and therefore no objections are raised. Officers would like to remind the developer that responsibility for securing a safe development rests with the landowner and the developer.
- 6.4 ENC Waste Management: No objection, subject to a condition requiring a site waste management plan being submitted prior to the commencement of development.
- 6.5 Any further consultation responses received will be added to the committee update sheet.

7 Evaluation

The main considerations in the determination of this proposal are the principle of development, visual impact, impact on the nearby listed buildings, impact on neighbouring occupiers, impact on the highway, parking and trees, together with any other relevant material planning considerations.

7.1 Principle of Development

7.1.1 The site falls within the village boundary as defined by the Rural North, Oundle and Thrapston Plan (RNOT).

7.1.2 The NPPF states that there should be a presumption in favour of sustainable housing schemes. Further, the document 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 lead to an enhancement of the immediate setting.

7.1.3 There are limited facilities in Yarwell itself (two pubs, a village hall and a church) but the development would support the facilities that are currently available in Nassington and Wansford where there are a number of shops, services and a doctors surgery. The development would also benefit from and add to the demand for the wider range of services available in Oundle and possibly further afield in Peterborough and Stamford.

7.1.4 The application site was once used as a skip hire yard which could at times be a noise nuisance for dwellings nearby. Also, the general appearance of the site as it exists is not in-keeping with the rest of the village. A residential development on this site would be more compatible with the surrounding area than the previous use.

- 7.1.5 Overall, the proposed development would be an improvement in terms of both visual and neighbouring amenity and therefore accords broadly with guidance within the NPPF.
- 7.1.6 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.
- 7.1.7 Policy 13 of the Core Spatial Strategy requires development to be of a high standard of design which respects and enhances the character of its surroundings. Development should create a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of the villages and towns. Policy 27 of the RSS asserts that the historic environment should be conserved and enhanced.
- 7.1.8 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.
- 7.1.9 Policy 2 of the RNOT plan supports the opportunity for windfall development where the site is within the defined settlement boundary, and where development accords with and respects the character of the surrounding area. Also, the policy states that windfall development should be supported if local services, infrastructure and facilities are sufficient to serve or could be supported by the proposed development.
- 7.1.10 Taking this into account, the proposed development would be acceptable in principle, subject to all other material planning considerations.

7.2 Visual Impact

- 7.2.1 The proposed dwellings would be arranged in an 'L' shaped configuration and would be designed to appear as secondary to the main buildings along Main Street. The design of the proposed dwellings would incorporate local architectural detailing and replicate the common form of local buildings.
- 7.2.2 There would be views of the proposed development from Main Street. Therefore the proposed development has the potential to have an impact on the character and appearance of this part of Yarwell. It is considered that the development would have a positive impact upon the street scene in that it would replace a series of large unsightly barns which are out of keeping with the residential nature of this part of Yarwell.
- 7.2.3 The use of catslide dormer windows, natural slate and pantile roofing, dressed stone detailing and small glazed units would follow the local vernacular and would enable the proposed dwellings to compliment the existing architectural character of Main Street. The scale of the proposed dwellings, in visual terms, is considered appropriate in that the proposed buildings would not be overly large in comparison to the scale of adjacent dwellings. A condition is recommended to ensure that all materials shall be submitted to and approved in writing prior to the commencement of the development.
- 7.2.5 The proposed development therefore is considered to be acceptable in design terms and falls in line with advice given in Policy 27 of the RSS and Policy 13 of the adopted Core Spatial Strategy.

7.3 Impact on the Highway

- 7.3.1 The site would be accessed from Main Street which adjoins the site, via an existing track. The surrounding buildings create a pinch point mid way along the access road. The access proposed for the current scheme is the same as that approved as part of the previously approved scheme.

7.3.2 The applicant has provided details of the existing visibility splays at the entrance to the site. It appears that the necessary 2.4m x 2.4m pedestrian splays can already be easily achieved, given the layout of the access point to the site having clear, undisturbed views in both directions. It is considered that the proposed development would not lead to a detrimental intensification of use for the site.

7.3.3 The Highways Authority are yet to respond to the consultation on this application to confirm the opinion stated above. Any comments or objections received will be discussed as part of the update sheet. Standard conditions are recommended as part of this report but these conditions may be subject to change, based on any comments received from the Highways Authority.

7.4 Impact on neighbouring amenity

7.4.1 The development proposes three dwellings, one detached dwelling and two semi detached units. Each plot is considered in turn below:

Plot 1

7.4.2 Plot 1 would be to the western side of the application site, adjacent to a public footpath (Ref: P61) and closest to the existing dwelling at 4 Locks Green. The distance between 4 Locks Green and the proposed dwelling at Plot 1 one is approximately 15 metres at the nearest point. This would be 1.8 metres further away than the dwellings previously approved. The height of the proposed dwelling at Plot 1 is approximately 7.4 metres to the ridge and land levels are lower within the site than that at Locks Green, by approximately 1 metre.

7.4.3 The garden at 4 Locks Green is somewhat enclosed by the neighbouring dwellings within Locks Green. The proposed dwelling at Plot 1 would reduce the level of openness along the eastern boundary of 4 Locks Green. However, given the differences in land levels, the height of the proposed dwelling and the distance between the two buildings, it is considered that the dwelling at Plot 1 would not be of a scale or positioning which would have an overbearing impact on the existing dwelling and garden at 4 Locks Green.

7.4.4 Number 4 Locks Green has several windows along its eastern elevation, and in particular, a kitchen window at ground floor and a bedroom window at first floor level. No objections have been received to this particular application but the occupiers of 3 and 4 Locks Green submitted concerns as part of the previous outline and reserved matters applications. Therefore, it would be prudent to consider their concerns again, regarding overlooking, as part of this application.

7.4.5 There are only two small roof lights in the west roof slope of the proposed dwelling at plot 1 and provided that the cill heights of the roof lights were high enough, no overlooking would occur. A condition is recommended to ensure that a minimum cill height of 1.6 metres is used for the rooflights and another to ensure that no additional windows are inserted within the western elevation, without the written permission of the Local Planning Authority (i.e that permitted development rights for this type of development are removed).

7.4.6 Overall then, the proposed dwelling at Plot 1 is considered acceptable in terms of its impact on the adjacent dwellings.

Plot 2

7.4.7 The proposed dwelling at Plot 2 would sit at a distance of approximately 21 metres from the existing dwelling at 4 Locks Green and approximately 22 metres away from 3 Locks Green. A public footpath (P61) would sit between Locks Green and the application site and open countryside sits to the north.

7.4.8 The garden of 3 Locks Green is very open in nature, with the open countryside extending to the north. The proposed dwelling at Plot 2 is positioned at a reasonable distance away from both the existing dwelling and garden at 3 Locks Green, so as to prevent an overbearing impact.

7.4.9 There are several habitable room windows at both ground and first floor level at 3 Locks Green and the main garden area is to the north of the existing dwelling. Given the layout of the proposed development and the sufficient distance between the existing dwelling and that at Plot 2, it is unlikely that overshadowing or an overbearing impact would occur.

7.4.10 Three cat-slide dormer windows would be positioned within the western elevation of the dwelling at Plot 2, however, it is considered that the distance between the existing and proposed dwellings is sufficient to prevent any significant overlooking of amenity areas. The relationship of the two dwellings would prevent any window to window overlooking.

Plot 3

7.4.11 Plot 3 would be positioned towards the north eastern corner of the site, with open countryside extending beyond. There are no existing dwellings outside the northern or eastern boundary. Therefore, no overlooking, overshadowing or overbearing impact would occur in this respect.

7.4.12 Overall then, the proposed development would not have a significant detrimental effect on the residential amenity of neighbouring occupiers.

7.5 Impact on the Listed Building

7.5.1 The application site is closely associated with The Manor House which is Grade II listed. The scheme would replace a former non-conforming use (skip hire yard) and it would therefore be beneficial to the setting of the Manor House. Whilst much of the development within Yarwell is frontage development, the scheme has been designed to have a "farmyard appearance" to ensure it relates well to Yarwell Manor, and contributes positively to its setting.

7.5.2 The scale of the proposed residential units would not have a dominating impact over The Manor House when viewed from Main Street and the layout of the proposed development is sympathetic to the history and character of the Listed Building.

7.5.3 The design and materials proposed for the development are considered to be appropriate, given the sites proximity to the stone built Listed Building, and its edge of settlement location. The application site is sufficiently separated from all other listed buildings in the vicinity and so a widespread impact would not be a concern.

7.6 Landscaping

7.6.1 The Council's Conservation Officer for trees has not yet responded formally to the consultation on this application. However, with the previous applications, it was requested that further information be submitted giving details of the proposed landscaping scheme for the development site.

7.6.2 The Conservation Officer has particular interest in the existing Willow tree within the site. The Willow tree is positioned alongside the proposed access to the site and the applicant would need to demonstrate that the proposed access road could be constructed in a way which would secure the future health of the tree. In addition, there is an existing Sycamore tree in the southern part of the application site, adjacent to the proposed dwelling on Plot One. The applicant would be required to demonstrate methods of construction which would secure the health of this tree in the future, given its amenity value. A condition is therefore recommended.

7.6.3 Any comments or additional conditions suggested by the Conservation Officer shall be detailed within the Committee Update Sheet.

8.0 Other Issues

8.1 Crime and Disorder- The proposed development is unlikely to raise any issues.

8.2 Access for Disabled- The proposed development would not comprise public buildings and therefore would not be subject to access for disability guidelines.

8.3 The application is supported by a Sustainability and Energy Appraisal in accordance with Policy 14 of the Core Spatial Strategy. A condition is suggested to ensure that the proposed dwellings are constructed in line with advice contained within Policy 14 of the North Northamptonshire Core Spatial Strategy.

8.4 The proposed plans do not explicitly show where parking is to be located within the site. However, it is considered that there is sufficient space for parking within each plot and sufficient space within the site to allow adequate turning space.

8.5 Bin Collection – The council's Waste Management Officer has noted that it would not be possible for a refuse truck to gain access to the site because of the pinch point along the access road. Therefore, the applicant has indicated a 'bin collection point' opposite number 83 Main Street and ENC Waste Management are satisfied with this location. A condition is recommended to ensure that the developer informs and encourages all prospective occupiers to ensure that all waste bins are placed within the designated collection point on collection day. Also, a condition is recommended to ensure that a Site Waste Management Plan is submitted and approved in writing prior to the commencement of development.

9 Recommendation

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

Conditions/Reasons -

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

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

2. Prior to the commencement of development, a schedule and samples of all external materials to be used within the development including facing, roofing and fenestration shall have been submitted to and approved in writing by the local planning authority. All stone used is to be natural. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

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

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

4. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

seriously damage or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design and type of boundary treatment to be erected or retained. The scheme shall include details of fencing of at least 2.0 metres in height along the northern boundary of the site. The approved boundary treatment shall be completed before first occupation of the dwelling to which it relates.

Reason: To ensure an acceptable form of development.

7. Before any work is commenced on the development the subject of this permission, details of the slab levels of the proposed buildings in relation to the adjacent dwellings and the public highway shall have been submitted to and approved by the local planning authority, and the development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

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

Reason: In the interests of highway safety.

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

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

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

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

11. Before the dwellings hereby permitted are first brought into occupation, all W/C and bathroom windows (not including Velux windows) shall be fitted with obscured glazing to a

minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and this obscure glazing shall thereafter be retained permanently.

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

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

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

13. 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 BS5837:2012. The development shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of trees on site

14. 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 BS5837:2012. The development shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of trees on site

15. The rooflights hereby approved in the west elevation of the building shall be provided at a minimum sill height of 1.6 metres as indicated on the approved drawings and shall thereafter be retained in this manner unless otherwise approved in writing by the local planning authority.

Reason: In the interests of residential amenity.

16. In accordance with the details shown on submitted plan ref: 03B, all domestic bins shall be placed at the designated bin collection point on collection day(s). The developer shall submit a scheme which demonstrates how they are to inform and encourage individual residents to use the designated bin collection point and for making sure that they return each of their bins to within their own cartilage on days where collection is not scheduled.

Reason: To facilitate the collection of waste and to prevent undue harm on the setting of 83 Main Street, which is a listed building.

17. Notwithstanding the submitted details, details of a no dig method construction method for the access road and parking areas which cover or are close to the root protection area of each tree shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of trees on the neighbouring site

18. The works hereby permitted shall be carried out strictly in accordance with the approved plans (01A, 02, 2062.TPP, 03B, 05, 2082AIA, 06, 07A, 10A, 11A, 12A, 08, 09A, 10A, 04, received on 07.06.12) unless otherwise agreed in writing by the local planning authority.

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

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as NPPF, RSS policy 2, 39 and 13b, North Northamptonshire Core Spatial Strategy 2008 policy 1, 6, 9, 10, 13, 14 and 15, Rural North, Oundle and Thrapston Plan Policy 1 and 10, Highway Authority Standing Advice Document and Designing Out Crime SPD. Having regard to these, the representations received and any other material planning reasons, the main issue was identified as the policy background and how this manifests in respect of the principle of the development, visual impact, impact on neighbouring amenities, highway matters, parking and trees. The application has been approved as:
 - The principle of the development is acceptable and is consistent with the development plan.
 - The proposal represents an effective use of a previously developed site.
 - The proposal would not have an unacceptable impact on the local highway or parking.
 - The development would not harm the visual amenity or character of the area, or result in the loss of any trees.
 - The proposal would not have a significant impact on the amenities of neighbouring occupiers.
 - The development would not harm the setting, fabric or character of the listed building.

