

**APPLICATIONS FOR DETERMINATION****DEVELOPMENT CONTROL COMMITTEE - 10 April 2013****INDEX OF APPLICATIONS FOR CONSIDERATION**

Application	Location	Recom.	Page No.
12/01993/FUL	Chelveston Renewable Energy Park The Airfield Chelveston Northamptonshire NN9 6AR	Grant	2
13/00066/FUL	Rectory Farm Buildings Cranford Road Great Addington Northamptonshire	Grant	16
13/00226/REM	13 Big Green Warmington Peterborough Northamptonshire PE8 6TU	Grant	26
13/00240/VAR	East Northamptonshire Council Cedar Drive Thrapston Northamptonshire NN14 4LZ	Grant	32
13/00298/FUL	62 Highfield Road Rushden Northamptonshire NN10 9QJ	Grant	36
13/00315/FUL	127 Queen Street Rushden Northamptonshire NN10 0AY	Grant	43

Committee Report

Committee Date : 10 April 2013

Printed: 26 March 2013

Case Officer **Mr Joe Mitson**

12/01993/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
7 December 2012	19 December 2012		Higham Ferrers	Lancaster

Chelveston-cum-Caldecott

Applicant **Chelveston Renewable Energy Limited**

Agent **Savills - Andrew Mann**

Location Chelveston Renewable Energy Park The Airfield Chelveston
Northamptonshire NN9 6AR

Proposal **Proposed development of solar photovoltaic panels and associated works including inverter housings and access tracks**

The application is brought to Development Control Committee because of objections from Chelveston, Dean and Shelton and Melchbourne and Yelden Parish Councils.

1. Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The proposal comprises the development of solar photovoltaic panels and associated works including inverter housing and access tracks. The development would cover an area of approximately 10 hectares, contained within the existing field boundaries. The site for the panels would be on the western part of the energy park served by the existing access and track. The existing Switch Room is to the south with the existing Central Control Room to the north.

2.2 The freestanding solar panels measure 1.65 metres by 0.99 metres and would be constructed from toughened glass set in an aluminium frame. The panels would be arranged in rows on an east to west alignment facing south to maximise sunlight exposure. The panels would be mounted on tables with a height at the front of 600mm and a back panel height of 2200mm. The panels would be fixed into position through piles driven into the ground. There would be 1223 photovoltaic panel modules with 20 panels to each module resulting in a total of 24460 panels. New access tracks within the site would be provided.

2.3 In order to convert the direct current electricity generated by the solar panels to alternating current electricity suitable for distribution into the local electrical grid network, small inverter and switchgear cabins would be positioned at strategic locations throughout the solar array and are typically clad in brown aluminium. The inverter enclosures would comprise 4.42 metres in length, 2.87 metres wide and 2.92 metres in height. The switchgear enclosure would comprise 4.1 metres in length, 2.87 metres in width and a height of 3.15 metres.

2.4 The applicant is Chelveston Renewable Energy Limited who have secured planning permission for wind turbines, anaerobic digestion plant and bio-oil electricity generating engines on the site.

3 The Site and Surroundings

3.1 The site is situated in open countryside and was formerly Chelveston Airfield and comprises agricultural land. The military airfield opened in 1941 and was initially used for the central gunnery school before being used by the RAF and US army airforce during WW2 as a heavy bomber airfield with long concrete runways. The airfield continued in military use following the war and was adapted to accommodate bombers carrying nuclear payloads. Most of the concrete perimeter tracks were removed in 1977 and the airfield was then commissioned as a radio transmitter site. The applicant purchased the site in 2005.

3.2 The site accommodates a mast from the use of the site for radio transmission and reinforced concrete foundations and numerous buildings associated with the historic use remain on site.

3.3 The site is screened from the east by a row of mature trees measuring approximately 9 metres in height with woodland to the south. To the western boundary additional planting has recently taken place.

3.4 The site accommodates public footpaths which have been fenced off from the rest of the site. Footpath MM17 runs along the northern boundary of the site with footpath MM16 approximately 150 metres south of the site.

4. Planning Policy

4.1 National Planning Policy Framework (NPPF) was adopted in 2012 and achieving sustainable development is a central theme. One of the 12 core principles is to support the transition to a low carbon future including the development of renewable energy. A further principle is to recognise the character and beauty of the countryside and supporting thriving rural communities within it. Paragraph 28 seeks the promotion of the diversification of agricultural land. Paragraph 97 states local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources. Paragraph 98 states applications for energy development should be approved if its impacts are, or can be made, acceptable.

4.2 On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. The Secretary of State made the Order to revoke the Regional Spatial Strategy for East Midlands on 14th March 2013. This Order shall come into force on 12th April 2013, meaning that the Regional Strategy for the East Midlands shall be revoked from 12th April 2013.

Policy 1 Regional Core Objectives

Policy 2 Promoting Better Design

Policy 24 Regional Priorities for Rural Diversification

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 (2008)

Policy 1 Strengthening the Network of Settlements

Policy 5 Green Infrastructure

Policy 8 Delivering Economic Prosperity

Policy 9 Distribution and location of Development

Policy 13 General Sustainable Development Principles

4.4 Three Towns Plan Preferred Option

5. Relevant Planning History:

5.1 There is a detailed history on the site. The most relevant history includes 06/01824/FUL which refused permission for a change of use of redundant MOD buildings for electricity generation and the construction and use of ancillary plant equipment and the construction and use of an electricity switch room.

5.2 Reference 08/00194/NCC approved the construction and use of a biomass renewable energy park.

5.3 Reference 08/00451/FUL refused permission for a change of use of redundant MOD buildings for electricity generation and switching room construction and use of ancillary plant and equipment.

5.4 Reference 10/00415/FUL refused permission for the development of a wind farm comprising 9 wind turbines, five within East Northamptonshire district (the remainder within Bedford Council area), each 125 metres in height to blade tip, one anemometer mast of 80 metres in height, construction of access tracks, underground cabling, visitor car park and viewing area. Permission was granted on appeal.

6. Consultations and Representations

6.1 Neighbour comments: 7 letters objecting on the following grounds:

-increase in traffic, this would be a problem as the roads that lead in and out of the site are not able to cope with the number of vehicles that are using the site already, there does not appear to be any traffic management in place for the vehicles that use the site already, the road that leads up to the entrance to the site is single track which has a 60mph speed limit where there are no footpaths and is used by many walkers as this is also a public bridleway, there is a 20mph speed limit on the old runway which is now the access road across the site which is also a public bridleway, this speed limit is not properly enforced, these matters should be addressed through conditions should permission be granted. There are no signs warning drivers to slow down where bridleways and footpaths cross the site. Could close this access and open an access at the other end of the site where vehicles would enter and exit onto a road which is far more suited and which would take traffic away from Chelveston Rise and some of the public bridleways; there are also no houses at the other end of the site. Should consider not allowing any more traffic to use the Higham Ferrers to Newton Bromswold Lane, the road is being pushed out into the ditches that are supposed to take water from the fields, there are no curbs and many potholes created by excess traffic that the road was not built for, still have construction traffic for the turbines to come and there would be additional traffic for the solar panels.

-there needs to be more screening, the shed can be seen from many angles and it ruins the local landscape, this would worsen with solar panels and turbines. The surrounding boundary of trees needs reinforcing around the whole site perimeter. Much of the planting in connection with the biomass plant has not taken root, suggest a pre condition of any approval should be to ensure that no new work can be started until the new planting is seen to be sensibly put in place. The screening proposed is inadequate, it would be too low and too thin to provide any kind of screen for some considerable time with initial plants to be 40-60cm compared to 2.2 metre high panels an will provide little screening in winter months

-with the history of developments applied for and approved to be sited on the former airbase this proposed development significantly further reduces the chances of it remaining an essentially greenfield site and reinforces the inevitable move towards industrialisation of the whole site, the concrete base for the solar panels, together with the concrete bases for the wind turbines, will be a major factor which will influence the designation of the site in 25 years time, notwithstanding a condition for their removal. The proposal will damage amenities

through the change of the site from greenfield to brownfield and the application should not be seen in isolation but viewed in context of the overall development and its resultant effect after 25 years.

-the existing amenities provided by the network of footpaths would be further diminished;

-panels will have a detrimental visual impact on the immediate area, there will be an additional visual intrusion for residents of Chelveston Rise,

-there is no local economic justification for further renewable energy generation on a site that already has biomass plant and permission for wind turbines, there are also a number of other operational and proposed renewable energy plants within only a few miles of the site as well as several properties with solar panels. On a regional level the Tilbury B biomass plant is the subject of a current application to extend its life by another 10-12 years and it would be premature to ignore this contribution to renewables targets for the East of England.

-the proposal would lead to a further imposition on a local community who would have to pick up the tab for the development in terms of loss of their local amenity and overall quality of life without any tangible benefits.

6.2 Hargrave Parish Council: no objections.

6.2.1 Newton Bromswold Parish Meeting: no objection to the photovoltaic panels post construction although concerns have been raised. These relate to the proposed access and damage being caused to the existing designated access road (Newton Road/Upper Higham Lane) due to heavy goods traffic beyond the capability of the road. Also bring to our attention the number of accidents that have happened on this road in the past 12 months which the police have attended, the crumbling verges as heavy goods vehicles pass each other, even after the passing bays were implemented, the quality of the road in general. Request a condition to revise the access to this site for all activities - wind, biomass and photovoltaic to be via the north side of the site off the B645, access will then be via a main road designed and built to carry heavy goods vehicles.

6.2.2 Dean and Shelton Parish Council: object on the grounds that the development represents further and unacceptable industrialization of an essentially rural area.

6.2.3 Melchbourne and Yelden Parish Council: object in the strongest possible terms. The Parish Council is horrified at the unrelenting attempts to exploit every development possibility of this once greenfield site to the detriment of local people and the wider community. The site already has a biomass plant, together with various buildings and other projects and now has planning permission for nine 125m turbines over an area which encompasses both Bedfordshire and Northamptonshire. The proposals for this solar farm, and a second within the Bedfordshire boundary, will have a further cumulative impact and would add yet further to the accumulating industrialisation of the site which is in a very exposed position in a rural setting.

The Council notes that proposals are in place for the subsidies for solar energy to be reduced imminently and that this application must be processed quickly in order to maximise the subsidy income attributable to the various existing and planned industrial projects on the site.

Various rights of way and bridleways run across the site which, although access to the public would still be available, all benefits and opportunities for users to enjoy the amenity of a greenfield site with open views of the countryside and a peaceful environment are disappearing progressively. There are deep concerns at the close proximity of the site to the rights of way and in particular the bridleways MM17 and MM18, the Council consider that these would be rendered unsuitable and undesirable which would have a direct impact on the quality of life of local users. The provision of planting, intended to screen the site, will not remove all views entirely and cannot be considered to be a mitigating provision. The Design

and Access Statement suggests that by allowing sheep to graze on the site will retain the land's current usage but the Parish Council is unable to see how these proposals provide any continuation of the traditional land usage.

There are concerns that the research and information submitted in support of this application places reliance on the Environmental Impact Assessment which was undertaken previously for the development of the wind turbines. Whilst it is accepted that some issues will be the same for both projects the Parish Council feel that the structures work in a very different way and present different challenges to, in particular, delicate airborne wildlife and feel that the impact on their environment is yet to be fully assessed.

The Parish Council has concerns regarding the proposal that the solar panels would have a dark blue finish and feel this colour would be very intrusive, unsympathetic, highly visible and inappropriate in a rural setting especially bearing in mind the quantity being proposed and the anticipated overall construction 2.2 metres above the ground area.

The Parish Council accept there are benefits of renewable energy but feel that these are outweighed by the potential harm which will be caused by the further development of this site and would urge that the planning application be declined.

6.2.4 Stanwick Parish Council: no objection in principle. However, ENDC should ensure that the construction vehicles do not pass through residential areas and selected access route is the most suitable option with minimal disruption for other users.