Committee Report

Committee Date : 15 August 2012

Printed: 3 August 2012

Case Officer **Samantha Hammonds**

12/01028/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
21 June 2012	2 August 2012	27 September 2012		
	Thrapston Market	Thrapston		

Applicant **Mrs L Hyde**

Location East Northamptonshire Council Cedar Drive Thrapston Northamptonshire NN14 4LZ

Proposal **Temporary change of use from a meeting room (known as the Members Room) at East Northamptonshire Council offices to a temporary gym from September 2012 to May 2013 to provide gym facilities during the refurbishment of the Nene Community Centre**

This application is brought to Development Control Committee in line with the scheme of delegation as the applicant is East Northamptonshire Council.

1 Summary of Recommendation

1.1 That authority be delegated to the Head of Planning Services to GRANT planning permission, subject to no further substantive objections being received during the remainder of the consultation period, and subject to the recommended conditions.

2. The Proposal

2.1 The application seeks a temporary change of use of a council meeting room (known as The Members Room) to a temporary gym. This would enable the current gym facilities at the Nene Centre to be temporarily relocated to the Members Room for the continued use by customers during the period that the Nene Centre is due to be closed for essential repair and refurbishment.

2.2 The temporary period for which the change of use is sought is the nine month period from September 2012 to May 2013 inclusive.

3. The Site and Surroundings

3.1 The Members Room is situated on the ground floor of the "Red Brick" building, part of East Northamptonshire Council's offices on Cedar Drive, Thrapston.

3.2 The entrance to the temporary gym would be via the first doorway off the pedestrian driveway that leads up to the main reception. The room is accessed via a lobby with ladies and gents fully accessible toilets. An existing office space within the lobby would be vacated and made available for use by the temporary gym.

3.3 The current partition doors would be removed so that the larger space, incorporating the existing staff recreation area, would all be utilised by the temporary gym. The room itself is dual aspect, and overlooks the public entrance driveway to the west and the council car park to the east.

3.4 The council building is a listed building.

4 Policy Considerations

4 National Planning Policy Framework

4.1 East Midlands 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 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 41 - Regional Priorities for Culture, Sport and Recreation

4.2 North Northamptonshire Core Spatial Strategy

Policy 13 – General Sustainable Development Principles

5 Relevant Planning History

5.1 None.

6 Consultations and Representations

6.1 The consultation period had not expired at the time of writing the report and will not have expired until 8 September, after the committee has considered the application on 15 August 2012. Any representations received before the 15 August 2012 will be reported to the committee via the update sheet. In order that any later comments can also be taken into account it is recommended that authority be delegated to the Head of Planning Services to issue the final decision following the expiry of the consultation period.

6.2 ENC Environmental Health - No objection on the grounds of noise, subject to conditions relating to the following:

- Hours of operation shall be 09.00 to 21.00 hours.
- Doors and windows shall be kept closed when the gym is in use.
- No playing of recorded music.
- Impacts upon on the walls of the building shall be avoided.

7 Evaluation

7.1 Principle of the temporary change of use

7.1.1 Given that the Nene Centre will be closed for a period of 9 months between September 2012 and May 2013, this proposal for a temporary change of use would allow the gym facilities to be re-located to the Members Room during this period. The re-location of gym facilities to this nearby alternative accommodation can only be beneficial in terms of minimising the impact of this enforced closure. Compared to a situation where no replacement gym facility was provided, this proposed temporary gym would:

- enable the continued provision of a well-used community facility to the benefit of the health and well-being of the local population
- enable continued employment of Nene Centre staff
- lessen the economic impact on the Nene Centre as a business by enabling customers to remain loyal rather than go elsewhere

7.1.2 All of the above socio-economic benefits would suggest that the temporary change of use should be supported in principle, subject to other material considerations.

7.2 Impact on highways

7.2.1 Users of the temporary gym would have the use of the council offices car park as they do at present for the Nene Centre. The current operation of the Nene Centre proves that there is sufficient parking available for users. There would be no noticeable impact from a highways and parking point of view.

7.3 Impact on amenity of the area and nearby occupiers

7.3.1 A Noise Assessment has been submitted to support the application and this has been reviewed by the Environmental Health team. The report satisfactorily demonstrates that noise from the relocated gym should not give rise to noise complaints at the nearest residential premises, nor would it impact on the nearest office accommodation, subject to their recommended conditions (see section 6.2).

7.3.2 The opening hours of the temporary gym would be 9am-9pm on Monday to Friday and 9am-5pm on weekends and bank holidays. This means there would be increased activity around the council building at weekends, but given that gym users already come and go from the adjacent Nene Centre at these times the additional impact would be negligible. Nearby residents will already be used to the pedestrian and vehicle movements of those using the current gym and it is unlikely this would change significantly.

7.3.3 To ensure that office workers and other neighbouring occupiers are not disturbed, no music would be played in the temporary gym and this would be ensured by condition. A condition would also ensure that the windows of the gym are kept shut to prevent any noise escaping. Adequate ventilation and temperature control could be achieved using the existing air conditioning unit.

7.3.4 No concerns of privacy are raised. Users of the temporary gym would look out only onto the public areas around the council offices, residential properties are set well away beyond the car park and well screened by rear garden boundaries. The users of the proposed gym would be less visible from the public realm than they are at present in the fully glazed Nene Centre gym. Dedicated changing areas would not be available but it is envisaged that users would be encouraged to change off-site. The toilets in the foyer could also be utilised for changing.

7.3.5 No physical alterations are proposed so there would be no overbearing / overshadowing impact on nearby occupiers.

7.4 Impact on the listed building

7.4.1 No physical alterations are proposed so there would be no impact on the listed building.

7.5 Access for the disabled

7.5.1 The Members Room is on the ground floor with level access from the car park and footway access with double doors leading through the foyer. Ramps and tactile paving are in situ to facilitate access from and around the car park. Adjacent to the Members Room within the lobby are fully accessible toilets for use by all disabled and able persons complete with assistance alarms.

8. Other issues

8.1 Emergency provision - Emergency lighting, fire alarms, and a second fire exit are all provided within the building. There is clear access up the driveway for emergency vehicles.

8.2 Waste - The temporary gym would make use of the council's existing facilities for storage and collection of waste and recycling.

8.3 Temporary loss of meeting room space - Whilst inconvenience may result from there being less meeting room space available within the council during this period, this temporary loss is not significant from a planning point of view, particularly as the room would revert back to its current use after nine months.

8.4 Contingency for timescales - Whilst it is anticipated that the works to the Nene Centre will be completed in 9 months, it may be prudent to allow a small contingency in case of unforeseen delays or over-run of these works. It is therefore recommended that the temporary use be granted for up to 12 months in order to ensure the continued

availability of this facility in the event of unforeseen delays with the Nene Centre works.

9 Recommendation

9.1 That authority be delegated to the Head of Planning Services to GRANT planning permission, subject to no further substantive objections being received within the outstanding consultation period, and subject to the following conditions.

Conditions/Reasons -

1. The change of use hereby granted shall be limited to a period of time expiring no later than 31 August 2013 and at the expiration of that period the use shall have been removed and the site reverted to its former use.

Reason: To clarify the terms of the permission.

2. The use hereby permitted shall only operate between the hours of 09.00 and 21.00 on Mondays to Fridays, and between the hours of 09.00 and 17.00 on weekends and bank holidays.

Reason: To clarify the terms of the permission and to safeguard the amenities of neighbouring occupiers.

3. No live or amplified music shall be played at the premises at any time.

Reason: To protect the amenity of the area and nearby occupiers.

4. All windows serving the main room of the temporary gym shall be kept closed whilst the gym is operational.

Reason: To protect the amenity of the area and nearby occupiers.

5. Gym equipment shall be positioned to ensure that there is no impact of machinery upon the walls of the building.

Reason: To protect the amenity of the area and nearby occupiers.

6. The works hereby permitted shall be carried out strictly in accordance with the approved "location plan and floor plan" received on 5 July 2012 unless otherwise agreed in writing by the local planning authority.

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

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as NPPF; East Midlands Regional Plan policies 1 and 41; North Northamptonshire Core Spatial Strategy 2008 policy 13. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of phased development, highways impact, impact on neighbouring occupiers, impact on the listed building, and access for the disabled. The application has been approved as:

- The principle of the temporary change of use is acceptable and is consistent with the development plan.
- The proposal is acceptable in respect of highways and parking.
- There would be no significant impact on the amenity of neighbouring occupiers.
- There would be no impact on the listed building.
- The proposal would be acceptable in terms of disabled access.

Committee Report

Committee Date : 15 August 2012

Printed: 3 August 2012

Case Officer **Anna Lee**

12/00555/EXT

Date received	Date valid	Overall Expiry	Ward	Parish
20 March 2012	20 March 2012	10 April 2012	Kings Forest	Kings Cliffe

Applicant **Augean PLC**

Agent **Planning Inspectorate**

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

Proposal **For a Development Consent Order for extensions and alterations to the on-site facilities and to allow hazardous waste, low level radioactive waste landfill and soil treatment operations to take place until the end of 2026.**

The application has been brought to Development Control Committee as the proposal has the potential to have a significant impact on the district, as it is for a Development Consent Order, a procedure set up to deal with Nationally Significant Infrastructure Projects.

1 Summary of Recommendation

1.1 That the National Infrastructure Directorate be advised that East Northamptonshire Council has NO OBJECTION to the application and that Members APPROVE the attached Local Impact Report, which sets out this authority's views and concerns about the effects of the proposed development on the district.

2. Introduction

2.1 The applicant Augean South Limited (Augean) has submitted an application to the National Infrastructure Directorate (NID) for a Development Consent Order and East Northamptonshire Council (ENC) has been consulted on this application.

2.2 Development Consent Orders (DCOs) are required for 'Nationally Significant Infrastructure Projects' (NSIP) and are usually large scale developments relating to energy, transport, water, waste and waste water. Examples of such developments include proposals such as new harbours, power generating stations (including wind farms), airports and sewerage treatment works. The planning process for dealing with NSIP proposals was established by the Planning Act 2008 and the Planning Act 2008 was amended by the Localism Act 2011.

2.3 On 14 March 2012, an application for a Development Consent Order was formally submitted by Augean to the Infrastructure Planning Commission (IPC), and on 11 April 2012 it was confirmed that the application has been accepted for examination in accordance with Section 55 of the Planning Act 2008. With effect from 1 April 2012, the functions of the IPC have been transferred to the Planning Inspectorate, in accordance with the Localism Act 2011. The Planning Inspectorate (also referred as the 'Examining Authority' for purpose of the DCO application) administers the application process for the NID and the decision regarding the refusal or grant of a DCO will be undertaken by the SoS.

2.4 A DCO can confer 'statutory authority' for carrying out development and can be used to combine a grant of planning permission with a range of other separate consents i.e. planning permission with listed building consent. Also, it can include rights to compulsorily purchase land and applications can be made to apply, modify or exclude legislation in a DCO. The current submitted application is solely for the grant of planning permission.

3 The Proposal

3.1 The Development Consent Order has been submitted for:

- Continuation of the operations at the site for the filling of hazardous waste and low level radioactive waste (operations which have been the subject of previous planning permissions) and to allow retention of the existing on-site infrastructure;
- Extension of the soil treatment facilities with an increase from the current consented capacity of 100,000 tonne per annum (tpa) to 150,000 tpa;
- Construction of a new landfill void for the disposal of hazardous wastes and Low Level Radioactive Waste (LLW) with an activity of up to 200 becquerels per gram (Bq/g) at a direct input rate of up to 150,000 tpa;
- To allow a maximum input rate to the site for all wastes of 250,000 tpa;
- Extraction and stockpiling of clay and other materials for engineering purposes and the exportation of clay and other materials for use in landfill engineering;
- Restoration of the site to woodland and grassland following the completion of the landfilling; and
- To allow all current, and the above proposed landfill and treatment operations, to take place until 2026 with an aftercare period of 10 years to 2036.

3.2 The current landfill comprises of five phases of landfilling with each phase of landfilling subdivided into two cells. Landfilling operations are complete in Phases 1, 2 and 3 and have been capped. Landfilling operations are being completed in Cell 4B and Cell 5A has recently been engineered to accept LLW waste. The existing cells are located toward east of the site towards Stamford Road and the proposal is for landfill operations to extend towards the remainder of the site, towards the western side, to include six further phases.

4 The Site and Surroundings

4.1 The application site is known as the East Northamptonshire Resource Management Facility (ENRMF) and Kings Cliffe Landfill Site (KCLS).

4.2 The site is located approximately 2.2km to the southeast of the village of Duddington and 2.5km north of Kings Cliffe.

4.3 Collyweston Great Wood is adjacent to the northern boundary and to the north east of the site is an area of woodland known as Easton Hornstocks. Parts of these areas of woodland are SSSI's and National Nature Reserves.

4.4 Access to the site is gained from the primary road network, via the A47, which lies approximately 1 km to the north of the site via Stamford Road. The A47 connects to the A43 and A43 lies approximately 2 km west of the application site.

4.5 The premises of P.C Howard Ltd, a haulage and warehousing firm, lies approximately 40 metres south of the site.

4.6 Westhay Cottages are located approximately 25 metres to the east and are the closest residential properties.

4.7 Westhay Farm is located approximately 70 metres east and is operated as a haulage yard and a farm with associated agricultural and commercial buildings.

4.8 To the west, beyond the landfill site there is open agricultural land and North Spinney

Wood.

4.9 RAF Wittering lies approximately 2 km to the north west of the site.

4.10 No public rights of way cross the site.

5 Background of Most Recent Issues

5.1 Members will recall that a 'Background Report' setting out the back ground issues to the site was brought to committee on 13 June 2012. The contents of this report are summarised within the Planning History Section (Section 7) of this report.

5.2 The Council was consulted by Northamptonshire County Council (NCC) on three planning applications in June 2012, which proposed to extend the existing operations at the site from 31 August 2012 to 31 December 2016. ENC did not object to these applications and NCC will be formally considering these applications at their Development Control Committee on 18 September 2012. The existing permissions at the site expire on 31 August 2012 and the applicant has submitted these three applications to allow the operations at the site to continue for a further three years (until 2016), due to the fact that the site is unlikely to reach it's consent capacity by August 2013 and to allow for delays in the determination of the current DCO application.

5.3 As part of the DCO examination process, interest parties were required to register their interest with the Planning Inspectorate by the end of May 2012 and to outline any key issues/concerns. At the Development Control Committee on 13 June 2012, Members were requested to affirm if they would wish ENC to register an interest using the comments put forward by ENC to Northamptonshire County Council for the original proposal of infilling radioactive waste at the site (under consultation ref: 09/01269/NCC) and a list of summary issues were recommended to you by your Officers. A copy of this report to Committee is attached as Appendix 1. This report was agreed by Committee and the comments were submitted to the Planning Inspectorate. Full details of the subsequent DCO procedures are detailed in Section 13 of this report.

6 Policy Considerations

6.1 National Planning Policy Guidance:
PPS10 – Planning for Sustainable Waste Management
National Planning Policy Framework (NPPF), March 2012

6.2 East Midlands Regional Plan, March 2009
On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's was a material consideration. This decision was however challenged. The Court of Appeal has however recently ruled that the Government's intention to abolish Regional Strategies is a material planning consideration.

6.3 North Northamptonshire Core Spatial Strategy, June 2008:
Policy 1 – Strengthening the Network of Settlements
Policy 5 – Green Infrastructure
Policy 8 – Delivering Economic Prosperity
Policy 9 – Distribution & Location of Development
Policy 13 – General Sustainable Development Principles

6.4 Northamptonshire Minerals and Waste Development Framework (MWDF) Core Strategy, 2010

6.5 Northamptonshire Minerals and Waste Development Framework (MWDF) Locations for Waste Development DPD, March 2011

- 6.6 Northamptonshire Minerals and Waste Development Framework (MWDF) Control and Management of Development DPD, June 2011
- 6.7 Rural North, Oundle and Thrapston Plan (RNOTP), July 2011
- 6.8 Other Documents:
Policy for the Long Term Management of Solid Low Level Radioactive Waste in the United Kingdom, 2004
UK Strategy for the Management of Solid Low Level Radioactive Waste from the Nuclear Industry, 2009
- 7 Planning History
- 7.1 The site was used for silica clay extraction from the 1950s. In 1998 an application to deposit wastes, including hazardous wastes at the site was refused by NCC on grounds relating to landscape, amenity impact and no overriding need (NCC reference EN/88/833C). This refusal was subject to a planning appeal which was originally dismissed by a Planning Inspector, but this decision was quashed following an appeal to the High Court.
- 7.2 The history of the site being used as a waste recycling and storage facility dates back to 2000 (ref: EN/00/00883/CRA). Consents were granted in 2002 for the disposal of asbestos (ref: EN/02/00166/CRA) and storage of soil (ref: EN/02/00178/CRA). The Council was consulted on the proposal for the storage of 100,000 tonnes of hazardous and inert waste materials at the landfill site (and associated operations) in 2005 (ref: EN/05/01264/NCC). The Council did not object to this application at the time and the application was approved by NCC with a time limit which required the site to be restored by 13 August 2013. A gas flare and surface water pumping station were installed around 2006 (ref: EN/06/01517/CRA) and a soil treatment facility was granted at the site in 2007 (ref: EN/07/01838/NCC). ENC was consulted on both of these applications and did not object to these proposals.
- 7.3 2009 LLW Proposal - More recently, in 2009, Members will recall that the Council was consulted on an application for the landfill disposal of low level radioactive waste (LLW) at the site (ref: EN/09/01269/NCC). The proposed development occupies an area of approximately 6.07 hectares in the south eastern corner of the landfill site, with the deposits of LLW proposed in three cells (4B, 5A and 5B). The LLW proposed at the site comprises of soils and construction materials that arise from sources such as hospitals and decommissioned power stations, i.e. rubble, soils, crushed concrete, bricks, metal, plastic, and also wastes from manufacturing activity. It was proposed that the waste which would be deposited would be limited to that which has a level of radioactivity up to 200 becquerels per gram (Bq/g). This is well towards the lower end of the range of radioactivity, as LLW is radioactive waste having a radioactive content not exceeding 4,000 Bq/g of alpha or 12,000 Bq/g of beta or gamma activity. The proposal did not change the rate or volume of waste which can be deposited at the site, which remained at up to 250,000 tonnes per annum.
- 7.4 The Council put forward strong objections to this proposal at the time to NCC and a list of the Council's comments is attached in Appendix 1.
- 7.5 The representations made by the Council were considered by NCC, together with the representations put forward by other Local Planning Authorities, parish councils and members of the public. The objections/concerns were principally related to: the health and safety risks and fears related to the development; the status of Government Policy relating to LLW; prematurity; the appropriateness of the site to take radioactive wastes; insufficient information; highway safety; and the experience of the operator (NCC Committee Report, paragraph 9.2).
- 7.6 NCC Decision - The proposal was assessed by Officers at NCC against both national

and local planning policy, need; impact on highway safety, the environment, local amenity, and other material considerations (NCC Committee Report, Section 8). NCC Officers came to the view that the site would be appropriate for the development of new waste facilities, as it is identified in the Waste Local Plan (Adopted March 2006) as an existing 'Main Site'. Also, the proposal was considered to be acceptable by NCC Officers in all other respects. The application was recommended for approval at the NCC Development Control Committee on 16 March 2010, subject to conditions and a legal agreement to secure a community fund, to provide financial support for various social and economic projects in the community. The officer recommendation was overturned by NCC Committee and the application was refused by NCC for the following reasons:

- 1) No national level planning policy, guidance or Development Plan policies that specifically deal with the management or disposal of LLW, and NCC's view was that "in absence of any such policy, the merits of the proposal, in light of all the material considerations, do not justify approval of the application";
- 2) The proposal would be contrary to Policy 1 of the Waste Local Plan and would not satisfy the waste development principles: "the minimisation of, and balance in, the movement of waste across waste planning authority boundaries, except where the development involves specialised provision and is consistent with regional self sufficiency; the minimisation of the transportation of waste from its source; or the Best practicable Environmental Option for the waste stream";
- 3) The development does not represent the Best Available Technique (BAT) for dealing with LLW disposal (Under the Integrated Pollution Prevention Control Directive 2008, landfill sites must be designed and operated in accordance with BAT and this is regulated through Environmental Permits);
- 4) The perception of potential harm from the proposed development held by a significant number of residents in the local community is a significant material consideration sufficient to justify a refusal of the planning application.

7.7 NCC's decision was subsequently challenged at appeal. A Public Inquiry was held between 26 October 2010 to 24 November 2010 and the Planning Inspector's Report was issued on 16 February 2011. Because the proposal relates to development of major importance having more than local significance, the appeal was referred for the Secretary of State's (SoS) determination and the SoS's report was issued on 24 May 2012.

7.8 The Planning Inspectorate's Decision – The appeal was allowed by the Planning Inspectorate subject to conditions. The conclusions reached by the Planning Inspectorate are summarised below:

- 1) The policies/guidance relevant to the proposal include: the 2007 National Policy on LLW; 2010 National Strategies on LLW from Nuclear and from Non-nuclear sites; PPS10, PPS23; and the emerging Minerals and Waste Development Framework Core Strategy DPD. The proposal was not found to be in conflict with any of these policies, (Inspector's Report, Paragraph 7.15);
- 2) Having compared the risk of radiation from the proposed development with the standards and with radiation from other sources, the actual risks from the development would be very small, (Inspector's Report, paragraph 7.32);
- 3) The perception of harm is a material consideration, but there is limited evidence of any direct effects, (Inspector's Report paragraph 7.44);
- 4) For radioactive waste from southern and central England, the only and nearest installation would be the appeal site (Inspector's Report, paragraph 7.52). There is no policy requirement to demonstrate need for the development. Nevertheless, there is a need for alternative ways to manage LLW (paragraphs 7.59 and 7.91) and the proposal gains significant support from need and the national LLW Policy and Strategies (paragraphs 7.94);
- 5) Whether the proposal would comply with the Best Available Technique (BAT) is a

matter which the Environment Agency would consider when granting the Environmental Permit;

6) Concerns were raised about the experience and suitability of Augean as the operator. At the appeal, the Inspector concluded that “There can be no tenable suggestion that Augean is not a suitable operator to manage disposal of LLW. The Environment Agency is satisfied with Augean’s suitability and NCC’s independent advisor was impressed by the company’s management ethos to follow safety requirements”, (Inspector’s Report, paragraph 2.182). A draft Environmental Permit has been issued by the Environment Agency, confirming that it considers that the appeal proposal represents BAP and the permit includes controls on pollution and for the protection of health, (Inspector’s report, paragraph 7.87).

7) There would be no significant highway safety impacts. As to road haulage, Government Policy States that the regulations for the transport of radioactive waste provide a safe environment and the Strategy advises that there is a “relatively low risk presented by the transport of LLW”, (Inspector’s Report paragraph 7.64). Furthermore, the Inspector notes that NCC has not objected to the appeal proposal on highway grounds, (Inspectors Report, paragraph 7.65);

8) In terms of the issue of setting a precedent, the Inspector commented that the chances of permission for a future proposal for the landfilling of LLW at or adjacent to the cells to be filled in this case would be enhanced, (Inspector’s report paragraph 7.71);

9) During the appeal process, NCC argued that a permission in this case would form part of a comprehensive scheme, from which there would be a cumulative impact and would frustrate the aims of the Environmental Impact Regulations and Directive. The Inspector found nothing to support this claim.

7.9 The Secretary of State’s (SoS) Decision – The SoS agreed with the Planning Inspector’s reasoning and conclusion on many of the matters. The only matter which the SoS did not agree on was the requirement for a S106 Agreement as the proposal involves no changes to the existing permission for disposal of hazardous waste other than in respect to what material is landfilled (SoS Decision, paragraph 32). The SoS, therefore, gave no weight to this in his decision. Also, whilst the chances of permission for future LLW proposals would be enhanced, the SoS’s view was that each application would need to be considered on its individual planning merits and having regard to the material circumstances at the time (SoS Decision, paragraph 30). Like the Planning Inspector, the SoS fully recognised the widespread public perception of harm, but likewise attached only limited weight to this (SoS Decision, paragraph 35). Having weighed up all the relevant considerations, the Secretary of State concluded that the factors which weigh in favour of the proposed development outweigh the limited harm identified and there were no other material considerations of sufficient weight that would justify a refusal of planning permission.

7.10 High Court Challenge – The SoS’s Decision was subsequently challenged at the High Courts by local residents and the campaign group Waste Watchers in July 2011. The challenge was rejected in both the High Court and on appeal to the Court of Appeal. Delivery of LLW was made to the site last December 2011 (BBC Article dated 5 January 2012). An application was made to the Court of Appeal to prevent the lawful implementation of the permission and this application was subsequently withdrawn.

8 Consultations and Representations

8.1 East Northamptonshire Council is being consulted by The Planning Inspectorate as the Examining Authority for DCO applications. ENC is a consultee only on this matter, and therefore, it is not obliged to carry out consultations.

8.2 It is noted that The Planning Inspectorate has received over 200 initial representations to this application. The responses included more than 100 letters in support, predominantly from Augean employees at both the application site and other Augean facilities. A number of businesses which use or supply the site and members of the public have also made representations in support of the development. Approximately

80 representations have been submitting objecting to the proposals, including 11 parish councils and over 60 members of the public and non statutory organisations.