6.2.5 Chelveston Parish Council: objects on the grounds that the proposed development would further industrialise the greenfield site, along with the consented bio fuel electricity generators, the biomass plant, wind farm, waste transfer station and fire training centre, this represents further piecemeal development of the site. Coupled with this the 25 year expected life of the solar pv farms lends itself to a convenient way to convert the larger greenfield areas of the site to previously developed land, for subsequent industrial development.

The two proposed solar pv farms were not included in the public exhibition held in May by CRE in May 2006 nor has any community involvement on their inclusion taken place since, contrary to the advice in paras. 188-191 of the NPPF.

There is a lack of EIA, whilst none of the individual elements have required an EIA, when viewed collectively, the two solar pv farms would increase the total installed capacity of the site as a generating station to 44.5MW, i.e. approaching the 50MW threshold that might otherwise have required one.

There would be a degradation of amenity value to users of the rights of way, the site currently enjoys open views, albeit marred by the construction site style Heras fencing in parts. The additional planting, necessary to hide the industrial landscape created by the panels, will disrupt these open views. In particular, the proposed screening to the south of the bridleway MM17, coupled with the screening to the north mandated for the consented biomass plant, would leave users of MM17 hedged in on both sides, with no amenity view, save for the questionable view of the wind turbines overhead. This is repeated by the new east and west hedges on bridleway MM18/BY40 between MM16 and MM17, albeit the track is roughly as wide as a country lane and so the effect is less pronounced than on bridleway MM17. This appears contrary to para 75 of the NPPF which states planning policies should protect and enhance public rights of way and access and Local Planning Authorities should seek opportunities to provide better facilities for users.

There could be an impact on local flooding in Chelveston, the Council is concerned to see the Environment Agency response to the submitted Flood Risk Assessment, since any excess discharge from the catchment areas 2 and 3 balancing ponds flows down into Chelveston Brook, which runs through the village, before it reaches the River Nene. Two of the village's

current localised flooding spots would therefore be at risk; Blacksmiths Cottage has been suffering flooding for some years from water coming down from the fields into the ditch to the east of the track known as Joes or High Lane (eventually becomes MM17). NCC installed a new drain in 2009 to relieve the overflowing ditch, but recent heavy rains have caused this to silt up and Blacksmiths Cottage has been flooded again this winter. Properties in Water Lane downstream of Sawyers Crescent are at risk from flooding as the Brook runs beside Water Lane until it enters the culvert under Sawyers Crescent. The culvert has just enough capacity but the brook has silted up and could not cope with the volume of water coming down from Foot Lane, causing it to overflow onto Water Lane and threatening some of the properties that were supplied with sandbags by NCC. ENC's contractors have just undertaken four days of flood prevention works to dredge the Brook to reduce the risk. Thus any possibility of additional discharge from the CRE site is unwelcome as this will increase the localised flood risk.

However, should ENC be minded to grant the application the Parish Council would like the following conditions:

a) Boundary planting to be maintained, the Council has noted that some of the earlier boundary screening planting to the north of the site has died (possibly due to lack of watering during last years drought). A condition requiring that for the life of the solar pv panels, where trees/shrubs in the screening die, the applicant must replace them, this is particularly so after year one when the applicant will take over direct maintenance of the boundary planting.

b) Use of fencing more in keeping with the rural area. The present Heras metal security fencing, usually found on construction sites, is out of keeping with the rural greenfield nature of the site and should be replaced by a more appropriate stock proof fencing.

c) Restoration to farmland at the end of permission. The applicant indicates the pilings used to support the solar pv panels are a relatively non invasive process and at the end of the arrays life the piles can easily be removed with little remediation work required. The land should be returned to farmland at the end of the 25 years or any further extension as may be.

d) A s106 contribution should be made towards flood protection works in Chelveston. Works should be carried out to the satisfaction of the Environment Agency or NCC as appropriate to protect Blacksmiths Cottage and Water Lane properties from the effects of any additional water discharge from the site.

In conclusion the Parish requests the application be refused as an over development of an existing greenfield site through a series of piecemeal or creeping applications leading to the degradation to the amenity value for users of the rights of way.

6.3 NCC Highway Authority: no objection subject to conditions relating to HGV movement and informatives relating to footpaths.

6.4 Conservation Officer: no comments.

6.5 Head of Environmental Services: no comments.

6.5 Environmental Protection Officer (Contamination): no objection subject to conditions relating to contamination and restriction of hours of operation.

6.6 Planning Policy Manager: no comments.

6.7 NCC Development, Liaison, Regulations and Sustainability: no comments.

6.8 Fire and Rescue Service: no comments.

6.9 Historic Environment Team Leader, Built and Natural Heritage: no comments.

6.10 Rights of Way: no comments.

6.11 Sustainable Development: no comments.

6.12 Ancient Monuments Society: no comments.

6.13 Council for British Archaeology: no comments.

6.14 English Heritage: have read the Heritage Assessment with particular reference to the setting of the Grade I Church of St Mary at Melchbourn and Yelden and broadly concur with its conclusions. Consider that given the distance between the church and the development site, the local topography and landscape features and the location of the church within the village settlement, that there will be limited inter-visibility between the church and the proposed solar farm. Therefore consider the proposal will have limited impact upon the setting of the Grade I listed building. Recommend the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

6.15 The Georgian Group: no comments.

6.16 The Victorian Society: no comments.

6.17 The Twentieth Century Trust: no comments.

6.18 Society for the Protection of Ancient Buildings: no comments. :

6.19 Bedford Borough Council: no comments.

6.20 Western Power: it does not appear that the proposed plans will affect any existing electrical network. However, without more detailed plans cannot be certain. If the proposed development was to cause problems would expect the developer to pay for any diversions. No objection.

6.21 National Grid UK Transmission: no comments.

6.22 Northamptonshire Wildlife Trust: no comments.

6.23 Preserve: no comments.

6.24 Ramblers Association: whilst making no comments as to the merits of the application wish that the hedges to be planted parallel to the public footpaths should not be allowed to grow to such a height that they spoil the open views of this former airfield. Also ask that once the hedges have established as a stock proof barrier the metal security fencing is removed.

6.25 RSPB: no comments.

6.26 Environment Agency: originally objected and requested a revised flood risk assessment. This has been submitted and revised view to no objection subject to conditions.

6.27 County Archaeology: the site is located on the western edge of the former airfield and east of the village of Caldecott. The area around Caldecott is characterised by numerous cropmark sites and finds of various periods. There may be potential for remains of archaeological interest to survive on the site, albeit truncated by more recent activity. Recommend a condition regarding the implementation of a programme of archaeological work.

7. Evaluation

7.1 The main considerations in the determination of this proposal are: planning policies, landscape and visual impact, heritage, residential amenity, highways and rights of way issues, ecology, archaeology, flood risk and other matters.

7.2 Principle of development:

7.2.1 The NPPF incorporates achieving sustainable development as a central theme. One of the 12 core principles is to support the transition to a low carbon future including the development of renewable energy. A further principle is to recognise the character and beauty of the countryside and supporting thriving rural communities within it. Paragraph 28 seeks the promotion of the diversification of agricultural land. Paragraph 97 states local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources. Paragraph 98 states applications for energy development should be approved if its impacts are, or can be made, acceptable. As such the NPPF supports the principle of the development proposed.

7.2.2 The North Northamptonshire Core Spatial Strategy supports the principle of renewable energy through a general desire to promote carbon reducing developments. Policy 13 sets out development principles by which proposals must be judged. They include achieving satisfactory parking and access, be of a high standard of design, architecture and landscaping, not unduly impact upon residential amenity, conserve the natural and historic landscape and not add to the risk of flooding.

7.2.3 The Agent has stated that the proposal would be capable of generating up to 6MW of electricity, would provide for the annual electricity needs of 2,128 households (10,000MWh/4.7 MWh) and could save 4,300g CO₂ per annum.

7.2.4 The principle of the development, in generating a renewable energy source, is in accordance with the thrust of national and local policies. It is therefore considered that there should be a presumption in favour of the development subject to the issues below being satisfactorily addressed.

7.3 Landscape and visual impact

7.3.1 The site of the proposed solar park comprises a large area of open grazing with fenced rights of way running across the site. The wider site has permission for a biofuel and biomass plant and 9 wind turbines which are likely to be implemented this year. The solar park is to be located towards the southern part of the energy park. The assessment of the visual impact can be divided into two elements, the impact within the site and especially from the public footpaths, and the visual impact from beyond the site.

7.3.2 The solar panels will be visible from the rights of way with the obvious conclusion that the visual impact will be greatest when viewed close by and a reduced visual impact when viewed from a greater distance. Where the public rights of way pass closest to the solar panels the impact from MM16 and MM17 are likely to be significantly adverse. MM16 is a footpath that would pass to the south of the proposed panels; MM17 is a bridleway that would pass in close proximity along the northern boundary of the solar panel site. Furthermore, given the significant area covered by the proposed solar panels the visual impact would be for a prolonged period for any users of the paths.

7.3.3 In order to mitigate the visual impact the submitted plans illustrate proposed hedgerows to the north of MM16 and to the south of MM17. In addition, hedgerows will be planted to the east of the solar panel site. Although these will take a considerable time to mature they will in time reduce the visual intrusion of the solar panels from the footpaths and from the adjacent land.

7.3.4 Within the wider context of the renewable energy park additional planting has been agreed as part of the biomass plant to provide additional internal landscape structure. These would cover extensive areas to the north, north-east, south-east, south-west and west.

7.3.5 It is considered the visual impact on the wider setting would be relatively minimal. The proposed solar park would be within the existing perimeter planting which will be reinforced through the additional planting linked to the biomass development. The proposal would be visible from neighbouring properties such as Chelston Rise and from properties within Caldecott. However, the submitted Landscape and Visual Assessment submitted concludes the impact would be of negligible significance. It is considered this document provides a satisfactory assessment especially given the distances between the site and neighbouring dwellings, the low level nature of the development and the existing and proposed landscaping.

7.3.6 A further consideration in the assessment of visual impact is of the current site and its historic use. Although many of the MoD buildings and structures have been removed from the site extensive areas have been significantly altered from the previous agricultural use. The construction method would not be unduly invasive as the solar panels would be supported by piles driven into the ground and no concrete would be required for the support of the panels. Small amounts of concrete would be required for the inverter cabins which could be removed on the cessation of the panels.

7.3.7 On balance therefore it is considered the visual impact of the proposal would be acceptable subject to a condition relating to the proposed hedgerows details.

7.4 Heritage assets

7.4.1 A Cultural Heritage Assessment has been submitted as part of the application. This identifies a number of heritage assets within approximately one kilometre of the site. These include Poplar Farmhouse (grade II) to the west and 5 grade II listed buildings, one grade I (Church of St Mary the Virgin) and the Scheduled Ancient Monument of Yelden Castle.

7.4.2 It is considered the distances between the heritage assets and the proposed development is significant. Furthermore, the mature existing and proposed tree planting and topography reduce the impact and overall it is not considered that any identified heritage asset would be harmed as a result of the proposal. This view is supported by English Heritage.

7.5 Impact on neighbouring amenity

7.5.1 The solar park would cover a significant area. However, it would be set a significant distance from residential properties. Although parts may be visible from dwellings in the locality the impact would be lessened by the low level nature of the development, the distances, landscaping and topography. In addition, impacts such as glare and noise would be minimal.

7.5.2 The Council's Environment Protection Officer raised no objection subject to a condition relating to a restriction of hours of construction. It is accepted that the proposal would lead to an increase in noise and disturbance during the construction phase but given the nature of the development this would be a relatively short period.

7.5.3 Noise from the proposed development would occur from the inverters which converts the DC electricity generated by the panels to AC electricity suitable for export to the local electrical network. These inverters would be enclosed in cabins which would attenuate the noise generated. The cabins would be located within the array and it is not considered the noise would be discernible at the boundary of the development.

7.5.4 The operation of the proposal would have minimal impacts and it is considered the proposal would be compatible with the residential amenities of occupiers of neighbouring dwellings.

7.6 Highways and Rights of Way

7.6.1 The solar park would be accessed via the existing access to the south-west of the site from the approved wind farm access track. Post construction the anticipated traffic generation would be minimal. During construction, which would take between 6-8 weeks, vehicles would access the site more regularly. The Highway Authority raises no objection subject to a condition relating to construction traffic management.

7.6.2 The development would be in close proximity to the adjacent footpaths. However, no objections have been received from statutory consultees. It is acknowledged the amenity of users of the footpaths would be adversely affected through the visual intrusion of the solar park; however the hedge planting would help to mitigate the impact especially in the long term.

7.6.3 It is therefore considered the proposal would be acceptable in terms of highway safety and public rights of way subject to appropriate conditions and informatives.

7.7 Flood Risk

7.7.1 The Environment Agency originally objected to the proposal and sought a revised flood risk assessment to address their concerns. A revised flood risk assessment has been submitted and the Environment Agency is now content the proposal would be acceptable subject to conditions. These relate to the development being carried out in accordance with the revised flood risk assessment, that surface water resulting from the construction of the panels array must be directed towards the balancing ponds via swales constructed on the north and west side of the pv array and the proposed access track to be constructed utilising permeable construction methods.

7.7.2 In addition, the Agent confirms that the area beneath the panels would remain grassland and that new access tracks would be permeable.

7.8 Ecology

7.8.1 An Ecological Assessment has been submitted as part of the application. The report assessed semi-improved grassland, off-site scrub, off-site ponds, badgers, bats, Great Crested Newts and other species (non protected species). The report concluded the proposed project involves a relatively low intensity development on land comprising habitat of negligible to low ecological value. There are no anticipated effects on any designations of nature conservation importance. It states the application site might potentially be used by low numbers of birds and Great Crested Newts during parts of the year and mitigation measures will be implemented to reduce the risk of harm to these species.

7.8.2 The report specifically details that the installation of the solar panels requires negligible loss of grassland as it is a pole mounted system with the only real permanent loss of terrestrial habitat relating to the 4 metre wide access track. The report concludes it is considered reasonably unlikely that a Natural England licence is required to implement the proposal. It also notes the provision of the hedgerows is likely to represent a net benefit for species. The report provides reasonable avoidance measures in respect of Great Crested Newts.

7.8.3 With regard to birds the report states ground nesting species such as Skylark could potentially be disturbed, killed or injured during the installation of the panels. As a safeguard it is proposed any areas of suitable breeding habitat that lie within the development footprint will be cut to a short height in order to deter nesting birds in these areas.

7.8.4 In addition, the Agent states that the hedgerow planting proposed at the perimeter of this development would provide an ecological enhancement of some 3,300 metres of new wildlife corridors.

7.8.5 It is not considered the proposal would be harmful to protected species on the site subject to a condition requiring the implementation of the mitigation measures contained on the Ecological Assessment.

7.9 Archaeology

7.9.1 A Written Scheme of Investigation for an Archaeological Watching Brief has been submitted. The County Archaeologist states the site is located on the western edge of the former airfield and east of the village of Caldecott. The area around Caldecott is characterised by numerous cropmark sites and finds of various periods. There may be potential for remains of archaeological interest to survive on the site, albeit truncated by more recent activity. The recommendation is that a condition regarding the implementation of a programme of archaeological work be imposed.

7.10 Comments on Consultation Responses

7.10.1 Objections and concerns have been received covering a number of issues. These include the visual impact, highway safety including footpaths, loss of a greenfield site, lack of economic justification and flooding. The points have been addressed in the relevant sections and on balance the objections and concerns received are not considered to outweigh the support for the proposed development.

7.10.2 Notwithstanding the objections and concerns raised it is concluded that the support of the NPPF for renewable energy is sufficient in this case to outweigh any harm as a result of the development. The scheme would make a significant contribution to meeting targets for renewable energy, contribute to the reduction of greenhouse gases and provide energy security benefits.

8. Other Issues

8.1 Access for Disabled - it is not considered there are any issues pertaining to access resulting from the development.

8.2 Crime and Disorder - cctv will be installed in order to provide surveillance for the development.

9. Recommendation

9.1 That planning permission be GRANTED subject to 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. The works hereby permitted shall be carried out strictly in accordance with the following approved plans:

Received 7th December 2012:
Drawing CREL1052 (Site Location)
Drawing CREL1088-G (Proposed Location)
Drawing CREL1097-A (Access Track and Cable Trench Cross Section)
Drawing Figure 7.2A (Landscape Proposal)
Drawing CREL1091-0 (Photovoltaic Panels Elevations)

Received 19th December 2012:
Drawing CREL1088-H (Proposed Location)

Received 4th March 2013:
Drawing CREL1096-A (Inverter Substation Elevations)
Drawing CREL1093-G (Proposed Site Layout)

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

3. If, during development, contamination is suspected or identified, the Local Planning Authority should be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with this approved statement.

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

4. No works that cause noise audible outside the site boundary shall take place outside the hours of 0730 and 1730 Monday to Friday and 0800 to 1300 on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interests of residential amenity.

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

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

6. During the construction, operating period and decommissioning of the development hereby permitted all Heavy Goods Vehicle movements attracted to the site shall use the identified Route B within the Construction Traffic Management Plan figure 3.1 (where access to the site can be gained via the B645 onto the C119 and C59 then turning right onto the classified road leading to the site access and vice versa). A daily log shall be kept on an ongoing basis to record all vehicles attracted to the site and this log shall be maintained on an annual basis and be available for scrutiny at the request of the Local Planning Authority. All operational vehicles arriving at and leaving the site shall be appropriately sealed so as to prevent material spillage, wind blow and dust nuisance. All operational vehicles leaving the site shall be cleansed to ensure they are free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

Reason: In the interests of highway safety.

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2013, reference 12-0416 XRP001 Rev A, and the following mitigation measures detailed within the FRA:

1. Surface water which results from the construction of the photovoltaic (PV) array must be directed towards balancing ponds via swales constructed on the north and west side of the PV array.

2. The proposed access track will be constructed utilising permeable construction methods.

The mitigation measures shall be fully implemented prior to the array hereby approved becoming operational and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding for the lifetime of the development.

8. The development shall be carried out in accordance with the mitigation measures contained in the Ecological Assessment dated December 2012.

Reason: In the interests of safeguarding the ecological interests on the site.

9. No external lighting shall be installed on the site.

Reason: To ensure a satisfactory external appearance of development.

10. All development on the site as a result of this permission shall be removed and the site restored in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority within one year of the solar panels being decommissioned.

Reason: To enhance the appearance of the development and in accordance with Policy 13 in the North Northamptonshire Core Spatial Strategy.

11. Notwithstanding any details submitted no external lighting shall be provided other than in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To enhance the appearance of the development and in accordance with Policy 13 in the North Northamptonshire Core Spatial Strategy.

12. Before development commences and notwithstanding the details submitted, details of the cctv shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details and shall be retained thereafter for the lifetime of the application.

Reason: In the interests of visual amenity and for the avoidance of doubt.

13. Prior to the commencement of the development hereby permitted details of the materials for the inverter housing and details of the panel coating to reduce glare/reflectivity shall be submitted to and approved in writing by the Local Planning Authority. The work shall be executed in accordance with the approved details and thereafter retained in perpetuity.

Reason: To achieve a satisfactory external appearance and to reduce glare from the panels.

14. Prior to the commencement of development, further details of the methodology and schedule for the planting and maintenance of the new and existing planting, as stipulated in the submitted details, shall be submitted to and approved in writing by the local planning authority. The approved planting shall be carried out in accordance with the approved details in the first planting season following the installation of the solar panels. For the purpose of this condition a planting season shall mean the period from November to February inclusive. The approved hedgerow maintenance shall be adhered to for the lifetime of the solar park.

Reason: In the interests of landscape and visual amenity and the protection of wildlife.

Informatives

1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a positive and proactive way in accordance with paragraphs 186 and 187 of the NPPF. Regard has been had to the 12 core planning principles in the NPPF and the more specific policies. In addition, the Development Plan and other material considerations have been taken into account as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The specific policies relevant to this decision are: NPPF paragraph 17; Policies 1, 2, 24, 26, 27, 28 and 40 of the East Midlands Regional Plan 2009 and Policies 1, 5, 8, 9 and 13 of the North Northamptonshire Core Spatial Strategy 2008.

Having regard to these, the representations received and any other material planning reasons, the main issues are the principle of the development, visual impact, impact on neighbouring properties, highways matters, heritage assets, archaeology, flood risk and ecology.

The development accords with the development plan and thus satisfies the NPPF for the reasons set out below:

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

The proposal would not have an unacceptable impact on the local highway or on public footpaths.

The scale of the development is acceptable and the development would not harm the visual amenity or character of the area.

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

The proposal would not be harmful to heritage assets, archaeology and ecology and would not exacerbate flood risks.

The contractor shall, as far as is reasonably practicable seek to control and limit noise and vibration levels associated with construction activities so as to minimise nuisance from noise at properties in the vicinity of the works. The contractor shall apply best practice means as defined in section 79 (9) of the Environmental Protection Act 1990 to all activities on site in order to achieve this objective.

Localised depressions within the verge, Bridleway MM18, adjacent to the fencing arrangements could be filled with any remaining topsoil upon completion of foundation works to the solar photovoltaic panel engineering works. Any spare soil could then be placed and compacted accordingly to provide a more desirable form of equestrian usage. Appropriate speed/equestrian signs could be placed at the junction of the rights of way MM18 to its junction with MM17 to advise/warn drivers of the dedicated use and potential conflict that may occur on a daily basis.

Committee Report

Committee Date : 10 April 2013

Printed: 26 March 2013

Case Officer **Mr Joe Mitson**

13/00066/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
11 January 2013	17 January 2013		Woodford	Great Addington

Applicant **Mr & Mrs M Brown**

Agent **APC Planning Ltd - Mr Richard Colson**

Location Rectory Farm Buildings Cranford Road Great Addington Northamptonshire

Proposal **Conversion/redevelopment of existing agricultural buildings into 2 dwellings**

The application is brought to Development Control Committee because it proposes residential development in the countryside.

1. Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application seeks permission to convert the range of barns into two residential dwellings. Minor changes to elevations are proposed to accommodate 1 x 2 bed and 1 x 3 bedroom dwellings. A more modern barn, located adjacent to the barns to be converted, is to be demolished. Access would be via the existing Rectory Farmhouse drive immediately to the south of the barns.

2.2 Following discussions and the receipt of consultation responses revised plans have been received amending the design, internal layout and access.

3. The Site and Surroundings

3.1 The site is located on the western side of Cranford Road and comprises the farmhouse and a range of single and two storey barns arranged around a courtyard. The barns are generally brick and stone with a more modern barn located in the centre which comprises concrete portal frame with a cement roof.

3.2 To the north of the site there are a number of buildings. Rectory Farm Cottage is attached to the north of Rectory Farmhouse and is served by an access to the north of the application site. A modern barn in the curtilage of that property comprises a mini bus and coach business. Beyond this there is The Annexe, a single storey property with Fallowfield further to the north of one and a half storeys.

3.3 The access to the range of barns to be converted is to the south and is an existing driveway serving Rectory Farmhouse and the barns.