8.3 The objections of the nearby parish councils of King's Cliffe, Duddington with Fineshade, and Collyweston are summarised below for Member information:

- Risk to public health
- Extra pollution from LLW and hazardous waste
- House sales fell through because buyers were concerned about the Augean site
- Increase through-traffic
- Increase in traffic movements
- There is no benefit to the local economy as no local people are employed at the site
- Lack of justification for exceeding the site's original capacity
- Lack of confidence on the operator due to the no end of proposals and extension of time for the site to remain in operation
- Over 50% of local people voted in a village referendum at King's Cliffe and 98% opposed to the disposal of LLW
- Concerns about higher levels of radioactivity being permitted at the site

9 Structure of this Report

9.1 The next section of this report (Section 10) set out the key planning issues surrounding the new proposals. The subsequent section (Section 11) sets out your Officers recommendations about the key planning issues and discusses these against the concerns put forward by ENC during the very stages of examination (May 2012).

9.2 Local authorities are strongly recommended by The Planning Inspectorate to submit a Local Impact Report (LIR) setting out their views about the proposal. Northamptonshire County Council (NCC) is the Local Planning Authority for determining minerals and waste applications and a copy of their LIR was approved by NCC Development Control Committee on 24 July 2012 (subject to some minor amendments). As the district authority for this proposal, it is recommended to Members that East Northamptonshire Council also submits a LIR. Full details of the LIR are discussed in (Section 12). A copy of the draft LIR produced by your Officers is attached as a separate item to the Committee Agenda. Details about the subsequent procedures for this DCO application are detailed in Section 13.

10 Evaluation of DCO Proposals

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

10.2 Principle of Development

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

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

10.2.3 The existing landfill at King's Cliffe is only one of two in England (and one of only eight in England and Wales) which can accept a wide range of hazardous wastes. Also, the site is the only hazardous waste infill site in the East Midlands. The site's national and regional importance for hazardous waste disposal is recognised in the 2010 Northamptonshire Minerals and Waste Development Framework (MWDF) Core

Strategy (paragraph 6.28). Also, the MWDF Core Strategy recognises that there is a shortage of waste management capacity in the County and seeks to ensure that the focus of the facility at Kings Cliffe should be one where its national specialism in hazardous waste is maintained and it continues to have a regional role, (MWDF Core Strategy, Policy 1).

10.2.4 The MWDF Core Strategy supports waste management capacity to come from a mix of extensions to existing sites, intensification or re-development of existing sites and new sites, provided they meet the spatial strategy and environmental, amenity and other requirements (Policy 1). Furthermore, the Northamptonshire MWDF Control and Management of Development DPD states that preference will be given to extensions of existing sites, unless it can be demonstrated that a standalone site would be more sustainable and better located to support the management of waste close to its source, (Policy CMD2). Therefore, the proposed extension of the existing facility at Kings Cliffe is supported in principle by the above local minerals and waste policies.

10.2.5 The MWDF Core Strategy recognised a shortage of waste management capacity in the County and that the total hazardous arisings in the County in 2026 would be approximately 81,800 tonnes per annum. Therefore, in NCC's view, if the proposal development were to be granted Development Consent, the extension of this site would more than fulfil the capacity requirement for hazardous waste in the County to 2026, (NCC LIR, paragraph 8.3).

10.2.6 However, NCC has highlighted the following issue: "A proposed requirement of the draft DCO restricts input rates to 150,000 tpa at the soil treatment facility and 150,000 tpa directly to landfill with combined inputs not to exceed 250,000 tpa. The applicant is uncertain on what ratio of hazardous waste to LLW would be imported to the site and this would be influenced by market conditions for the respective waste types. Nevertheless infilling the site with LLW would proportionally reduce the overall capacity of the site for hazardous waste disposal. Given the importance of the site as a hazardous waste facility as recognised in the MWDF it is considered that the impact on the hazardous waste facility should be a factor taken into account by the Examining Authority", (NCC LIR Agenda Item 5a, paragraph 8.4).

10.2.7 The recent permission granted by the SoS allows LLW with an activity of up to 200 becquerels per gram (Bq/g) to be deposited at the site. The anticipated input rates for the 2009 application for LLW were between 25,000m³ to 50,000m³ per annum and the input rate for the other waste to be between 100,000m³ to 120,000m³, (Augean PLC Volume B1 2009 application, paragraph 7.2.8). The current application proposes an LLW input rate of up to 150,000 tpa and input rates for other waste to 150,000 tpa, with a maximum input rate to the site for all wastes of 250,000 tpa, (Planning Statement, pages 8-9). The information shows that the input rates for LLW in the current application are significantly greater than that of the 2009 application and the proportion of LLW anticipated to be deposited is greater in comparison with other wastes. Therefore, it can be understood why NCC has raised the above concerns.

10.2.8 The radioactivity of 200 Bq/g of LLW proposed to be stored at the site is well towards the lower end of the range of radioactivity, as LLW is radioactive waste having a radioactive content not exceeding 4,000 Bq/g of alpha or 12,000 Bq/g of beta or gamma activity. The current proposal does not increase the radioactivity levels of the waste stored at the site, but proposes to increase the input rates and to extend the LLW storage time from 31 August 2013 (as granted by the SoS) to end of 2026, for up to 13 more years. The health risks associated with radioactive substances is an issue that will be discussed in a separate section (see Section 10.5).

10.2.9 The NCC has no mineral and waste policies relating specifically to the management of LLW. This was the situation when the application was granted on appeal by the SoS in May 2011 and NCC has not introduced any new policy since that time. Therefore, the principle of LLW disposal needs to be assessed in accordance with national planning

policy.

- 10.2.10 There are policies within the MWDF Control and Management of Development DPD which requires applicants to have regard to the principles of sustainability, particularly regarding catchment areas (Policies CMD1 and CM2) and NCC has queried the sustainability of transporting LLW to the site as it is located distant from large sources of LLW. NCC makes the following comments: "Spatially, the site is remote from sources of LLW from the nuclear industry and from high volume sources from the non-nuclear industry. The nearest source of LLW from the nuclear industry is the Harwell Research establishment in Oxfordshire, a distance of 90 miles from the application site. The nuclear power decommissioning sites are located on the UK coastline, the nearest being Sizewell in Suffolk at a distance of 118 miles", (NCC LIR Agenda Item 5b, paragraph 6.5).
- 10.2.11 NCC's view is that: "Given that there are no LLW disposal facilities outside of the north west England it is not difficult for the applicant to make the case that this site would satisfy a need relating to nuclear decommissioning sites in the southern half of England and Wales and to put this forward as the indicative catchment area for LLW wastes. However, there needs to be consideration to the sustainability of transporting LLW to a site which is distant from large sources of LLW, particularly the main nuclear decommissioning sites", (NCC LIR Agenda Item 5b, paragraphs 6.7 and 6.8).
- 10.2.12 "Recent notifications (June and July 2012) to the County Council as required under the Environmental Permit for the site shows consignments of waste coming from as far as Fife Scotland and Workington in Cumbria despite closer facilities that could deal with LLW. This shows that the LLW disposal facility is acting as a national facility for LLW which the granting of Development Consent for this proposal would only perpetuate. If granted, the site would only likely continue to attract LLW from a national catchment, especially as the only landfill facility that can accept LLW (up to 200Bq/g) without any restrictions on waste origin...It is important that the Examining Authority considers what the impact of allowing the application would have on the approach taken by other Waste Planning Authorities towards the provision of both hazardous waste and LLW disposal facilities.", (NCC LIR Agenda Item 5b, paragraphs 6.9 -6.10).
- 10.2.13 However, in spite of the above concerns, NCC acknowledges that if the proposals are granted Development Consent, the site would continue to be monitored by undertaking the Best Available Technique (BAT). BAT would include review options for the management of LLW and include consideration of the disposal options of the nearest appropriate installation and disposal options on site for where the material is sourced.
- 10.2.14 As the Local Planning Authority for determining minerals and waste applications, it falls to NCC to assess and scrutinise the proposed development against the relevant minerals and waste local plan policies and NCC will be submitting a representation to the Planning Inspectorate setting out their views on the key waste issues. In summary, the two key issues identified by NCC are: (1) the proposed LLW would occupy part of the void space and NCC has concerns that LLW would proportionally reduce the overall capacity of the site for hazardous waste disposal, and (2) the sustainability of transporting LLW to a site which is distant from large sources of LLW. Also, NCC has queried the sustainability of creating new voids at the site (which would involve extraction) where there are existing voids elsewhere in the country that could be filled with sustainability benefits, (NCC LIR Agenda Item 5b, paragraph 6.13). However, despite raising these issues, NCC's view is that there are no justifiable reasons and it would be inappropriate for them to object to the application.
- 10.2.15 Strong concerns were raised by ENC to the landfill of LLW at the site in the 2009 application. However, the need for LLW treatment facilities is reflected in the guidance published by the Nuclear Decommissioning Authority and contained within the Waste Management Strategy for England 2007, and these documents were taken into consideration by the Planning Inspectorate and SoS in the determination of the LLW

proposal. Having weighed the proposal against national planning policy (PPS10) and all the other issues, the principle of landfill of LLW at the site was considered by both determining parties to be acceptable in 2011/2012, as LLW gains support in terms of need from national policies and strategies. Furthermore, it was noted by the Planning Inspector and SoS that the proposal is for a specialist facility which is not in conflict with the minerals and waste Development Plan policies.

10.2.16 Therefore, on balance, it would be extremely difficult for this Council to put forward an objection on planning policy grounds. All other issues are discussed in turn below.

10.3 Impact on Landscape

10.3.1 The existing soil treatment plant occupies the northwest corner of the site and the proposed additional phases of landfill would extend towards to western part of the site. The landfill site is presently well screened from the surrounding area due to existing landscape bunds and hedgerows which border the site. These surround the east boundary to Stamford Road and along the southwest and western boundaries. Also, the site is extensively screened from the land to the north by existing woodlands. As the proposed additional phases of landfill would be contained within the existing site and be screened by the existing landscape features, there would be no significant visual impact from this proposal.

10.3.2 Limited new build development is proposed under this application. A drum storage bay is proposed to the south of Phase 4 and the weighbridge and cabin are to be relocated to the southern boundary, to the south of Phase 5. Again, as these proposals would be contained within the site, there would not be a material effect on the visual appearance of the landscape.

10.3.3 As part of the application, the applicant proposes to restore the site progressively to woodland and grassland with ecological benefit and public access in line with the restoration principles approved by the SoS in the 2009 LLW disposal. It is anticipated that the site would be filled and restored by the end of December 2026 and then the site will be subject to a ten year aftercare and maintenance period of up to 2036, (Planning Statement, paragraph 3.17). Such landscape and biodiversity enhancements are carried through to the new application area and such restoration proposals are included as part of the requirements set out in the draft DCO (restrictions 5 and 6). However, the initial proposal was for the eastern part of the site to be restored by 31 August 2013 and the most recent proposal is for the site to be restored by 2026. There does not appear to be any justification for the long delay proposed for the restoration of the areas of the site which have already been capped, and the environmental benefits should be delivered earlier, where possible.

10.4 Wildlife

10.4.1 The representation from Natural England confirms that there are no European sites or nationally designated landscapes located within the vicinity of the application site that could be significantly affected. Natural England is also satisfied that the proposals are unlikely to have a significant impact on the nearby Collyweston Great Wood and Easton Hornstocks SSSI and National Nature Reserve or any other nationally designated wildlife sites.

10.4.2 The draft DCO makes provision for ecological management and aftercare, and requires the submission of such details to NCC within 12 months of issue of the Order (restriction 7).

10.5 Radiation Exposure

10.5.1 The application proposes radioactive Waste (LLW) with an activity of up to 200 becquerels per gram (Bq/g) to be landfilled at the site. This radioactivity level is the same as that already granted by the SoS for the site. Risk Assessments were previously carried out for the 2009 application and both the Planning Inspector and SoS were satisfied that the actual risks from the radioactive levels of the waste stored would

be very small, having compared the risk of radiation from the proposed development with the relevant standards and with radiation from other sources.

10.5.2 The LLW will be transported to the site in accordance with transport regulations that apply to radioactive wastes. The regulations are established to control the risks to vehicle drivers and transport accidents that could result in waste spillage. Due to the limited amount of radioactivity in the LLW that can be accepted at the site, most waste that will be delivered to the site do not need any form of special packaging or shielding during handling or transport. However, the applicant has indicated that they will oblige waste producers to ensure that the LLW is transported in enclosed containers such as drums, bulk bags or other containers, (Planning Statement, paragraph 5.4.3).

10.5.3 NCC has highlighted in their LIR (Agenda Item 5a, paragraph 10.18) that no specific requirements have been included within the draft DCO which limits radioactivity. A condition was imposed on the SoS's Decision for the 2009 application which limits the radioactivity of the LLW imported and deposited at the site to 200 Bq/g (Condition 3). In light of the perceptions of fear from the local community surrounding the new proposals, a similar requirement within the DCO would help to address these concerns and would be necessary in terms of ensuring that the proposal would not have an adverse impact on the human health and the immediate surrounding and wider environment.