4. Planning Policy

4.1 National Planning Policy Framework (NPPF) 2012.

4.2 North Northamptonshire Core Spatial Strategy (2008)

Policy 1 Strengthening the Network of Settlements
Policy 7 Delivering Housing
Policy 9 Distribution of New Development
Policy 10 Distribution of Housing
Policy 13 General Sustainable Development Principles
Policy 15 Sustainable Housing Provision

4.3 Rural North Oundle and Thrapston Plan (adopted 2011)

Policy 1 Settlement Roles
Policy 6 Residential Parking Standards
Policy 8 Housing Mix
Policy 23 Rural Buildings

4.4 Other Documents:

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

4.5 Supplementary Planning Document:

Design SPD, March 2009

4.6 Supplementary Planning Document:

Planning Out Crime in Northamptonshire Feb 2004

4.7 Other Documents:

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

5. Relevant Planning History

5.1 Reference 08/01108/FUL refused permission for the conversion of the barns into 5 dwellings. This was refused on the following grounds:

"The proposed development, by nature of its siting outside the built form of the village and in an area classed as open countryside would be unsustainable given the lack of pedestrian or cycle routes into the village, therefore encouraging the use of the private car for short journeys. The proposal is therefore contrary to policies 1, 9 and 13 of the North Northamptonshire Core Spatial Strategy, policy AG4 of the East Northamptonshire Local Plan and the principles of PPS7 Sustainable Development in Rural Areas and PPS1 Delivering Sustainable Development. The proposal is also contrary to policies 1 and 21 of the submission version of the Rural North, Oundle and Thrapston Plan, January 2008.

The applicant, by failure to submit a Noise Assessment, has failed to demonstrate that the existing neighbouring commercial development would not have an adverse impact in terms of noise and disturbance on the possible future occupiers of the proposed development. As such the proposal is contrary to policy 13 of the North Northamptonshire Core Spatial Strategy".

5.2 The adjacent site has been subject of application reference 06/00705/FUL for the change of use from a redundant agricultural building to a mini bus and coach business (retrospective) and the creation of a new access.

6. Consultations and Representations

6.1 Neighbour comments: 1 letter raising no objection subject to there being no impact in any way upon the existing commercial status of the adjacent property, known as Rectory Farm Buildings, Rectory Farm Cottage, Cranford Road, Great Addington, and that no clear glass faces out onto the property known as above. If the above cannot be adhered to would oppose the application.

6.2 Great Addington Parish Council: no objection.

6.3 NCC Highways: no objection subject to the existing gateway being set back a minimum of 5 metres from its current location to allow vehicles to be clear of the highway should the gate be closed.

6.4 Natural England: no objection. There is evidence of a bat roost but the scale of the impact is low and mitigation has been provided which is appropriate and proportionate to the scale of impact, i.e. like for like in terms of roost size, aspect, temperature etc., the proposals would be licensable and the Authority may grant planning permission subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.

6.5 Northamptonshire Wildlife Trust: no objection subject to a condition ensuring compliance with the submitted mitigation measures.

6.6 Royal Society for the Protection of Birds: no comments received.

6.7 Waste Manager: no comments received.

6.7 Design Manager: no comments received.

6.8 Environmental Protection Manager: originally objected on noise grounds in relation to the proposed bedroom 3 on Barn A and the impact of the neighbouring operation. Following the submission of a revised plan relocating bedroom 3 to the inner courtyard elevation no longer object subject to conditions.

6.9 Environmental Protection (Contamination): no comments received.

6.10 NCC Development Liaison, Regulations and Sustainability: no comments received.

6.11 NCC Rights of Way: no comments received.

6.12 NCC Archaeology: no objection subject to a condition requiring archaeological work.

7. Evaluation

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

7.2 Principle of development:

7.2.1 Since the previous application was refused national and local planning policies have changed. The NPPF has been introduced and states a presumption in favour of sustainable economic development and seeks to achieve high quality design. The Core Spatial Strategy seeks to strengthen the role of rural service centres and limit development beyond village boundaries. The Rural North, Oundle and Thrapston Plan under Policy 23 - Rural Buildings General Approach - states that permission will be granted for the adaptation or re-use of buildings in the countryside for, amongst other things, residential use, where the location or building is more appropriate for such a use and provided three criteria are met. These relate to achieving satisfactory external appearance, access and landscaping, schemes are limited to situations where buildings are substantially intact and conditions are imposed withdrawing permitted development rights to prevent future extensions where these would result in an adverse impact on the character of the surrounding area.

7.2.2 The previous application was partly refused on the grounds that it represented development in the open countryside in an unsustainable location which would result in heavy reliance on use of the private car. PPS7 has largely been superseded by the Rural North, Oundle and Thrapston Plan. It is however noted that the Core Spatial Strategy remains in force as it was when the previous application was determined in 2008. However, the NPPF is broadly supportive of the conversion of historic farm buildings to residential use and the policy 23 of the Rural North, Oundle and Thrapston Plan is also supportive subject to

the satisfaction of certain criteria.

7.2.3 The issues of location and sustainability remain pertinent to the consideration of this application. The previous application related to the creation of 5 dwellings; the current application would create only two thereby reducing the likely number of vehicular movements to and from the site. The issue of sustainability must be considered in light of a re-use of a building which itself is relatively sustainable approach compared to new building.

7.2.4 In this regard a Marketing Report has been submitted from a chartered surveyor which notes considerable work will be required to bring the barns back into use. It was stated that the barns were not considered suitable for industrial use as there is plenty of provision in the Addingtons, it is likely there would be highway concerns to service the accommodation with regard to articulated vehicles and there was also likely to be a utility issue with electricity supply. The viability of office accommodation would be unviable in relation to the expenditure required to provide reasonable quality accommodation compared to the likely rent or capital receipts for office use. In addition there is suitable provision in the Addingtons and in Thrapston, Raunds, Islip, Irthlingborough and Woodford. There is also significant oversupply of office accommodation in the locality, amounting to 558,000sq.ft. in the three major conurbations of Kettering, Corby and Wellingborough.

7.2.5 An Engineering Report has been submitted to assess the structural condition of the barns. The report concludes that the building abutting the northern elevation of the modern barn to be demolished may be considered capable of conversion to residential uses. The walls show no signs of movement or distress and the roof structure could be adapted satisfactorily.

7.2.6 The barn to the south-east of the site would require very substantial changes and modification to become part of any dwelling. The roof would require complete replacement, the wall fronting the courtyard would require extensive underpinning and the internal floor slab would need replacing. However, the eastern wall and both gable walls could be used subject to some possible foundation work under the gable ends.

7.2.7 The barn to the north-west elevation of the site comprises substantial walls and together with the roof are capable of repair and strengthening before serving as the main external envelope to a new building. The barn could achieve first floor accommodation provided independent first floor supports could be inserted and the walls be underpinned. This could be achieved through a framework system for supporting the first floor by means of pad foundations and individual columns supporting the first floor structure independently of the external walls and roof structure.

7.2.8 Therefore, although the barns are capable of conversion a considerable amount of investment would be required before they could be put to a new use. The supporting information makes a convincing case to demonstrate that conversion to offices would not be viable given the amount of available office accommodation on the market in the local area. It is not considered that the buildings would be suitable for industrial purposes given the proximity of a number of dwellings and given the limited size of the barns. In any case commercial uses are likely to generate a greater degree of traffic in what has historically been established an unsustainable location. It is therefore concluded that a residential conversion is the only viable option.

7.2.9 It is considered that significant weight should be given to finding a suitable use for this attractive range of traditional farm buildings. The issue of sustainability remains; however, any re-use will have to address this point and since the previous refusal policies have become more supportive of residential conversions in the countryside. Although substantial work would be required to convert the building it is considered the level of work needed would still ensure compliance with relevant policies on the re-use of buildings. Therefore, on balance the principle of the conversion of these buildings to two dwellings is supported. This is subject to the issues identified below being satisfactorily addressed.

7.3 Visual Impact

7.3.1 The buildings form an attractive group of traditional agricultural buildings and are worthy of retention. Barn A is a single and two storey stone and tile structure which is partially obscured by the presence of the modern barn. Barn B is smaller comprising a single storey plus attic building with a mono pitch roof that replaced the original pitched roof. The barns are prominent on the street scene abutting the highway with open views of the northern elevation of Barn A from the highway.

7.3.2 The proposal would remove the more modern building which occupies the space between the Barns A and B and is of limited visual merit. The removal of this building, which would open up views of the eastern and southern elevations of Barn A, is welcomed.

7.3.3 The proposed conversion details of Barn A would utilise the large scale openings on the northern elevation and the limited existing openings on the eastern elevations. These are the outer elevations of the barn and the proposals would maintain the robust agricultural character of the barn. The western elevation would utilise the existing openings and the existing ground floor openings on the southern elevation would be used. New openings are proposed on the first floor of the southern elevation.

7.3.4 The existing openings on Barn B would be utilised along with two small, high level windows and rooflights on the southern elevation. On the northern elevation the existing opening would be used together with the introduction of a single rooflight. In addition, the previous pitched roof structure would be reinstated to replace the monopitch roof.

7.3.5 Overall, the proposal would result in a sympathetic conversion of the barns and would significantly improve the visual amenity of the buildings, site and street scene. The removal of the modern farm building would enhance the appearance of the site and setting of the adjacent farmhouse and would open up the historic elevations on the inner courtyard. The recreation of the pitched roof for Barn B represents a relatively high level of intervention; however this needs to be balanced with the considerable improvement in the appearance of the building. Although the insertion of new windows would introduce a greater element of domestic character on balance it is considered the conversion scheme for the barns would be a significant visual gain overall and safeguard the attractive barns for the future.

7.4 Neighbouring Amenity

7.4.1 The internal accommodation has been designed to minimise the potential for any adverse impacts in terms of residential amenity. The windows on the northern elevation of Barn A are limited and immediately abut the access drive serving the neighbouring site. Notwithstanding the comments received from the occupier of the neighbouring property given the location and limited nature of fenestration on this elevation it is not considered necessary to ensure they would be obscure glazed. On the southern elevation the ground and first floor windows would look towards the rear elevation of Barn B. However, there would be approximately 13 metres between the two barns and the two openings in the northern elevation of Barn B, serving a dining room (a secondary window) and stairs/landing, can both be obscure glazed.

7.4.2 The proposal would also not result in any undue overlooking or loss of privacy to the existing neighbouring dwellings, including the farmhouse, which are offset to the south-west/west. The proposal would result in a more intensive use of the buildings with a potentially greater number of vehicular movements. However, the agricultural use would be removed from the buildings. On balance it is considered the relationship between the proposed and existing dwellings would be satisfactory. Adequate private amenity space would be provided for both barns, in each case to the south of each barn. A condition stipulating boundary treatment can be imposed to ensure suitable protection to the residential amenities of future occupants of the barns and to ensure a satisfactory visual appearance.

7.4.3 A Noise Assessment and Feasibility Study has been submitted as part of the application. This comprised a series of measurements being carried out to determine the noise environment on the site, principally in connection with the coach depot on the adjacent site. The existing noise environment was established, taking into account the approved use of the mini bus and coach operation which is limited by planning condition to 3 x 52 seater coaches, 1 x 27 seater mini bus, 1 x 19 seater mini bus and 2 x 16 seater mini buses.

7.4.5 The survey and assessment was carried out between the hours of 0613 and 0713 on Thursday 13th September 2012, determined to be the time of greatest activity at the coach depot and therefore the worst case scenario upon which to base any assessment and subsequent mitigation. The report noted that the current operation may be exceeding the allowable number of vehicles.

7.4.6 The assessment noted that barn A of the proposed redevelopment abuts the coach depot and forms the boundary wall and requires the greatest level of attention. Mitigation measures should include the wall comprising a solid wall outer skin, clear cavity, timber frame internal skin with rigid sheet insulation material and a single layer of plasterboard with skim coat. The report concludes this would provide a significantly enhanced acoustic performance than a typical solid 200mm brick wall. The remaining walls would not require any additional mitigation. Mitigation for the roof should include slate, battens of breathable underlay, timber rafters with quilt insulation, rigid sheet insulation and 2 layers of plasterboard with skim coat. The report states such construction is expected to achieve a reduction in noise levels of 45dB(A) which would be sufficient to meet the internal noise level criteria. Recommendations relating to glazing is also included in the report for barn A.