10.5.4 Whilst the radiation levels of the LLW remains the same, the anticipated input rates for the 2009 application for LLW were between 25,000m³ to 50,000m³ per annum (Augean PLC Volume B1 2009 application, paragraph 7.2.8) and the current application proposes a significantly higher LLW input rate of up to 150,000 tpa. Concerns have been raised by NCC about the amount of LLW landfilled at the site and that this would proportionally reduce the overall capacity of the site for hazardous waste disposal. However, they have not raised concerns or an objection regarding the increase in the amount of LLW deposited at the site and the health risks that could be associated with this.

10.5.5 The SoS's decision does not specify or limit the input rates for LLW, although the disposal of LLW was limited to three cells (4B, 5A and 5B) (Condition 2 of SoS's Decision). However, at the time of the 2009 application, as four out of the five phases (10 cells) were designated for the disposal of hazardous and other waste, where only one phase (3 cells) would be used for LLW, the input rate for LLW was less of an issue. However, the new proposals are for disposal of LLW in 6 new phases (and potentially up to 12 cells) and there is the issue that a substantial portion of the site could be used for the deposit of LLW. This raises concerns about reduction of the overall capacity of the site for hazardous waste disposal (significance of the site is set out in the MWDF Core Strategy) and the potential health and safety risks that could be associated with the proposed amount of LLW.

10.5.6 The Health Protection Agency (HPA) has been consulted on this application. They are an independent organisation that has been set up by government to protect public health from infectious disease and environmental hazards. The HPA provide advice to local authorities and the NHS on decision making and is a statutory consultee for NSIP applications. The HPA's representation considers that there is insufficient information to enable a full assessment of the impact of the proposals on public health. Discussions are currently ongoing between the applicant and the HPA and any further information regarding this would be reported on the committee update sheet.

10.6 Pollution Control

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

out by the EA for the site include, air quality (including dust and odour), noise, ground and surface water, and radiochemical monitoring.

10.6.2 NCC are aware of odour complaints this year and odour has been raised as an issue in the representations. "The County Council understands that Augean investigated these complaints and traced them back to a particular waste stream that is no longer imported to the site. No specific requirements regarding odour are included in the draft DCO but additional controls exist in the various environmental permits for the site. It is noted that the EA has requested in their representations that the draft DCO allows for additional infrastructure to be installed if necessary to minimise dust emissions from processing plant at the treatment facility. Exceedances of limits relating to dust set in the Environmental Permit for the landfill site have occurred in recent years", (NCC LIR Agenda Item 5b, paragraph 10.3). In order to ensure that adequate provision is made for the mitigation of dust which is likely to be associated with the proposed landfill operations and given the past exceedance issues, the recommendations of the Environment Agency are considered necessary and should be supported.

10.6.3 In terms of drainage and a flood risk issue, the site is not located in an area identified with significant flood risk. The surface water would drain to a ditch adjacent to the road at the south eastern corner of the site which flows generally to the south and after joining the stream outfalls to the Willow Brook approximately 2.5 km south of the site, (Planning Statement, paragraph 13.3.4). "Fuel, lubricant and chemical reagents are stored in bunded areas to contain spillage. Vehicles are refuelled on areas of hard standing with surface water drainage directed to a collection point or in the engineered and contained landfill area. Foul drainage from the site offices and welfare facilities is directed to a cess pit which is emptied by tanker and the contents are removed from the site for treatment at the sewerage treatment works", (Planning Statement, paragraph 13.3.5). The site is currently managed in accordance with a surface water management plan which has been approved and is regulated by the Environment Agency. The effect of the new proposals on drainage would also be assessed by the Environment Agency.

10.6.4 In respect of noise, the applicant has submitted a noise management and monitoring scheme. Requirement 4(2) of the draft DCO requires the development be carried out in accordance with the submitted scheme. Noise monitoring is ongoing under the existing permissions at the site and provides actual data on noise emissions from existing operations at the site. The applicant has stated that the predicted noise levels associated with these proposals comply with the existing noise limits as set out in the noise mitigation and monitoring scheme.

10.6.5 As the proposed new landfill areas would be located further away from Stamford Road, it is unlikely that these would have any more noise impact on the locality than the current and past operations at the site. Various new buildings and structures are proposed, including a generator and wheelwash area. However, as these facilities would be located approximately 200 metres away from the nearest properties at Westhay Cottages and some 100 metres from Westhay Farm and would be separated by the neighbouring sites by the main Stamford Road, there are unlikely to be any significant noise issues. Also, the existing landscape bunds would act as a noise barrier. Therefore, it would seem difficult for this Council to raise an objection on grounds of noise.

10.6.6 Details of lighting are included within the draft DCO (requirement 20). This seeks to ensure that all floodlighting including mobile units will be directed towards the ground to minimise light spillage from the site and except in emergencies will only operate within the proposed working hours. Any additional permanent or temporary floodlighting will require the written consent of the Local Planning Authority (NCC).

10.6.7 Comments from the Council's Environmental Protection team were not available at the time of writing this report and will be included on the committee update sheet.

10.7 Residential Amenity

10.7.1 The properties at Westhay Cottages are located approximately 25 metres to the east of the application site and are the closest residential properties. The waste management operations at the site are not expected to change significantly as a result of the proposal, although, if granted DCO, the operations are likely to continue until 2026. The site is well screened from the nearby residential properties by the landscape bund and planting. As the proposed landfill operations would be located further away from the nearby residential properties, it is unlikely that there would be any more impact on the nearby residential properties in terms of noise and odour, and without any counteracting evidence provided by the Council's Environmental Protection team, it would be extremely difficult for this Council to justify that there would be an adverse effect on the neighbouring occupiers.

10.7.2 A condition controlling the hours of working were imposed on the previous planning permission for the site. Providing similar restrictions are imposed on the DCO, this would help to safeguard the residential amenities of the nearby occupiers. Condition 12 of the SoS's decision for the 2009 LLW permission requires all waste disposal, site preparation, levelling and restoration operations and associated activities to be restricted to between the hours of 7:00am to 6:00pm on Mondays and Fridays and 7:00am and 1:00pm Saturdays, with no operations being carried out on Sundays and Public Holidays. This condition is in-line with the other working hour restrictions, imposed by NCC on other past planning permissions for the site.

10.7.3 Restriction 18 of the draft DCO seeks to restrict the working hours for Mondays to Saturdays to 07:00am to 18:00pm; that no operations be carried out on Sundays; and proposes working hours for Public Holidays of 07:00am to 18:00pm and allow delivery of up to 10 loads a day of air pollution control residues on Public Holidays. These proposed new working hours do not raise significant concerns and the proposed restriction on working hours would help to safeguard the amenities of the nearby occupiers.

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

10.8 Highway Impact

10.8.1 Access to the site is gained from the primary road network, via the A47, which lies approximately 1 km to the north of the site via Stamford Road. Stamford Road is an unclassified road linking the A47 to the village of King's Cliffe. The A47 connects to the A43 approximately 2km west of the application site. The A47 and A43, together, form part of the strategic highway network and form links to the A1 to the north east, the A14, A43, A45 and M1 to the south and the M1 and M6 to the west.

10.8.2 The current vehicular access and access roads would be used to serve the proposed development. The submitted Transport Assessment (TA) advises that HGV movements would be no more than at present and compared to the past use of the site, (TA, paragraph 4.7). It advises that the movement of HGVs associated with this proposal would be comparatively small in comparison with the total movements on Stamford Road (A47) and those on the other surrounding principle roads. Also, the average numbers of light and heavy vehicle movements generated by the site at present are well below those associated with the premises of PC Howard Limited immediately to the south of the site entrance, (Planning Statement, paragraphs 9.9.7, 17.1.8).

10.8.3 For Members information, "The automated count recorded that over the two 7 day survey periods there were an average of approximately 1,300 total vehicle movements on Stamford Road. The manual traffic count at the site entrance on 21 October 2010 showed a total of 25 vehicles entering and 16 vehicles leaving the site between 07:00am and 09:59am with only 3 lorries entering and 3 leaving the site during the morning peak (08:00am to 09:00am). The manual count data showed a total of 11

vehicles entering and 22 vehicles leaving the site between 16:00 and 18:59 with only 1 lorry entering and 1 lorry leaving during the evening peak (17:00pm to 18:00pm)", (Environmental Statement, paragraph 17.1.7). The TA suggests that by phase 6 of the development, there would be 196 HGV movements per day with 11 deliveries in the am peak hour and 5 in the pm peak hour, (Transport Assessment, paragraph 4.5).

10.8.4 If Development Consent is granted for the proposal, then the levels of traffic movements would continue for up to a further 13 years, until 2026.

10.8.5 The Highway Agency has assessed the effect of the proposal on the nearest strategic route, the A1, and has confirmed that they have no objections as they do not expect the proposal to have a material impact on the nearest route.

10.8.6 The proposal has been assessed by NCC Local Highway Authority. The Highway Officer has made a representation to the Planning Inspectorate and has requested restrictions to require that (1) ongoing transport assessments be undertaken so that the impacts of the proposal on the highway network can be monitored and so that appropriate measures are put in place to minimise any issues; (2) that HGVs be controlled from leaving the site during the early morning peak period; (3) that the existing routing agreement (which requires all HGVs leaving the site to turn left onto Stamford Road to access the A47) be secured; and (4) that measures be undertaken to prevent the deposit of mud and debris on the highway.

10.8.7 Items (1), (3) and (4) have been addressed in requirements 14, 15 and 17, of the draft DCO, respectively. This leaves item (2) still to be addressed. Due to intensification of traffic at the site and with the A47/A43 roundabout near towards capacity, it is likely that highway improvements works would be required at the roundabout and approaching junction. However, in the Local Highway Authority's opinion, such works can be avoided provided that HGVs are controlled from leaving the site during the early morning peak periods.

10.8.8 Concerns have been raised by local residents about 'mud and dirt being on the road' under the previous applications and the current application. These complaints have been investigated by the applicant and the applicant has taken steps to improve the wheel wash and drainage facilities on the site. Measures to mitigate mud on the road now include a wheel spinner, a wash bath, two power brushes and a sweeper is used on the internal haul roads and the public highway.

10.8.9 Currently, there are signs posted for drivers to head for the A47 when leaving the site and not to go through the village of Kings Cliffe. The restriction placed on the draft DCO (14(2)) would ensure that this arrangement remains in place. Restriction 14 (2) currently states: "The undertaker will ensure that all heavy goods vehicles entering and leaving the site shall travel direct to and from the A47 Trunk Road via Stamford Road north of the access point with no such vehicles travelling along Stamford Road towards King's Cliffe village south of the site access point". It is understood that the Local Highway Authority is currently reviewing the condition of Stamford Road and discussions have been ongoing with the applicant regarding the provision of advisory speed limit signs on part of Stamford Road north of the site.

10.8.10 The applicant makes an annual contribution of £5,000 towards highway improvement and maintenance works under the existing S106 legal agreement. The Local Highway Authority has highlighted the need for a new legal agreement to ensure that this sum is secured. A draft S106 agreement has been submitted with the application and the applicant has agreed to make a contribution of £5,000 per annum towards highway improvement and maintenance works.

10.8.11 As the Local Highway Authority is satisfied that there would be significant highway issues from this proposal, and as restrictions can be placed on the DCO and S106 monies would be secured to mitigate any adverse highway effects, it would be

extremely difficult for ENC to raise an objection on highway grounds.

10.9 S106 and Financial Issues

10.9.1 The draft S106 is similar to those previously entered for the site and secures the highway contribution of £5,000 per annum and a community fund contribution of £5 for each tonne of LLW accepted on the land.

10.9.2 As part of the 2009 LLW application, a legal agreement to secure a community fund, to provide financial support for various social and economic projects in the community was proposed by the applicant. Whilst the SoS did not agree with the requirement for a S106 Agreement, the community fund has been carried forward in the 2009 permission and is included within the draft S106 for this DCO application. It is intended that the community fund will provide financial support for various social and economic projects in the local community in order to counter-balance any perceived impacts of the development and any negative perceptions within the local community from the presence of LLW being on the site.

10.9.3 The contributions of the landfill operations towards the landfill tax credit scheme was recognised as a financial benefit during the LLW appeal; and in conjunction with the other benefits which would be secured in the S106, there would be significant contributions to the local community from this proposal. "Since 2004, Augean have invested £1.3 million into the local community through the Landfill Tax Credit Scheme. The Landfill Tax Credit Scheme allows Augean to give the local community 6.2% of its landfill tax obligation equivalent in 2011 to £2.15 per tonne of waste deposited. Projects within 10 mile radius of the site may apply for grants which are allocated by the Kings Cliffe Environmental Association. The investment has provided for improvements to the Kings Cliffe Community Hall as well as seven other village halls, purchase of equipment for the cricket club, and restoration of the Horse Water Pond. Over £498,000 of Landfill Tax Credits and direct funding have been granted to Kings Cliffe Sports Centre. Other sports activities in the local area have been granted over £41,000 of funding. Augean directly funded the Resource Centre at King's Cliffe from 2006 to 2009, and has been the primary funder for the Underground Youth Club based in the village where 120 young people attend every week", (Planning Statement, pages 88-89).