7.4.7 The report notes barn B is located to the south of barn A which effectively acts as a noise barrier and therefore no detailed consideration of the impact of noise impact from the coach depot is warranted. However, the design, layout and positioning of the windows seeks to minimise any impact in that the majority of windows and openings are positioned on the non exposed facades.

7.4.8 The report concludes it is based on the worst case scenario, i.e. based on the actual coach site activity rather than the approved level of use and that the mitigation would allow noise levels to be reduced to acceptable internal noise levels as specified in the British Standard design guidance.

7.4.9 Environmental Health originally objected on the grounds of potential intrusion into living standards of the future occupiers of Barn A in relation to bedroom 3. This room was proposed on the northern elevation risking undue exposure to noise and disturbance from the adjacent site. Revised plans amended the internal layout moving bedroom 3 to the southern elevation with the stairs/landing to be sited on the northern elevation. Environmental Health has now lifted the objection subject to the imposition of conditions to ensure the roof construction shall be as proposed in the noise assessment and that the glazing element on the northern elevation shall achieve a satisfactory sound reduction as recommended in the noise assessment.

7.4.10 It is therefore concluded the proposal would be acceptable in terms of residential amenity based on the revised plans and subject to suitable conditions.

7.5 Highways Access

7.5.1 The proposal would utilise the existing vehicular access to the south of the buildings which would continue to serve the farmhouse. The Highway Authority raised no objection as the buildings are no longer used intensively for agricultural purposes. The Agent has agreed to relocate the existing gate further into the site so that it achieves a minimum set back of 5 metres from the rear of the highway boundary to allow a vehicle to be clear of the highway should the gate be closed.

7.5.2 The existing access drive within the site would serve the proposed dwellings and adequate turning and parking could be provided within the site for each unit.

7.6 Protected Species

7.6.1 A Protected Species Survey has been submitted. This confirmed that the barns are used as a roost site by common pipistrelles, though the number of bats recorded and the level of other evidence such as droppings suggests low level use by one or only a small number of bats. The farmyard and surrounding land is used by foraging bats with the hedgerows and streams in the area are likely to provide good commuting and foraging routes.

7.6.2 The report states there is potential for direct disturbance of any roosting bats that may be present as building and demolition work is undertaken at the site. It recommends preliminary work should be undertaken during early Spring or Autumn to ensure that any potential maternity roosts or hibernating bats are not disturbed. In the long term the conversion of the barns would result in the loss of a common pipistrelle roost site, though the site does not appear to support a large number of bats. Post development there would be an increase in disturbance at the site as a result of lighting, noise and vibration. The report states that the site is likely to be only a very small part of any bats foraging area so the impact in this respect should be low.

7.6.3 The report concludes the proposed development would result in the loss of a low level common pipistrelle roost site of low conservation significance. There is potential for direct disturbance of roosting bats during building and demolition work though planning the work at an appropriate time of year should ensure the impact could be kept to a minimum. Any new external lighting as a result of the development could also affect the use of the site by roosting and foraging bats. The barns are likely to be one of a number of sites used by common pipistrelles in the surrounding area with many other suitable buildings in the local area that could support them.

7.6.4 An EPS licence will be required and mitigation measures are recommended. These comprise preliminary building and demolition work to prevent disturbing any maternity roosts and/or hibernating bats, at least two bat boxes to be erected on nearby unaffected buildings or mature trees to function as safe roosts to any translocated individual bats found during works and to provide additional new roosting opportunities for bats, replacement roost sites for common pipistrelles and other crevice roosting bats provided through incorporating at least one habitat bat cavity into the reconstructed south-east wall, control of timber treatment products, minimise new lighting and making all those working on the site aware of the potential presence of bats and the protection afforded to them.

7.6.5 The survey also found evidence of nesting by swallows and other bird species and mitigation measures were incorporated in the report.

7.6.6 The Wildlife Trust have been consulted and find the submitted surveys findings and conclusions to be acceptable in broad terms and support the implementation of all the recommendations of the report. This is especially relevant to those relating to the need for mitigation and enhancement measures. It is also recommended that any landscaped areas should use native species that are typical of the county. Natural England concludes that permission can be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.

7.7 Sustainability

7.7.1 A Sustainability and Energy Efficiency Statement has been submitted. This concludes that the proposed development complies with the Sustainable Design Supplementary Planning Document regarding sustainability and energy efficiency. Measures to increase energy efficiency will be implemented where possible and the layout is sustainable and makes the most efficient use of land.

8. Other Issues

8.1 Access for Disabled - it is considered the conversion scheme can adhere to the relevant requirements under Building Regulations.

8.2 Crime and Disorder - it is considered that there are no crime and disorder issues relevant to this application.

9. Recommendation

9.1 That planning permission be GRANTED subject to 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. The works hereby permitted shall be carried out strictly in accordance with the following approved plans:

Received 11th January 2013:

RF 08 000 1:1250 (Site Location)

RF 12 01 1:1250 (Location and Site Plan)

Received 6th March 2013:

RF 12 46A (North Elevation of Barn A)

RF 12 36A (East Elevation of Barns A and B)

RF 12 32A (West Elevation of Barns A and B)

RF 12 30A (South Elevation of Barn A)

RF 12 37A (North Elevation of Barn B)

RF 12 38A (South Elevation of Barn B)

RF 12 40A (Ground Floor Layout of Barn B)

RF 12 35A (Ground Floor Layout of Barn A)

RF 12 42A (First Floor Layout of Barn B)

RF 12 41A (First Floor Layout of Barn A).

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

3. No development shall take place until a scheme of external finishes shall be submitted to and approved in writing by the Local Planning Authority and this shall include the submission of details/samples of all materials to be used on the external elevations. The work shall be executed in accordance with the approved scheme and retained in perpetuity thereafter.

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

4. If, during development, contamination is suspected or identified, the Local Planning Authority should be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with this approved statement.

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

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

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

6. Prior to the commencement of development, and notwithstanding any details submitted, details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the development hereby approved. Such approved details shall be erected and retained in perpetuity.

Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and appearance of the area and to ensure the private areas of the development are afforded an acceptable measure of privacy.

7. Before the first occupation of Barn B the windows hereby approved serving the dining/hall on the ground floor and stairs/landing on the first floor on the northern elevation, shall be fitted with Glass level 3 or equivalent, and the windows shall be non opening. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities enjoyed by the occupants of the barns hereby approved for conversion into residential use.

8. The existing gates serving the access shall be set back a minimum of 5 metres from the current location to be a minimum of 5 metres back from the rear of the highway boundary and shall thereafter be so retained.

Reason: In the interests of highway safety and to ensure vehicles can stand clear of the highway in the event of the gates being closed.

9. The development shall be carried out in accordance with the mitigation measures in the Noise Assessment submitted as part of the application. In addition, for the northern façade of Barn A any glazing element shall achieve a minimum sound reduction of 42dB (A) as recommended in the noise survey.

Reason: In the interests of residential amenity.

10. The development shall be carried out in accordance with the mitigation measures contained in the Protected Species Survey September 2012.

Reason: In the interests of safeguarding the ecological interests on the site.

11. Prior to the commencement of development drawings at a scale of 1:20 for all external fenestration, including rooflights, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained as such thereafter. It is expected fenestration would be timber and that conservation rooflights would be used.

Reason: In the interests of visual amenity.

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);

ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);

iii) alterations including the installation of replacement or additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);

iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);

v) the erection of any walls, fences or other means of enclosure to all boundaries; (as detailed in Schedule 2, Part 2, Class A).

Reasons: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity.

Informatives

1. 1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a positive and proactive way in accordance with paragraphs 186 and 187 of the NPPF. Regard has been had to the 12 core planning principles in the NPPF and the more specific policies. In addition, the Development Plan and other material considerations have been taken into account as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The specific policies relevant to this decision are: NPPF paragraph 17; Policies 1, 7, 9, 10, 11 and 15 of the North Northamptonshire Core Spatial Strategy 2008 and policies 1, 6, 8 and 23 of the Rural North, Oundle and Thrapston Plan.

2. Having regard to these, the representations received and any other material planning reasons, the main issues are the principle of the development, visual impact, impact on neighbouring properties, highways matters, archaeology and ecology.

The development accords with the development plan and thus satisfies the NPPF for the reasons set out below:

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

The proposal would not have an unacceptable impact on the local highway or on public footpaths.

The scale of the development is acceptable and the development would not harm the visual amenity or character of the area.

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

The proposal would not be harmful to archaeology and ecology.

The public right of way, MA2, requires a constant pedestrian access to serve its designated purpose. It is requested the existing right of way sign is cleared of the vegetation.

Committee Report

Committee Date : 10 April 2013

Printed: 26 March 2013

Case Officer **Marzena Guzda**

13/00226/REM

Date received	Date valid	Overall Expiry	Ward	Parish
11 February 2013	14 February 2013		Lower Nene	Warmington

Applicant **The Short Family - Mr M Short**

Agent **Peter Humphrey Associates Ltd - Mr Darren Upton**

Location **13 Big Green Warmington Peterborough Northamptonshire PE8 6TU**

Proposal **Reserved matters - Erection of two dwellings with associated parking pursuant to application 11/01571/RWL: 'Replacement of extant planning permission 08/01490/OUT - Outline application: Residential development for five dwellings (All matters reserved)' dated 02 December 2011**

This application is reported to Development Control Committee because the previous application was considered by the Committee.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2 The Proposal

2.1 Outline planning permission was granted for the construction of five dwellings at the site under ref: EN/08/01490/OUT and this consent was renewed under ref: EN/11/01571/RWL.

2.2 Planning permission was granted for a reserved matters application for three dwellings to the front of the site (Plots 1, 2 and 3). This included access, appearance, landscaping, layout and scale.

2.3 The current application is seeking approval for the remaining two plots; a pair of semi-detached houses on Plots 4 and 5, which would be positioned to the rear of the previously approved dwellings. This application includes access, appearance, landscaping, layout and scale.

2.4 The proposed dwellings would have four bedrooms and an integral garage. A turning area is proposed in front of the properties with 1no. car parking space allocated for each dwelling and bin storage for both properties. The proposed dwellings would be finished in Greetham walling stone under natural grey slate roof with timber windows, the same as the ones on plots 1 and 3.

3 The Site and Surroundings

3.1 The application site lies on the northern side of Big Green, a country lane on the eastern side of the village. Big Green is residential in character and comprises a variety of dwellings of different styles and ages, including traditional houses in brick and stone and more modern housing including 1950/60s terraces with rendered walls.

3.2 Ashdown Farm, a grade II listed building, lies immediately to the north west of the application site and to the immediate west are a pair of modern detached houses dating from around the 1970s. To the east are a pair of small cottages.

3.3 The application site is 0.27 hectares in area and contains a number of buildings. The main building is a two storey farm house positioned at the front of the site and there are a range of dilapidated farm buildings to the rear positioned around a farm yard.

3.4 A native hedgerow marks the front boundary of the site. There is also a row of mature trees on the western boundary which screens the site from Ashdown Farm.

4 Policies

4.1 NPPF

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. The Secretary of State made the Order to revoke the Regional Strategy for East Midlands on 14th March 2013. This Order shall come into force on 12th April 2013, meaning that the Regional Strategy for the East Midlands shall be revoked from 12th April 2013.

Policy 1 - Regional Core Objectives

Policy 2 - Promoting Better Design

Policy 3 - Distribution of New Development

Policy 45 - Regional Approach to Traffic Growth Reduction

Policy 48 - Regional Car Parking Standards

4.2 North Northamptonshire Core Spatial Strategy (2008)

1 - Strengthening the Network of Settlements

7 - Delivering Housing

9 - Distribution & location of development

10 - Distribution of housing

13 - General sustainable development principles

14 - Energy efficiency and sustainable construction

4.3 Rural North, Oundle and Thrapston Plan (RNOT) (2011)

Policy 1 - Settlement Roles

Policy 2 - Windfall Development in Settlements

Policy 6 - Residential Parking Standards

4.4 Supplementary Planning Guidance

Parking SPG, March 2003

Design SPD (2009)

4.5 Other documents

Highway Authority Standing Advice "Domestic Vehicle Accesses Serving 1 to 5 Dwellings and Advertisement Applications" NCC, Revision Draft October 2012.