10.10 Socio-Economic Issues

10.10.1 Numerous representations were made in support of the proposals from employees at Augean, local businesses and residents. It is recognised that an extension of time to the landfill operations would continue to provide support to local businesses and communities in the district and the neighbouring Corby area. The submitted Planning Statement advises that: "The proposed development will help secure the continued employment of the 22 full time staff who currently work at the East Northants RMF. The site employs almost entirely skilled staff either with appropriate scientific degrees or specialised plant operating skills. Some employees from the site live or have lived in the immediate area, such as Kings Cliffe, Easton on the Hill and Orton but most commute from nearby urban areas such as Peterborough where house prices are more affordable. This is generally consistent with local rates of out-commuting which are relatively high; around 42% of East Northamptonshire's residents work in the district with the remaining 58% commuting to other centres. The site uses a range of local services contributing significantly to the local economy. In the period of January 2011 to December 2011 the East Northants RMF spent over £550,000 on local services", (Planning Statement, paragraphs 10.3.1 -10.3.2).

10.10.2 The King's Cliffe Landfill Site has been present as a hazardous waste management facility since 2002. The Rural North, Oundle and Thrapston Plan (adopted July 2009) identifies that the attractiveness of the area to newcomers and to house builders has led to increase in both land and house prices. Whilst the effect of development proposals on local house prices is not a material planning consideration, the effect of development proposals on the local economy is a consideration. House prices in the

area are generally high by Northamptonshire and East Midland standards. The applicant has carried out studies of house prices for King's Cliffe. It was found that there was a notable drop in house price between 2008 to 2009, but this was before the proposals for the importation of LLW were made public and reflects the recession. A similar drop in prices was found in 2011 and this was consistent with the shallow drop found across the County and national average prices. The studies found no evidence of a trend of impact on house prices that could be associated with the presence of the LLW being deposited at the site.

10.10.3 Since the LLW proposals have been made public in 2009, the Council received a reserved matters application from Charles Church for the construction of 145 dwellings on the north western side of King's Cliffe village in 2010 (ref: 10/01277/REM). This application was granted planning permission and the dwellings are currently undergoing construction. Whilst the construction of these properties were known to have been slow initially, there is limited evidence to suggest that the LLW proposals have had an effect on the attractiveness of the district for newcomers and economic conditions is likely to have been a contributing factor. Another application was made for the construction of 145 dwellings at Land off Creed Road in Oundle (ref: 09/00611/FUL). Whilst this application was submitted before the LLW proposals, the planning permission was granted in 2011 and the Council received application to discharge the pre-commencement conditions from Persimmon Homes in August 2011 and archaeological works started on site early this year in 2012. More recently, the Council received an application from Linden Homes for the construction of 25 dwellings in Warmington (ref: 11/1152/FUL). These residential development proposals and on-going developments are an indication that the district remains attractive for house builders.

10.10.4 The former RAF storage area in Collyweston Great Wood, located approximately 1km of the site, was granted planning permission for it to be used as a storage and distribution facility in June 2009 (ref: 09/01000/FUL). Applications have been submitted to discharge the pre-commencement conditions in 2012. This planning permission is due to expire in August 2012 and the owner is actively pursuing measures to implement the permission.

10.10.5 The application site is located approximately 2 miles metres away from Kingsmead Industrial Estate. The site is identified in the RNOTP as a 'Small and Medium Enterprise Site' (SME) and its role for providing premises for the establishment and expansion of small firms is safeguarded by Policy KCF1 in the Plan. Planning permission was granted for an extension to the site in 2008, to include 6 new industrial units. This permission was not implemented and expired in 2011. Asset reviews are currently being undertaken by the Council and the opportunities for this site are being explored. However, it is unlikely the deposit of LLW at the application site has had an adverse effect on local industrial and distribution sites such as this and the former RAF site. National economic issues would appear to be the more significant contributing factor.

10.10.6 Within the wider district, an application for a data centre was granted by ENC at Gretton Road in March 2012 (ref: 11/01535/FUL) and applications were recently submitted to discharge the pre-commence planning conditions. Since the LLW proposals in 2009, the Council has received two food store proposals for Thrapston (ref: 11/01234/FUL and 11/01660/FUL) and an application for a food store has been recently received for Oundle (ref: 12/01051/FUL). Proposals for a storage and distribution warehouse at the Islip Furnace Site, comprised of 92,902 sqm B8 (storage and distribution) with 4,645 sqm B1 (office) floorspace was submitted and granted permission by the Council this year (ref: 12/00417/OUT).

10.10.7 Similarly, it would also be relevant to consider the effects of the 2009 LLW proposals on the immediately neighbouring district, Corby. The Council was consulted by Corby Borough Council on a number of significant housing and infrastructure proposals at

Priors Hall between 2009 and 2011, including a reserved matters application for 750 dwellings (ref: 09/01029/EXT), enterprise centre (ref: 09/01376/EXT), mixed use development (ref: 11/00123/EXT), major infrastructure proposal (ref: 11/01426/EXT); a large urban extension which comprised of a proposal for up to 5,100 dwellings, up to 14 hectares of employment space and other community facilities (ref: 11/01463/EXT); and more recently, in July 2012, ENC has been consulted on a reserved matters application for 96 dwellings (ref: 12/01210/EXT). These proposals would suggest that the LLW proposals have also not had an adverse effect on the immediate neighbouring district.

10.10.8 There are no tourist attractions within the immediate vicinity of the site and at the 2009 LLW appeal it was considered by the Planning Inspector that there would be a minimal effect from LLW deposits on the attractiveness of the district for tourism. The Council issued a Scoping Opinion for a forest holiday development with leisure, retail and tourism facilities at Rockingham Forest Park in August 2010. Whilst no formal application has so far been received, it is anticipated that one is to be submitted.

10.10.9 In light of the above issues, developments and development proposals, it would be extremely difficult for this Council to demonstrate that the proposal for LLW would have an adverse effect on the district in terms of socio-economic and tourism.

10.11 Other Issues

10.11.1 Heritage – There are no statutory designated sites in the site or within 1 km of the site boundary and there are no listed buildings or Scheduled Ancient Monuments that would be affected by the proposed development.

10.11.2 Archaeology – The site is considered to have low archaeological potential and no further archaeological investigation is considered necessary by NCC.

10.11.3 Site Security – In the Council's comments to NCC for EN/09/01269/C, Members raised concerns over the level of security at the site. A CCTV camera is installed at the site entrance and this is monitored from the 'weighbridge office'. Also, the site has an enclosed fencing environment (comprising of chain-linked fencing) and other safety arrangements have been put in place in accordance with the permit issued by the Environment Agency.

11 Summary, Conclusions and Recommendations

11.1 The Council was consulted by NCC on the original planning applications which proposed storage of hazardous waste at the site (ref: 05/01264C in 2005) and soil treatment facility (ref: 07/01838/NCC in 2007); and the Council did not object to these proposals. Whilst the Council did object to the LLW proposals in 2009 (ref: 09/01269/NCC), most of these concerns have since been addressed through the Planning Inspectorates report and the SoS's decision. The development was granted by the SoS and the permission for LLW has been implemented. The Council did not object to the most recent three County Council consultation applications (ref: 12/00744/NCC, 12/00745/NCC and 12/00746/NCC) which proposed to extend the operation of the site to 2016.

11.2 The Council raised a list of concerns to NCC and The Planning Inspectorate during the initial LLW application in 2009 and these concerns were registered with the Planning Inspectorate for the current DCO application in May 2012. This list is provided below:

- The level of lorry movements associated with the transport of the waste to the site.
- The capacity of the site to deal with the waste.
- There are both schools and a new leisure complex in close proximity to the site.
- The level of security that is/will be provided at the site.
- Waste should be controlled by the appropriate body and Augean should not self monitor.
- The possible effects of leaching of the waste, what happens after 500 years?
- This will set a precedent for both this District and also for the County as a whole if this application is approved.

- The waste should be left where it is if it's such a low level.
- Issues in Corby in relation to lack of proper disposal of hazardous waste in the past are only now coming to a head.
- Nuclear waste isn't the same as toxic waste.
- The type of radioactive waste is the key issue, not the amount.
- It is not clear what chemical reactions will result from the decomposition of the waste and how the waste may be transformed.
- The effect of heating and cooling may well impact upon the potential for leaching from the site for over hundreds of years to come.
- There is the potential for chemical reactions between toxic and nuclear waste.
- The ability of terrorists to extract the waste and use the material in the future if it were to become transformed.
- Potential for natural causes to result in a breach of the containment in the pits either by geological impact or animal activity.
- There is a need for further research.
- The waste could be converted into a form that we haven't yet experienced in our lifetime.
- Nuclear waste is normally disposed of in a salt mine (due to lack of water ingress), or granite formation.
- Are the risk assessments adequate? Who carried them out?
- Potential impact from other contaminants.
- Future viability of the company, what happens after 2013?
- Lack of material technical evidence to support approval of the application.
- We are dealing with known unknowns.
- We don't know what will be going into the pits and the type of radiation and the way in which this is emitted.
- There is a significant risk of harm to the community which we currently cannot quantify. In the circumstances there is the potential for significant risk to the public.
- No political or legal system has ever survived the expected lifetime of this waste

11.3 A number of issues have been established by The Planning Inspectorate and SoS's decision to the LLW proposals in 2009. This includes the acceptance of LLW with radiation levels of 200 Bq/g at the site; whilst there were public perceptions of fear, the actual harm from the LLW to be deposited at the site was considered to be extremely small. It has been accepted that the need for alternative ways to manage LLW gains support from national LLW policies and strategies. The relationship of the proposal with the surrounding area (including distance of community facilities) would be satisfactory, and the Environmental Permits issued and regulated by the Environment Agency play an important role in terms of ensuring that both wastes and the site are properly managed, so that there would not be an adverse effect on the environment. Within the comments made in 2009, Members previously raised concerns about the ability for other parties to extract waste and the security that would be provided at the site. These concerns are addressed in paragraph 10.11.3 of this report.

11.4 After reading through the key planning issues set out in Section 10 of this report, Members may agree that it would be extremely difficult for this authority to object to the proposals on grounds of principle, landscape effect, wildlife, health risk, pollution (including odour, dust, water, noise, and light), residential amenity, highways and socio-economics, as:

1. The principle of accepting LLW was established by the 2009, although the amount of LLW to be deposited would be significantly increased as part of the current proposals;
2. The need for additional waste facilities is reflected in national and local policies and the site has capacity to deal with waste;
3. The effect on the landscape would be minimal and the land would eventually be restored;
4. The effect on wildlife would be minimal and ecological management and aftercare would be secured;
5. Pending on the Health Protection Agency's assessment of the impact of the proposals on public health and requirements within the draft DCO to limit radioactivity, there

- would be no significant health risk issues from LLW being deposited;
6. All air, ground and water pollution issues would be properly assessed and regulated by the Environment Agency;
 7. It is not expected that there would be an adverse effect on residential amenity. However, should complaints of noise be received and substantiated under the Environmental Protection Act 1990, then action could be take action to ensure the nuisance is abated;
 8. The development would utilise the existing access arrangements and HGV movements would not be significantly more than at present. The highway impacts would be mitigated by the proposed restrictions and recommendations made by the Local Highway Authority;
 9. There is very limited evidence to suggest the proposal would have an adverse socio-economic effect on the district.
- 11.5 However, should Members still have issues/concerns about this proposal, it would be possible for these concerns to be included within the Local Impact Report so that the Examining Authority would be able to take these matters into consideration. Your Officers have already set out a number of issues within the LIR and below is a summary:
1. The proposed LLW would occupy part of the void space and NCC raised concerns that LLW would proportionally reduce the overall capacity of the site for hazardous waste disposal (NCC LIR Agenda Item 5a, paragraph 8.4) – It is recommended that ENC support these concerns.
 2. NCC has queried the sustainability of transporting LLW to a site which is distant from large sources of LLW (NCC LIR Agenda Item 5b, paragraphs 6.5 – 6.10) and significant LLW input rates proposed in the DCO application of 150,000 tpa (NCC LIR Agenda Item 5b, paragraph 6.4) – It is recommended that ENC support these concerns.
 3. NCC has queried the sustainability of creating new voids at the site (which would involve extraction) where there are existing voids elsewhere in the country that could be filled with sustainability benefits, (NCC LIR Agenda Item 5b, paragraph 6.13) – It is recommended that ENC support these concerns.
 4. No specific limits have been included within the draft DCO which limits radioactivity. It is recommended that the Examining Authority (EA) consider imposing a limit which restricts the radioactive levels of LLW to 200 Bq/g.
 5. That the EA takes into account the views of the Health Protection Agency regarding the effect of the proposals on public health.
 6. That ENC support the highway restrictions place on the draft DCO (14, 15 and 17) and the recommendations made by NCC Local Highway Authority.
 7. That ENC support the recommendations made by the Environment Agency regarding changes being made to the draft DCO to allow for additional infrastructure to be installed if necessary to minimise dust emissions from the processing plant at the treatment facility.
 8. That the Examining Authority be made aware of the policies within the adopted Development Plan.
 9. That the Examining Authority be made aware of the socio-economic effect of the proposals on the district.
 10. To emphasis local concerns to the proposals.
- 11.6 For member information, NCC has not objected to the application and has chosen to highlight matters which it considers should be taken into account by the Examining Authority in their Local Impact Report submission. It is recommended that ENC takes the same approach.
- 11.7 The neighbouring authority, Corby Borough Council (CBC) has also been consulted on this application and as far as your Officer's are aware, CBC have not put forward an objection to the application.

12 Local Impact Report (LIR)

12.1 The definition of Local Impact Reports is given in Section 60(3) of the Planning Act 2008 as “a report in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)”.

12.2 The Planning Inspectorate published a guidance document on Local Impact Reports. Local authorities are strongly encouraged to produce LIRs and the SoS must have regard to LIRs in deciding an DCO application. The LIR is intended to be used so that local knowledge and evidence on local issues can be fully and robustly reported. The guidance advises that the report should draw on existing local knowledge and experience, “examples might be local evidence of flooding, local social or economic issues or local knowledge of travel patterns to community facilities”, (LIR, page 5). The LIR can include a view on the relative importance of different social, environmental or economic issues and the impact of the scheme on them. LIR should consist of a statement of positive, neutral and negative impacts, but it does not need to balance these impacts as this is a matter for the examining authority (LIR, page 6). Also, it suggests that the LIR should take a view of the provisions, requirements and Development Consent obligations and that the report should identify, comment and give appropriate weight to any specific mitigation or compensatory measures proposed. There is no requirement for the authorities to undertake an assessment of compliance with National Planning Policy Statement. However, “it would be very helpful to have the local authority’s appraisal of the proposed development’s compliance with local policy and guidance”, and “by setting out clearly evaluated impact in a structured document, local authorities will assist the examining authority by identifying issues which might not otherwise come to its attention in the examination process”, (LIR page 6).

12.3 In producing a LIR, there is no set requirement for local authorities to consult with the local community. However, a letter notifying this authority’s intention to submit a LIR was sent to all parish and town council’s within the district. No formal representations were received from local parish and town councils in relation to the LIR. As it is likely that interested parties have made individual submissions direct to The Planning Inspectorate, your Officers have reviewed the representations made to the NID and these have been taken into account in the production of the LIR.

12.4 The deadline for the submission of the LIR is 10 September 2012. In addition to the LIR, Local Planning Authorities can make a separate representation to the Planning Inspectorate. However, in your officer’s opinion, this Council would be able to include its view’s within it’s LIR.

12.5 Your Officer’s have also taken into account NCC’s LIR in production of ENC’s LIR. ENC’s LIR is attached as a separate agenda item and a copy of NCC LIR is attached as Appendixes 1 and 2 on ENC’s LIR. To avoid repetition and in order to assist the Examining Authority in the consideration of the application, your Officers have set out issues which ENC may wish to support NCC on in terms of its views (as set out in paragraph 11.5). The LIR also sets out details of the East Northamptonshire Development Plan Policies and other local issues which the Examining Authority is requested to take into account. These matters are specific to ENC and differ to NCC’s LIR.

13 DCO Procedures

13.1 Parties who are interested in the DCO application and who registered their interest with the Planning Inspectorate before the end of May 2012 were invited to attend a ‘Preliminary Meeting’ on 27 June 2012. The examination procedures were discussed at this meeting. The purpose of this meeting was to seek interested parties views on the principal issues and to discuss the proposed timetable, site visits and hearing arrangements.

13.2 The principal issues identified for assessment at the Preliminary Meeting include: ecology and landscape, health, hydrology, ‘other policy and consenting matters’, safety

and site management, social and economic, and traffic and transport. These issues have been covered in the relevant sections of this report (Section 10).

- 13.3 The Planning Inspector proposed to consider the application under three specific hearings to discuss: 1) the control of emissions and health risks, 2) traffic and transport, and 3) technical drafting details of the DCO. A fourth hearing (named as an 'open floor hearing') may also be opened to discuss other issues. These hearings are scheduled to take place in October 2012.
- 13.4 A Statement of Common Ground (SoCG) is a document which the applicant will need to prepare together with the interested parties, including statutory parties such as NCC and ENC. The aim of a SoCG is to agree factual information and to inform the Examining Authority and all other parties by identifying where there is agreement and where the differences lie and in particular highlighting the key outstanding issues and concerns. The first draft of the SoCG is required to be submitted to the Planning Inspectorate by 10 September and the final submission is currently scheduled for 5 December 2012.
- 13.5 The examination of the application officially begins on the last day of the Preliminary Meeting. The Planning Inspector will consider the matters raised by all parties at the Preliminary Meeting and will issue a formal procedural time table and list of principal issues by 3 August. In normal circumstances, the Planning Inspectorate has 6 months to complete the examination (by 26 January 2013) and a report would be issued three months after for the SoS's determination.

14 Recommendations

- 14.1 That the National Infrastructure Directorate be advised that East Northamptonshire Council has NO OBJECTION to the application and that Members APPROVE the attached Local Impact Report, which sets out this authority's views and concerns about the effects of the proposed development on the district.

Informatives

1. The information to which this decision relates as follows:
Reports prepared by MJCA for Augean PLC: Volume 1, Volume 2 (Planning Statement), Volume 2A (Appendices to PSA to PSF), Volume 3 (Non-technical summary, Environmental Statement), Volume 3A (Appendices ESA to ESD), Volume 3B (Appendices ESE to ESP), Volume 4 (Consultation Report), Volume 4A (Appendices CRA to CRZ), Volume 4B (Appendices CRAA to CRAL).

Committee Report

Committee Date : 15 August 2012

Printed: 27 July 2012

Case Officer **Anna Lee**

12/01095/EXT

Date received	Date valid	Overall Expiry	Ward	Parish
2 July 2012	2 July 2012	23 July 2012		

Applicant **RWE Npower Renewables Limited - Ms Dee Nunn**

Agent **Huntingdonshire District Council - Mr A Moffat**

Location **Land South West Of RAF Molesworth Peterborough**

Proposal **Erection of six three bladed horizontal axis wind turbines up to 126m in height to blade tip together with associated infrastructure: new vehicular access, onsite access track, foundations, external transformers (if required), crane hardstanding, one permanent anemometer, one temporary anemometer, construction compound and control building.**

The application has been brought to Development Control Committee because the proposal has the potential to have a significant impact on the District.

1 Summary of Recommendation

1.1 That Huntingdonshire District Council be advised that East Northamptonshire Council OBJECTS to the proposal.

2. The Proposal

2.1 The consultation relates to the construction of six, three blade wind turbines, each measuring up to 126 metres in height (to the blade tip), together with associated infrastructure. The proposed infrastructure include a new vehicular access, on site access tracks, crane hard standing, external transformers; one permanent and one temporary mast; a temporary construction compound, and control building and compound. The temporary mast and construction compound would be removed once the development is operational.

2.2 East Northamptonshire Council (ENC) is being consulted by Huntingdonshire District Council (HDC), as the neighbouring authority.

3 The Site and Surroundings

3.1 The application site adjoins the eastern border of East Northamptonshire District. Within 2.1 km (1.3 miles) to the northwest is Titchmarsh Village.

3.2 The site is located within the district of Huntingdonshire in the County of Cambridgeshire. The site lies north of the A14 trunk road. To the immediate south is Bythorn Village and the RAF Molesworth air base lies to the immediate east.

3.3 The site measures approximately 245 hectares in area and comprises of agricultural fields.

3.4 The site contains a number of shallow drainage ditches, hedgerows and small woodland clusters. The levels across the site are relatively consistent, with the land rising gradually to the west.

- 3.5 There are various public rights of way within the site, including a footpath (NZ22), bridleway and byway.
- 4 Policy Considerations
- 4.1 National Planning Policy Guidance:
National Planning Policy Framework (NPPF), March 2012
Planning for Renewable Energy: A Companion Guide to PPS22, 2004
- 4.2 East Midlands Regional Plan, March 2009
Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27 - Regional Priorities for the Historic Environment
Policy 28 - Regional Priorities for Environmental and Green Infrastructure
Policy 40 – Regional Priorities for Low Carbon Energy Generation
- 4.3 North Northamptonshire Core Spatial Strategy
Policy 1 – Strengthening the Network of Settlements
Policy 9 – Distribution and Location of Development
Policy 13 General Sustainable Development Principles
- 5 Relevant Planning History
- 5.1 Planning permission was granted for a 50 metre high anemometry mast to be stationed on the site for a temporary period of time. ENC was consulted on this application (consultation reference: EN/04/01223/EXT) and raised no objection at the time.
- 6 Consultations and Representations
- 6.1 East Northamptonshire Council is a consultee only on this matter and is therefore not obliged to carry out consultations.
- 6.2 The Council received 8 letters of objection from local residents. As Huntingdonshire District Council (HDC) is the determining authority for this application, these letters have been forwarded to HDC for consideration. However, the contents of the letters are summarised below for Member information:
- The development would be too close to the villages of Bythorn, Keyston, Molesworth, Catworth, Leighton Bromswold and Titchmarsh, and a number of these have conservation areas
 - Visual impact
 - Harm on landscape and countryside
 - Effect on footpaths and bridleways
 - Impact on wildlife
 - Effect on residential amenity
 - Effect on television and radio reception
 - Noise
 - Effect from shadow flickers
- 7 Evaluation
- 7.1 The following issues are relevant to the determination of this application:
- 7.2 Principle of Development
- 7.2.1 PPS22 has been superseded by the National Planning Policy Framework (NPPF). The NPPF (paragraph 14) sets the presumption in favour of sustainable development and this means approving proposals that accord with the Development Plan without delay, and granting planning permission where a plan is silent or out-of-date unless the adverse impact would significantly and demonstrably outweigh the benefits or there would be conflict with specific policies of the Framework. As the Local Planning Authority for determining this application, it falls to HDC to be satisfied that the proposal accords with relevant Development Plan policies.

- 7.2.2 The NPPF seeks to ensure that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions and support the delivery of renewable and low carbon energy and associated infrastructure proposals (paragraph 93). The proposed development would be in accordance with the above national planning policy advice and would contribute towards the national renewable energy targets in attempt to target climate change, i.e. the aim of generating 20% of UK electricity from renewable sources by 2020 as set out in the Energy White Paper.
- 7.2.3 The submitted Design and Access Statement (D&A) advises that the proposed turbines would each have generating capacities of between 1.8 to 2.5 Megawatts (MW) and dependent on the final choice of turbine, would give a combined capacity for the site of between 10.8 to 15 MW. Based on the proposed capacity of 15 MW, it is estimated that the proposed development would produce sufficient energy to supply the average annual electricity need of up to 8700 homes per annum (D&A, paragraph 3.2.1).
- 7.2.4 However, the NPPF also advises Local Planning Authorities should ensure that adverse impacts from development proposals should be addressed satisfactorily, including cumulative landscape and visual impact (paragraph 97, bullet point 2). Also, it seeks to ensure that the intrinsic character and beauty of the countryside is recognised in planning decisions (paragraph 17, bullet point 5); the natural and historic environment (including landscape) should be protected and enhanced (paragraphs 97 and 109); noise pollution should be prevented from both new and existing development (paragraph 109); impact upon biodiversity should be minimised and new development should provide net gains (paragraphs 109-125); and heritage assets should be conserved and where a development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits (paragraph 134).
- 7.2.5 Therefore, the Council would also need to be satisfied that the proposal would not have an adverse impact(s) on the district in all other respects. This is terms of, visual impact, residential amenity, noise, heritage, highway impact, shadow flicker, and ecology. Each of these matters are discussed in turn below.
- 7.3 Visual impact
- 7.3.1 The proposed turbines would be scattered linearly across the northern section of the site, from northwest to northeast.
- 7.3.2 The submitted Landscape and Visual Impact Assessment (LVIA) (in the viewpoint analysis) identified that any significant effects on the visual amenity of residential receptors, roads, and recreational facilities would occur up to approximately 5.7 km, 3.7 km and 7.4 km away from the nearest turbines (Non Technical Summary paragraph 4.2.7). The LVIA covered a geographical area of 20 km from the site and includes as far as Higham Ferrers, Easton on the Hill, Peterborough, Wellingborough and Corby.
- 7.3.3 The assessment identified that viewpoints of the turbines would be confined to parts of two National Character Areas (NCAs); the 'Bedfordshire and Cambridgeshire Claylands' and the 'Northamptonshire Vales' (East Northamptonshire District's landscape character mainly comprises of the later). The submitted LVIA concludes that "of the portion of these NCA's within the study area, over 30% and 50% respectively have been shown to have no visibility of the wind farm and would be completely unaffected by the development" (Non Technical Summary paragraph 4.2.4). However, this information suggests that the proposed wind turbines would be visible across a high proportion of the NCA's (of potentially 50% to 70% of the study area).
- 7.3.4 The proposed turbines would be located between 1.5 to 1.8 km away from the nearby villages of Bythorn and Molesworth (both falling within HDC) and would be most prominently visible from these villages and the A14 running to and from Huntingdonshire.