Warmington Village Design Statement

5 Relevant Planning History

5.1 EN/08/01490/OUT - Outline application: Residential development for five dwellings (All matters reserved), approved.

5.2 EN/11/01571/RWL - Replacement of extant planning permission 08/01490/OUT - Outline application: Residential development for five dwellings (All matters reserved), approved.

5.3 EN/12/01126/REM - Reserved matters for erection of three dwellings: Pursuant to application EN/08/01490/OUT and EN/11/01571/RWL dated 2.12.2011 for erection of five dwellings, approved.

6 Consultations and Representations

6.1 Neighbours - no comments at the time of drafting this report. Any comments will be reported on the update sheet.

6.2 Warmington Parish Council - No objection.

6.3 NCC Highways - no comments at the time of drafting this report. Any comments will be reported on the update sheet.

6.4 ENC Waste Management Officer- In reference to the above development we will require a site waste management plan to be submitted and agreed in writing prior to development. Additionally we will require the household wheeled waste bins for the additional plots 4 & 5 to be presented adjacent to the highway for collection, along with those from plots 1 - 3.

6.5 ENC Conservation Officer (Trees):

- Having reviewed the details in relation to the submitted reserved matters application, I can confirm that I have no objection however do note the lack of an Arboricultural Method Statement and any landscaping details, both of which are key to the development of this site.

- If you consider it possible these elements can be dealt with by way of a condition I am happy to do so, however I would suggest that where possible they are addressed as part of the determination of this application.

7 Evaluation

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

7.2 Principle of development

7.2.1 The principle of residential development on this site was established by the original outline planning permission EN/08/01490/OUT and subsequent renewal EN/11/01571/RWL. The site was considered suitable for residential development because it lies within the built up part of Warmington and lies close to existing residential development and other local services (albeit that these be limited).

7.2.2 Therefore, the principle of development is acceptable and only the following details are relevant to this reserved matters application: access, layout, scale, appearance, landscaping, parking, neighbour amenity, and sustainable construction and energy efficiency. Each of these are discussed in turn below.

7.3 Access and Parking

7.3.1 The previously approved reserved matters application included a shared access for Plots 2 and 3. The proposed dwellings would be served from this approved shared access. The turning area is proposed in front of the plots to accommodate vehicles manoeuvring on site.

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

7.4 Layout

7.4.1 The proposed dwellings would be positioned to the rear of Plots 2 and 3 as per the submitted Site Plan - 4915-P01. There are other examples of tandem development on Big Green and Plots 4 and 5 would still be slightly visible from the street. On that basis, the proposed layout is considered acceptable.

7.5 Scale and Appearance

7.5.1 The proposed dwellings would be two storeys in height and would be in keeping with the general scale, form and design of the surrounding properties. The dwellings would have low eaves and their design picks up on those of plots 1, 2 and 3. Features such as lintels, cills and storm porches are included within the design of the units. It is considered that the proposed materials would be suitable for this development and would ensure that a high quality scheme is delivered in accordance with Policy 13 (h) of the North Northamptonshire Core Spatial Strategy.

7.6 Landscaping

7.6.1 The application is supported by a Tree Survey and Tree Protection Plan, the Council's Conservation Officer has assessed these details and has not raised any concerns, but recommended that Arboricultural Method Statement and landscaping details are requested by planning conditions. Given that the applicant has provided limited information with regard to landscaping, it is considered reasonable to attach the suggested conditions.

7.7 Neighbour Amenity

7.7.1 The dwellings would be positioned at least 30m from the nearest residential property (Ashdown Farm) and they would not have any windows in their side elevations, therefore they would not lead to an undue overlooking or overbearing impact on residential amenity.

7.8 Other issues

7.8.1 Levels - A condition has already been attached to the outline planning permission (condition 13) which requires the submission of slab level details before commencement of development.

7.8.2 Refuse and Recycling Storage - A plan was submitted with the previously approved application showing the provision of a refuse collection area within the front garden of Plot 3. Such a collection area would be positioned closer to the highway and could be also used for Plots 4 and 5.

7.8.3 Withdrawal of Permitted Development Rights - Given the distance between the proposed dwellings and the nearest residential properties there is no need to remove the permitted development rights.

7.8.4 Site Waste Management Plan - A condition has been attached to the outline planning permission (condition 20) which requires the submission of a Site Waste Management Plan before commencement of development.

7.8.5 Sustainable Construction and Energy Efficiency - 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. Conditions have been attached to the outline planning permission (conditions 15, 16 and 17) and these would ensure that a scheme is submitted which would satisfy the requirements of Policy 14.

8 Recommendation

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

Conditions/Reasons -

1. Notwithstanding the submitted details and prior to commencement of the development hereby permitted, details and a sample of the external roofing and facing material to be used for the construction of the dwelling 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.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following plans: OS Location Plan - 4915-L01A, Proposed Site Plan - 4915-P01, Plans and Elevations - 4915-P02, Tree Survey and Protection Plan - BG/MH/1 received by the Local Planning Authority on 11/02/2013, 14/02/2013 and 20/02/2013.

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

3. 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), the garage shall be retained and shall not be converted to living accommodation without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety by ensuring the retention of adequate off-street parking facilities commensurate with the size of the dwelling.

4. 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

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

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

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

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

Informatives

1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a positive and proactive way in accordance with paragraphs 186 and 187 of the NPPF. Regard has been had to the 12 core planning principles in the NPPF and the more specific policies. In addition, the Development Plan and other material considerations have been taken into account as required by Section 54a of the Town and Country Planning Act 1990. The specific policies relevant to this decision are: the National Planning Policy Framework (NPPF); Policies 1, 2, 3, 28, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 5, 9, 10, 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Policies 1, 2, 6, 23 of the Rural North, Oundle and Thrapston Plan 2011; Saved Policy EN20 of the East Northamptonshire Local Plan 1996; 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 are the visual impact, impact on neighbouring properties and highways matters.

The development accords with the development plan and thus it satisfies the NPPF for the reasons set out below:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national planning policy framework. Paragraph 17 advises that planning should proactively drive and support economic development to deliver the homes that the country needs.

2. The proposed layout, scale, appearance and landscaping proposals are acceptable and the proposal would not harm visual amenity or the character and appearance of the area.

3. The proposal would not have any significant access issues or an unacceptable impact on the local highway.

4. Sufficient parking would be provided for the development.

5. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.

6. The proposal would meet the sustainable construction and energy efficiency standards.

7. Waste and recycling storage can be reasonably provided for the dwellings.

In relation to this application, it was considered and the process managed in accordance with Paragraphs 186 and 187 of the NPPF. The application, as first submitted, was adequate to describe the proposal and was deemed to be acceptable. As such no negotiations or changes were necessary.

2. The applicant's attention is drawn to the requirements of the pre-commencement conditions attached to the outline planning permission 11/01571/RWL.

Committee Report

Committee Date : 10 April 2013

Printed: 26 March 2013

Case Officer **Mr Daniel Ray**

13/00240/VAR

Date received	Date valid	Overall Expiry	Ward	Parish
11 February 2013	14 February 2013		Thrapston Market	

Thrapston

Applicant **Mrs L Hyde**

Location East Northamptonshire Council Cedar Drive Thrapston Northamptonshire NN14 4LZ

Proposal **Variation of Condition 2 (Opening times) of Application 12/01028/FUL : 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 dated 10.09.12. Variation of Condition 2 to increase opening times from 9.00am to 7.00am Opening time to be varied to 7.00 am Monday to Friday**

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 the proposed variation of condition 2 is accepted and that a new planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes the variation of condition 2 of EN/12/01028/FUL to extend the opening hours of the temporary gym on Mondays to Fridays from 09.00 - 07.00 hours.

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 is accessed via the first doorway off the pedestrian driveway that leads up to the main reception. Gym users who travel to the site by car use East Northamptonshire Council's car park which is to the rear (east) of the 'Red Brick' building.

3.3 The council building is a listed building.

4 Policy Considerations

4.1 National Planning Policy Framework

4.2 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. The Secretary of State made the Order to revoke the Regional Strategy for East Midlands on 14th March 2013. This Order shall come into force on 12th April 2013, meaning that the Regional Strategy for the East Midlands shall be revoked from 12th April 2013.

Policy 1 - Regional Core Objectives

Policy 41 - Regional Priorities for Culture, Sport and Recreation

4.3 North Northamptonshire Core Spatial Strategy

Policy 13 - General Sustainable Development Principles

5 Relevant Planning History

5.1 EN/12/01028/FUL - "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" - PERMITTED - NB: despite the time period specified description of development this consent allows the gym to be used up until 31/08/2013

6 Consultations and Representations

6.1 Thrapston Town Council - No objection

6.2 ENC Environmental Health - No objection was raised by the Senior Environmental Protection Officer after assessing the acoustic report that was submitted in support of the earlier application (12/01028/FUL). It was noted that background noise levels would not be significantly different between the hours of 07.00 - 09.00 hours. "Therefore it is unlikely there would be any significant change to the rating level and as such noise should not impact on the nearest sensitive receptor."

6.3 Neighbours - None received

7. Evaluation

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

7.2 Principle of development and material planning considerations

7.2.1 The principle of the temporary gym has been established by the original planning consent EN/12/01028/FUL. The application seeks to change Condition 2 (opening times) only and does not impact upon the principle of the 'Red Brick' building's use as a temporary gym. The only material planning consideration that this application may impact upon is the effect of noise on the nearest sensitive receptor outside the existing permitted opening hours, this is addressed below.

7.2.2 The impact on highways, parking, access and the listed building would remain as previously addressed in EN/12/01028/FUL and is therefore acceptable.

7.3 Noise impact

7.3.1 The application seeks to vary Condition 2 of EN/12/01028/FUL to extend the opening times of the gym on Mondays to Fridays from 09.00 - 21.00 hours to 07.00 - 21.00 hours. The Senior Environmental Protection Officer assessed that the background noise levels would not be significantly different between the hours of 07.00 - 09.00 hours as per the acoustic report submitted with the original application. As such there is unlikely to be any significant change to the rating level and any additional noise generated from gym users between 07.00 - 09.00 hours is unlikely to impact upon the nearest sensitive receptor. On this basis, the variation in condition to extend the opening hours from 09.00 - 21.00 hours to 07.00 - 21.00 hours Monday to Fridays would be acceptable.

7.3.2 Opening hours on Bank Holidays and weekends would still 09.00 - 17.00 as per the original planning permission.

7.4 Other issues

7.4.1 This application for the variation of Condition 2 of EN/12/01028/FUL would result in a new planning permission and therefore it is necessary to impose all the conditions from the previous planning permission.

8 Recommendation

8.1 That the proposed variation of condition 2 is accepted and that a new planning permission be GRANTED subject to 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 07.00 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 reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187. Regard has been had to the 12 core planning principles in the NPPF and the more specific policies. In addition, the Development Plan and other material considerations have been taken into account as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The relevant specific policies identified were the National Planning Policy Framework, East Midlands Regional Plan policies 1 and 41; North Northamptonshire Core Spatial Strategy 2008 policy 13.

The development accords with the development plan and thus satisfies the NPPF for the reasons set out below.

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.

The proposed Variation of Condition 2 of EN/12/01028/FUL would not significantly impact upon nearby noise sensitive areas.

No additional communication with the applicant or revisions to the scheme were necessary with the application as the proposal has been deemed acceptable as per the submitted details.