- 7.3.5 In terms of the impact on East Northamptonshire District, the proposed turbines would be prominently visible from the A14 trunk road running from East Northamptonshire to Huntingdonshire (both directions), for at least the first 3 km. Whilst the proposed turbines would be positioned between 1.5 to 1.8 km back from the A14, they would still be visible from the A14 due to their scale and alignment in the landscape. In particular, two of the proposed turbines (turbine numbers 3 and 5) would be particularly prominent, as these would only be positioned between 600 metres to 700 metres away from the trunk road.
- 7.3.6 The turbines would be located approximately 2.1 km away from Titchmarsh Village and would be particularly visible from the southern and eastern outskirts of the village. The visual effects of the proposal are greatest on the immediately surrounding sites and buildings, including Titchmarsh Lodge (located 300 metres away), Warren's Lodge Farm (located 600 metres away), nos.1 and 2 Coales Lodge (located 700 metres away) and Obelisk Farm (located 750 metres away). The proposed turbines would be highly prominent from these locations within the ENC District.
- 7.3.7 The local roads where the proposed development would be visible include the surrounding rural lanes, including Warren Lane and Roman Way to the north of the site and Polopit to the west. Also, there is a public right of way, footpath NZ22, to the west of site which runs from ENC district to Huntingdonshire, where the proposed turbines, by being located only some 200 metres away, would be particularly prominent.
- 7.3.8 The submitted LVIA suggests that views of the proposed turbines would extend as far as other locations within the district, including Barnwell Country Park (Oundle), Fermyn Wood Country Park (Brigstock), Chelveston, Rushden Golf Club and Stanwick Lakes, which are all located between 9 km to 15 km away from the site (Environmental Statement, paragraphs 6.9.106 – 6.9.113).
- 7.3.9 Whilst the land rises gradually to the west, it is difficult to see how such a change in level together with any existing/proposed landscaping would mitigate the visual impact of the proposed turbines, due to their proposed height at 126 metres. Furthermore, the scale, number and arrangement of the turbines would exacerbate the visual effects of proposal on the landscape.
- 7.3.10 Therefore, on balance, the proposed turbines would have a significant visual impact on the locality, in particular, Titchmarsh Village, nearby local buildings, roads and public right of way. It is recommended that ENC raises an objection on these reasons.

7.4 Noise and Effect on Residential Amenity

- 7.4.1 An assessment was carried out of the potential noise from the wind turbines at varying wind speeds from the noise sensitive receivers in the locality. The assessment covers the closest settlements of Bythorn, Keyston and Molesworth and individual properties that might be affected up to a distance of 2 km radius from the development. A total of 14 dwellings were considered in the assessment and the Council's Environmental Protection Officer was consulted on identifying the location of the receivers.
- 7.4.2 Titchmarsh Lodge was referred to in the assessment as it lies within 600 metres from the nearest turbine. This building was uninhabitable and derelict at the time of the noise assessment. However, it has been assessed in the noise assessment as a residential receptor in relation to noise effects as a precautionary measure.
- 7.4.3 The noise effect of the wind turbines during the construction, operational and decommissioning phases were considered in the noise assessment (Environmental Statement paragraph 7.2.4). Consideration was given to the background noise from traffic along the A14 and as there would be a separation distance from the site to the noise sensitive receivers of several hundred metres, any noise would be attenuated due to distance and background noise.

7.4.4 The noise assessment concludes that the recommended noise limits can be met in order to protect the amenity of the neighbouring dwellings. This is with the exception of Titchmarsh Lodge. Titchmarsh Lodge falls within ENC and is an uninhabited/derelict building. Given that the condition of the existing building and the fact that there are no existing permissions (in particular residential related permission) for the site, it would be extremely difficult to justify an objection on the basis of noise impact on this building.

7.4.5 As it could be demonstrated that the proposed turbines would not have an adverse effect on the other closest receivers such as the nearest village (Bythorn at HDC), in terms of noise, there would be even a lesser effect on the other properties that are located further away within ENC and those in Titchmarsh Village.

7.4.6 The Council's Environmental Protection team has been consulted on this proposal. Due to resource issues and the time available for comment, they may not be able to offer advice on the submitted noise assessment. However, if any comments are received before committee, then these will be reported on the committee update sheet.

7.5 Shadow Flicker

7.5.1 Under certain combinations of geographical position, time of day and year, wind speed and wind direction, the sun may pass behind the rotor of the proposed turbines and cast a shadow over the windows of nearby buildings and this is known as the 'shadow flicker'.

7.5.2 A shadow flicker analysis was undertaken for five dwellings and one derelict property within 950 metres (10 rotor diameter) of the proposed turbines. The analysis shows that the shadow flicker will occur at one of the dwellings (Boundary House located at HDC) and at the derelict property, Titchmarsh Lodge. The submitted Environmental Statement advises that: "the turbines will operate at approximately 6 to 20 revolutions per minute (rpm). Given the turbine will have three blades, the frequency at which a blade will pass a particular point will be in the order of between 18 and 60 times a minute which equates to between 0.3 and 1.0 flashed per second. This is significantly less than the 2.5 and 30 hertz frequency range generally thought to induce photosensitive epilepsy." Furthermore, mitigation measures are proposed in order to reduce the instance of the shadow flicker. These include planting tree belts between the affected dwelling and the turbine, and to automatically 'shut down' individual turbines when the shadow flicker occurs.

7.5.3 Overall, it would be difficult for ENC to raise an objection because of the shadow flicker as Titchmarsh Lodge is currently derelict, with no existing planning permissions for it to be brought into use, and Boundary House does not fall within ENC. This is also in light of the proposed mitigation measures.

7.6 Heritage

7.6.1 The effects of the development on the setting of designated heritage assets, including listed buildings, conservation areas and scheduled ancient monuments within 5 km of the nearest turbines, and registered parks and gardens within 10 km, were assessed. The submitted Environment Statement (ES) discusses the effect of the proposed development against a number of listed buildings. These include, the Church of the Holy Trinity, Denford (grade I), Church of All Saints, Hargrave (grade II*), Church of St Peter, Raunds (grade I), Church of St Mary (Woodford) (grade I), Church of Nativity of the Blessed Virgin, Ringstead (grade I) and Church of St Nicholas, Islip (grade I). Also, the registered park and gardens within 10 km of the site that have been assessed include Barnwell, All Saints Manor and St Andrew's Manor, Drayton Park and Estate, Lyveden New Build and Ashton Wold.

7.6.2 The submitted ES concludes that "the development would not materially contribute to the setting of any heritage assets although it is recognised that the presence of the development in the landscape will change some views from certain listed buildings and other assets. The significance of the effect of these changes in terms of historical and

architectural merit of the asset is considered to be neutral to minor and not significant in EIA terms for all assets with exception of Scott's Farmhouse (grade II) in Bythorn where effects of moderate significance were predicted and the Bythorn Conservation Area", (Non Technical Summary, paragraph 4.6.5).

7.6.3 The closest heritage assets to the proposed development (falling within East Northamptonshire District) is the Conservation Area of Titchmarsh, the number of listed buildings contained within it (approximately 35) and the two scheduled ancient monuments (The Titchmarsh Castle Mount and fish ponds and Rowan Timber Bridge). Whilst the submitted ES makes the assertion that the submitted development would not materially effect the setting or harm any heritage asset, very limited information has been submitted within the Environmental Statement which discusses the effects of the proposal on the Titchmarsh Conservation Area, ancient monuments, and listed buildings within the village and located within the wider surrounding rural setting. Furthermore, the Conservation Areas of Thrapston and Woodford are also located between 4 to 10 km from the application site and the proposed development has not been assessed against these areas.

7.6.4 Given the proximity of the proposed turbines to the heritage assets in Titchmarsh and the lack of information submitted to demonstrate that there would not be an adverse effect on other assets in the district, it is recommended that East Northamptonshire Council puts forward an objection on these grounds.

7.7 Highway Impact

7.7.1 The submitted ES advises that the main transport effects would be associated with the movement of Heavy Goods Vehicles (HGVs) transport loads to and from the site during the construction phase of the development.

7.7.2 Turbine components will arrive from the east, leaving the A1 at the junction with the A14 and travelling westbound on the A14. "The proposed access route for delivery vehicles is to leave the A1 at the junction with the A14 and travel westbound on the A14. Vehicles will then leave the A14 junction 16 onto the B660 and travel northbound before turning west onto Brington Road and then taking the first left onto Thrapston Road to Molesworth and Bythorn. From here, vehicles will utilise an upgraded access onto land to the north. Access is also available via Junction 16 of the A14 for standard HGV construction vehicles. It has been assumed that an equal number of personnel will travel to and from the site via the A605/A45 to the west and via the A1 to the east given the strategic nature of these routes to the surrounding residential areas", (Non Technical Summary, 4.7.2).

7.7.3 In terms of the frequency of the predicted traffic movements, the ES advises that: "At the worst, the frequency of vehicular movements is expected to be one every four to five minutes on the six individual days on which the concrete for the turbine foundations would be delivered. At other times during the construction programme the worst anticipated frequency of vehicle movements is four per hour. A Traffic Management Plan (TMP) will be developed and agreed with the relevant stakeholders in order to control and mitigate the effects associated with vehicles movements", (Non Technical Summary, 4.7.3).

7.7.4 The traffic impacts of the proposed development on the A14 would be assessed by the Highways Agency. There are concerns that the traffic associated with the proposal during construction would have an adverse impact on the local road network in the district. Northamptonshire County Council (NCC) Highways has been consulted for their opinion on the proposal and any comments received will be reported on the committee update sheet. In order to ensure that the traffic associated with the development during the construction phase would not have an adverse impact on the local road network of East Northamptonshire, it is recommended that comments be put forward to HDC that ENC would wish to be consulted on the Traffic Management Plan, should one be made available.

7.7.5 Once the development is operational, it is envisaged that the amount of traffic associated with the scheme would be minimal, comprising mainly of occasional service and maintenance visits. "The vehicles used for maintenance visits is likely to be 4 by 4s and there may be an occasional need for HGV deliveries or road-going cranes to access the site for heavier maintenance and repairs", (Non Technical Summary, paragraph 4.7.6). Your officers would share this view.

7.7.6 Local residents mention that there are public rights of ways, footpaths and bridleway within the site which could be affected. With the exception of footpath NZ22 which extends from East Northamptonshire to the western boundary of the site, there are no other public rights of way that would be affected within the district. The visual impact of the proposed turbine from the footpath is discussed in paragraph 7.3.7. NCC Highways has been consulted and any issues concerning the footpath would be reported on the committee updates.

7.8 Ecology

7.8.1 The duty of ensuring that no protected species or other wildlife would be adversely affected by this proposal lies with HDC in accordance with the Habitat Regulations and other environmental and wildlife legislation. Also, HDC would need to be satisfied that that any impact on biodiversity would be minimised and that there would be a net gain, in accordance with the guidance contained in the NPPF.

8 Other issues

8.1 Telecommunication and Reception Issues – Wind turbines have the potential to interfere with the operation of radio communication equipment such as point to point communication links, television reception and radar systems and it is necessary to design wind farms and wind turbines to avoid any effects. The applicant has consulted the operators of the potentially effected infrastructure and is minded to resolve any potential effects. This includes the implementation of any technical mitigation. Given the scale of the proposed turbines and their distance to some residential and commercial premises within the district (i.e. nearby farms), it is recommended that concerns be put forward regarding telecommunication and reception issues and that Huntingdonshire Council be requested to consider measures to secure mitigation (i.e. by condition), should they be minded to grant planning permission for the proposal.

9 Recommendation

9.1 That Huntingdonshire District Council be advised that East Northamptonshire Council OBJECTS to the proposal for the following reasons:

Conditions/Reasons –

1. The proposed turbines due to their scale, number and location would have a unacceptable visual impact on East Northamptonshire District and have an adverse effect on the landscape character of the district. The turbines would appear visually prominent from the A14, Titchmarsh Village, nearby local sites and buildings, and roads and public rights of ways within the district, and would also have a detrimental effect on the visual amenities of the district.

2. The proposed turbines would have an adverse effect on the heritage assets within East Northamptonshire District. The submitted Environment Statement makes assertions that there would be no material effect on the setting or harm on any heritage asset. However, very limited information has been provided to demonstrate that there would not be an adverse effect on the closest conservation areas of Titchmarsh, Thrapston and Woodford and the heritage assets contained within and around the rural settlements of East Northamptonshire.

3. There are concerns that the proposal would have an adverse impact on the local road network in the district. East Northamptonshire Council requests that it be consulted on the

Traffic Management Plan, should one be available.

4. Huntingdonshire District Council (HDC) will need to be satisfied that no protected species or other wildlife would be adversely effected by this proposal in accordance with the Habitat Regulations and other environmental and wildlife legislation. Also, HDC are advised that any impact on biodiversity should be minimised and that there would be a net gain, in accordance with the guidance contained in the NPPF.
5. There are concerns that there would be reception issues and HDC is requested to consider measures to secure mitigation i.e. by condition, should HDC be minded to grant planning permission for the development.

Informatives

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

Drawing numbers: 60156409/FIGURE1, 60156409/FIGURE 2, 60145824/FIGURE3, 60156409/FIGURE 4, 60145824/FIGURE5, 60145824/FIGURE6, 60145824/FIGURE7; Design and Access Statement; Planning Statement and Addendum; Environmental Statement; and Non Technical Summary to the Environmental Statement.