Committee Report

Committee Date : 10 April 2013

Printed: 27 March 2013

Case Officer **Carolyn Tait**

13/00298/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
21 February 2013	25 February 2013		Rushden	Pemberton

Applicant **Mr S Hajduk**

Agent **Mr Jon Sidey**

Location 62 Highfield Road Rushden Northamptonshire NN10 9QJ

Proposal **Residential Development of 2no. two-bedroom dwellings**

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

1 Summary of Recommendation

1.1 That permission be granted subject to conditions.

2 The Proposal

2.1 The application proposes the erection of two semi-detached dwellings. Each dwelling would accommodate two bedrooms, an open plan lounge and kitchen, a bathroom and a hall. One of the properties would also accommodate a downstairs wc.

2.2 No off street parking provision is proposed.

3 The Site and Surroundings

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

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

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

4 Policy Considerations

4.1 National Planning Policy 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 RSSs is a material consideration which should be taken into account when determining a planning application. The Secretary of State made the Order to revoke the Regional Strategy for East Midlands on 14th March 2013. This Order shall come into force on 12th April 2013, meaning that the Regional Strategy for the East Midlands shall be revoked from 12th April 2013.

4.3 North Northamptonshire Core Spatial Strategy

Policy 1 - Strengthening the Network of Settlements

Policy 7 - Delivering Housing

Policy 9 - Distribution and Location of Development

Policy 10 - Distribution of Housing

Policy 13 General Sustainable Development Principles

Policy 14 - Energy Efficiency and Sustainable Construction

4.4 Other documents

Parking SPG

Local Highway Authority Standing Advice for Local Planning Authorities

5 Relevant Planning History

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

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

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

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

5.5 09/01457/FUL Residential development of two semi-detached houses. WITHDRAWN.

5.6 09/01719/FUL Pair of semi-detached dwellings with private amenity space, a shared allotment area and off-street parking provision. REFUSED. This application was refused because of its back to back form and layout and relationship with associated amenity space, unacceptable form and substandard residential accommodation.

5.7 10/01949/RWL Replacement of extant planning permission 07/02186/OUT Outline application for residential development (all matters reserved) comprising of one detached dwelling. PERMITTED.

5.8 11/00424/OUT Outline: Residential development of three terraced two bedroom dwellings (some matters reserved except access and layout). REFUSED. This application was refused because the dwellings would have been out of keeping with the prevailing built form as they did not front the highway and would have created an unacceptable level of overlooking to neighbouring amenity.

5.9 The applicant and his agent were advised in July 2011 that the impact on the character of the area had been a recurring issue and that the advice of the Local Planning Authority had been consistent on this matter. It was suggested that given the history of the site, the only options available for consideration were:

Appeal the recently refused application, EN/11/00424/OUT.

Re-submit previously refused application reference EN/08/02181/FUL and then appeal against the local planning authority's decision. This was based on it being likely that the application would be refused.

Commence development for the single dwelling that has permission, as this is still an extant permission.

Submit an application for two flats, as the local planning authority have given positive pre-application advice regarding this proposal.

Following this advise the following application was submitted:

5.10 11/01964/OUT Residential development of 3 no terraced two bedroom dwellings. REFUSED. This application was refused because the siting of the dwellings would have been out of keeping with the prevailing built form and would have been contrary to the NPPF and policy 13 of the North Northamptonshire Core Spatial Strategy. The applicant appealed the decision and the appeal was dismissed. The Inspector described the prevailing built character of the surrounding area as terraced and semi-detached dwellings with long back gardens facing residential roads. He stated that this adds to the distinct openness of the area. Even with established boundaries between gardens, he considered that the openness on both sides of the footpath connecting Tennyson Road to Highfield Road was evident and that it was fundamental to the setting which set the context for determining the appeal. The fact that the dwellings were set back into the plot meant that they did not sit in line with the properties fronting Highfield Road in an east to west direction.

5.11 Following the dismissed appeal, the applicant had discussions with the Head of Planning Services and Officers to try and establish a way to accommodate two dwellings on the site. The applicant has consistently been advised by Officers that a single dwelling would be the most appropriate form of development on the site, but should he insist on two dwellings, it would be better to design them to appear as a single dwelling fronting Highfield Road with a rear extension.

6 Consultations and Representations

At the time of writing this report the deadline for consultation responses had not expired. Therefore any additional comments will be reported on the update sheet.

6.1 Neighbours: No comments received, any comments will be reported on the update sheet.

6.2 Town Council: No comments received. Any comments will be reported on the update sheet.

6.3 Local Highway Authority: Comments can be summarised as:

The local planning authority should satisfy themselves regarding off-street parking to serve the current user and the additional occupiers of the new dwelling should permission be granted.

Issues regarding where the existing off-street user will park in the future should also be addressed.

To ensure that highway safety is maintained, the highway standards and conditions as set out in the Local Highway Authority Standing Advice shall be applied to this application.

6.4 Ramblers Association: No comments received. Any comments will be reported on the update sheet.

6.5 Site notice posted:12 March 2013 on a lamp post to the front of the site.

7 Evaluation

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

7.2 Principle of development

7.2.1 The proposed dwellings would be located on an area of vacant land that was once a garage site. These garages were demolished some time ago and the site is therefore classed as garden land because it is included within the curtilage. However, the site is located within a built up area of Rushden with access to local services and a range of methods of transport, such as bus. Therefore the principle of development is considered acceptable subject to all other material considerations being satisfactorily addressed.

7.3 Visual impact

7.3.1 The impact on the character of the built form has been a consistent reason for refusing previous applications on this site. This was also the reason for an Inspector dismissing a recent appeal. This current proposal has been put forward to address the previous reasons for refusal.

7.3.2 The proposed dwellings would be arranged in a tandem layout, with the first fronting Highfield Road, following the existing built form. Whilst it would extend some way back into the site, the second dwelling would appear as a large side/rear extension to a detached dwelling. In having the appearance of an extension, the second dwelling would have a lower roof and be broken down into two storey and single storey elements, appearing subservient to the main part of the building.

7.3.3 The issue of character in this case is very finely balanced. The Inspector stated in his decision that "the prevailing character of the surrounding area is terraced and semi-detached dwellings with long back gardens facing residential roads. This contributes to the distinctive openness of the area. Even with established boundaries between gardens, the openness on both sides of the footpath connecting Tennyson Road to Highfield Road is evident, and fundamental to the setting which sets the context for determining the appeal". It must be highlighted that these comments were made in relation to dwellings sited to the rear of the plot.

7.3.4 In the current proposal, the two dwellings can be read as one building. The proposed building would extend into the site by a distance of approximately 17 metres, of which 13.5 metres would be two storey in height. This would alter the open character of the entrance to the adjacent pocket park. However, the proposed two storey 'extension' element which is in fact dwelling 2, would only extend a distance of approximately 6 metres and it is this distance that needs to be looked at when considering whether or not there would be a significant enough impact on the openness of the pocket park to which the Inspector refers. On balance, it is considered that the harm caused by an additional 6 metres would not be significant enough to warrant the refusal of the application on these grounds. In addition there is a habitable room window, albeit serving a second bedroom, to the first floor, which would overlook the park. A condition is recommended for boundary screening details to be agreed, this could ensure that boundary screening to the east of the application site is of an open nature, such as railing or trellis, to ensure that as much of the openness of this area is retained as possible.

7.3.5 The design of the proposed dwellings would reflect those in the surrounding area. For example the proposal includes a hipped roof, matching fenestration, quoin details and front porches. A condition is recommended for materials to be agreed prior to the commencement of development to ensure that they match those of nearby properties.

7.3.6 Officers have concerns regarding the internal layout and the impact that this would have on potential future occupiers. These include north facing living room windows, no windows to the kitchen of the second dwelling and no first floor bathroom within the second dwelling. However, the dwellings would each have sufficient private amenity space and would have access to Highfield Road to wheel bins out for waste collection vehicles. On balance, Officers are of the opinion that whilst the internal layout is not ideal, it would not be sufficiently detrimental to any future occupiers and would not warrant a refusal of planning permission in this instance given the sites location in an urban environment and would make the best use of the land.

7.3.7 Overall, the proposal is considered to be visually acceptable and has addressed the local planning authority's and the Inspector's previous reasons for refusal. The proposal would therefore not result in a detrimental visual impact on the character and appearance of the street scene or the surrounding area.

7.4 Impact on neighbouring amenity

7.4.1 The nearest properties to the proposal are No's 25 and 27 Tennyson Road and No 62 Highfield Road. No's 25 and 27 Tennyson Road are located to the rear (north) of the proposal and would be located approximately 40 metres away at the nearest point. Therefore the proposal would not result in any detrimental harm to the occupiers of these properties by reasons of overlooking, overshadowing or overbearing impact.

7.4.2 No.62 Highfield Road is located approximately one metre away from the proposal at the nearest point and would have a side to side relationship with it. The proposal would extend approximately 9.5 metres to the rear beyond the original rear elevation of No.62. This could have the potential to result in an overbearing impact and overshadowing on the occupiers of this property. However, a revised plan was submitted by the agent to demonstrate that the two storey element of the second proposed property would not fall within a 45 degree angle when taken from the central point of the window located in the rear elevation of this neighbouring property. The proposal would therefore not result in any undue overshadowing or have an overbearing impact. There are no windows proposed in the western elevation of the two dwellings and as such no overlooking would occur to the occupiers of this neighbouring property.

7.4.3 A bedroom window is proposed to the first floor east elevation. However, this window would be located approximately 13 metres away from the property at No.60 Highfield Road and would not therefore cause any undue overlooking to this neighbouring property. Whilst views of the garden of No.60 may be possible from the bedroom window, there is boundary screening located along the western boundary of No.60 and this would prevent any undue overlooking of their rear amenity space.

7.5 Impact on highway safety

7.5.1 The Local Highway Authority has stated that the local planning authority should satisfy themselves regarding parking, as no off street parking is proposed. Highfield Road is typically associated with on street parking and very few dwellings in the surrounding area have their own on site off street parking given the limited space to the fronts of houses. Originally these houses had access to various garage blocks that are located around the local area. However, in this case the garage blocks were demolished some time ago. Whilst on street parking is not the local planning authority's preferred method for parking vehicles, in this instance it would ensure that the character of the development remains in keeping with the surrounding properties. Should off street parking be provided then the dwelling would have to be set back and that would result in a development which would be out of keeping with the surrounding area.

7.5.2 It is considered that the additional vehicles associated with two dwellings would not result in a detrimental increase in competition for on street parking and therefore would not result in any undue harm to highway safety. Overall, Officers are satisfied with vehicles parking on the street in this instance.

8 Other issues

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

8.2 Access for Disabled - The proposed dwellings would not be subject to any public access and therefore do not raise any concerns.

9 Recommendation

9.1 That permission be GRANTED subject to the following conditions:

Conditions/Reasons -

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

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

2. Notwithstanding the submitted information, prior to the commencement of development, details and samples of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason: In the interest of visual amenity.

3. Prior to the commencement of development, details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development and adjoining sites shall have been submitted to and agreed in writing by the local planning authority. All works shall be carried out and retained in accordance with the approved details.

Reason: To ensure the precise height of the development can be considered in relation to adjoining dwellings.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking or re-enacting that Order), no additional windows other than those shown on the plans hereby approved shall be placed in the first floor east and west elevations of the dwellings hereby permitted.

Reason: To protect the amenities of the adjoining properties.

5. Notwithstanding the submitted details, prior to the commencement of development, details of the location, height, design and materials of all screens, walls and fences shall be submitted to and approved in writing by the local planning authority and all such works shall be erected concurrently with the erection of the development hereby permitted. Such approved details shall be erected and thereafter retained in perpetuity.

Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:

i) The erection of free standing curtilage building or structures including car ports,

garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);

ii) The erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);

iii) alterations including the installation of replacement or additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);

iv) The erection of any walls, fences or other means of enclosure to all boundaries of the site (as detailed in Schedule 2, Part 2, Class A).

Reason: To ensure that the local planning authority retains control over the future extension and alterations of the development, in the interests of visual amenity and in the interests of residential amenity.

7. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 22 March 2013, drawing number: 08-134-21A, 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 reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187. Regard has been had to the 12 core planning principles in the NPPF and the more specific policies. In addition, the Development Plan and other material considerations have been taken into account as required by Section 54a of the Town and Country Planning Act 1990. The relevant specific policies identified were the National Planning Policy Framework, policies 2, 3 and 13b of the East Midlands Regional Plan, policies 1, 7, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy, Parking SPG and Local Highway Standing Advice for Local Planning Authorities.

The development accords with the development plan and thus satisfies the NPPF for the reasons set out below.

The site is located within a residential area in a built up area of Rushden and therefore the principle of development is acceptable.

The proposal would not result in a detrimental visual impact on the character and appearance of the surrounding area.

The proposal would not result in any undue harm to the occupiers of neighbouring properties subject to the imposition of relevant conditions to prevent any windows being inserted in the future.

The proposal would result in additional on street parking, however this would need lead to a detrimental increase in the competition for on street parking and as such would not result in any detrimental impact on highway safety.

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

Committee Report

Committee Date : 10 April 2013

Printed: 26 March 2013

Case Officer **Carolyn Tait**

13/00315/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
22 February 2013	22 February 2013		Rushden Hayden	Rushden

Applicant **Mrs S Hart**

Agent **Mr John Bradshaw**

Location 127 Queen Street Rushden Northamptonshire NN10 0AY

Proposal **Conversion of existing house into upper and lower flats, removal of double garage, construction of a matching two storey unit with access archway through to rear parking areas and an access stairwell to a first floor flat (Re-submission of application 12/01136/FUL)**

This application is brought before Development Control Committee because Rushden Town Council has verbally confirmed that they would be objecting to the application, although at the time of writing this report no written comments had been received.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes the conversion and extension of an existing house to form three flats. This would include the removal of an existing double garage, a two storey side extension, the creation of a rear parking court and internal alterations.

2.2 Three parking spaces are proposed.

2.3 Flat 1 would accommodate one bedroom, a lounge/dining room, a kitchen and a bathroom. Access would be from Queen Street.

2.4 Flat 2 would accommodate two bedrooms, a lounge/dining area, a bathroom and a kitchen. Access would be from Queen Street.

2.5 Flat 3 would accommodate one bedroom, an open plan lounge/dining room/kitchen and an en-suite. Access would be from Queen Street.

3 The Site and Surroundings

3.1 The application site accommodates a two storey semi-detached property. It has an attached double garage which is not integrated with the main dwelling. The existing dwelling accommodates a lounge, dining room, a kitchen, a bathroom, four bedrooms and a shower room. It is constructed from red brick under a grey tiled roof.

3.2 There is front and rear private amenity space.

3.3 The property is surrounded by other residential properties which differ in their character and appearance. However, many of the properties along Queen Street are Victorian and some infill development has taken place in more recent times.

4 Policy Considerations

4.1 National Planning Policy Framework

4.2 East Midlands Regional Plan

Policy 2 - Promoting Better Design

Policy 3 - Distribution of 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 RSSs is a material consideration which should be taken into account when determining a planning application. The Secretary of State made the Order to revoke the Regional Strategy for East Midlands on 14th March 2013. This Order shall come into force on 12th April 2013, meaning that the Regional Strategy for the East Midlands shall be revoked from 12th April 2013.

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

Domestic Waste Storage and Collection SPD

Residential Extensions and Alterations Design Guide

5 Relevant Planning History

5.1 12/01136/FUL Proposed alterations to form two flat units, plus removal of adjoining double garage to be replaced with a two storey unit containing upper and lower flats and a bed sit single storey extension to replace an outbuilding. In total five flats were proposed. This application was refused for four reasons. These were:

The proposal would have resulted in a poor standard of living for any future occupiers of the proposed flats because of the views from windows and the lack of outdoor amenity space.

The applicant failed to demonstrate that the proposal would not have resulted in a detrimental impact on highway safety because the access details were not satisfactory. In addition it was not demonstrated that it would be possible for emergency vehicles to gain access to the site.

There were no opportunities for waste collection from flats 4 and 5 which would have resulted in a detrimental impact on surrounding amenity by reason of odour and uncollected waste.

The proposed two storey extension element would not have been subservient to the main building and would not have reflected the character of it and therefore would have resulted in a detrimental visual impact.

This current application has been submitted to try and overcome these previous reasons for refusal.

6 Consultations and Representations

The expiry date for the receipt of consultations is 2 April 2013 and therefore any further comments will be reported on the update sheet.

6.1 Neighbours: No comments received at the time of writing this report. Any comments will be reported on the update sheet.

6.2 Town Council: No comments received at the time of writing this report. Any comments will be reported on the update sheet.

6.3 Local Highway Authority: No comments received at the time of writing this report. Any comments will be reported on the update sheet.

6.4 Environmental Protection Officer: No comments received at the time of writing this report. Any comments will be reported on the update sheet.

6.5 Waste Management Officer: No comments received at the time of writing this report. Any comments will be reported on the update sheet.

6.6 Housing Strategy Manager: Comments can be summarised as:

- o There is an overwhelming need for smaller units across the district. This is not specifically for flats but for smaller one and two bed units.

6.7 Site notice posted: 12 March 2013 on a lamp post to the front of the site.

7 Evaluation

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

7.2 Principle of development

7.2.1 The site is located within the town of Rushden which is served by a large number of services. The site is also within walking distance of the High Street where there is access to a number of shops, public houses and food outlets. The proposal would convert an existing dwelling and would therefore be located on previously developed land.

7.2.2 The proposal would be for three smaller units and would comply with the need identified in the Strategic Housing Market Assessment. The SHMA identifies that there is a need for one and two bedroom dwellings across all tenures in both the short and long term up to 2031. Only a small proportion of this need has been provided so far and therefore it is not justified to recommend refusal of this application on the grounds that there are too many flats in Rushden.

7.2.3 The principle of development on this site is acceptable and would comply in general with relevant planning policy, subject to all other material considerations being satisfactorily addressed.

7.3 Living conditions

7.3.1 The previous application was refused because of the impact that it would have had on the living conditions for future occupiers. In summary it was found that:

- The occupiers of flat 2 would not have had any access to rear amenity space;

- Bedroom 2 of Flat 2 would have looked directly onto a blank elevation and therefore would have had a poor outlook;

- The kitchen window of Flat 1 would have looked directly on to a blank elevation and

would have had a poor outlook;

The occupiers of Flats 4 and 5 would have only had access off Albert Road, which is unadopted, has an uneven surface and is not overlooked.

7.3.2 All proposed flats would now have primary access to Queen Street and access to the rear parking area and amenity space. Access to the flats would not need to be made via Albert Road. Although the rear amenity space is limited, it allows for waste storage and for drying of clothes.

7.3.3 All rooms in all flats now have a window and do not overlook a blank elevation, therefore the outlook for occupiers would not be compromised as was the case with the previous application.

7.3.4 Overall, it is considered that the proposed flats would not result in a detrimental impact on any future occupiers.

7.4 Visual impact

7.4.1 The previous application was refused because of the impact that it would have had on the character and appearance of the host dwelling, street scene and surrounding area. In summary it was considered that:

The proposed two storey extension was not subservient to the host dwelling;

The ratio of wall to fenestration on the two storey extension did not reflect that of the host dwelling;

The proposed two storey extension would not have reflected the symmetry of the host dwelling.

7.4.2 The current application has addressed these previous issues and the proposed two storey extension is now subservient to the main dwelling. It also reflects the symmetry of the host dwelling, other than an undercroft instead of a bay window. The proposed two storey extension would be more in keeping with the original property than the existing garage, which is out of character with the Victorian dwelling to which it is attached.

7.4.3 Overall, it is considered that the design of the proposed extension to accommodate one flat is acceptable and would be in accordance with the Council's Residential Extensions and Alterations Design Guide. It would not detract from the character and appearance of the street scene or the wider area.

7.5 Impact on neighbouring amenity

7.5.1 The nearest neighbouring properties to the proposal are No's 105 and 129 Queen Street. No's 120, 122 and 124 are located opposite the proposal to the south east. These would have a front to front relationship with the proposed development and this is a common feature of Victorian terraced streets. This does not therefore raise any concerns.

7.5.2 No.105 Queen Street is located to the south west of the site and the proposed two storey side extension would adjoin this neighbouring property (with its flat roofed garage). The side elevation of this property accommodates a first floor window which the proposal would be located approximately 2.5 metres away from. It appears that this first floor window would serve a landing or act as a secondary window and therefore it is considered that no undue harm would be caused to this neighbouring property by overlooking, overshadowing or overbearing impact.

7.5.3 There would be no changes to the existing property along the boundary with No.129 Queen Street and as such no undue harm would be caused to this property by overlooking, overshadowing or overbearing impact.

7.6 Impact on highway safety/parking

7.6.1 The Local Highway Authority has not yet commented on this application. However their comments will be reported on the update sheet. Verbal communication has taken place with the Local Highway Authority Officer who has confirmed that the proposed access should be a minimum of 4.5 metres in width to allow vehicles to pass one another. He has advised that the pedestrian visibility splay on the west side of the access can be reduced given that vehicles exiting the site will be in the left lane which is located to the east.

7.6.2 The previous application was refused on highway grounds these can be summarised as:

The drawings did not identify how the rear parking spaces would be accessed.
No details of pedestrian visibility splays were provided.
The number of parking spaces was not identified.

7.6.3 Concern was raised during the determination of the previous application that emergency vehicles could not gain access to the site. This formed part of the reason for refusal. It is now considered that all three flats proposed could be access by the emergency services in the same way as existing properties fronting Queen Street, and this therefore does not raise any concerns.

7.6.4 The submitted drawings clearly identify that three parking spaces are proposed. These spaces measure 2.4 metres by 4.8 metres and have sufficient turning space behind them. Therefore a vehicle is able to enter and exit the site in a forward gear via Queen Street. This number of spaces is acceptable given the sites proximity to the town centre and would comply with guidance contained in the Parking SPG which specifies that a maximum of two parking spaces should be provided.

7.6.5 There is sufficient space for pedestrian visibility splays to be provided either side of the access and this does not raise any concerns.

7.7 Waste

7.7.1 At the time of writing this report no comments were received from the Waste Management Officer. A reason for refusing the previous application was that waste vehicles would not have been able to collect waste from Albert Street and two of the flats did not have access to Queen Street to leave their waste ready for collection.

7.7.2 The current application shows that waste from all of the proposed properties could be left adjacent to the highway on Queen Street and could be collected by the Council's waste collection vehicles. It is therefore considered that the revised proposal is acceptable. However, any comments from the Council's Waste Management Officer will be reported on the update sheet.

8 Other issues

8.1 Northamptonshire Police requested lighting details and secure doors and windows on the previous application. Therefore, conditions are recommended to ensure that the rear car park is adequately lit but so that it does not cause harm to neighbouring properties and a condition is recommended for details of how the ground floor doors and windows will be secured.

8.2 Access for Disabled - The proposed dwellings would not be subject to any public access and therefore do not raise any concerns.

9 Recommendation

9.1 That permission be GRANTED subject to the following conditions:

Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the submitted information, prior to the commencement of development, full details and samples of all external materials 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: In the interests of visual amenity.
3. Notwithstanding the submitted information, no gates, barrier or means of enclosure shall be erected within 5.5 metres of the highway boundary. Any such feature erected beyond that distance should be hung to open inwards away from the highway.
Reason: In the interests of highway safety.
4. 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.
5. Prior to the first use or occupation of the development hereby permitted the means of vehicular access 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.
6. Prior to the first use or occupation, the proposed vehicular access, parking and turning facilities shall not be provided other than in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.
Reason: In the interests of highway safety.
7. The vehicular access gradient from the highway boundary shall not exceed 1 in 15.
Reason: In the interests of highway safety.
8. Prior to the first use or occupation of the development hereby permitted, a pedestrian visibility splay of at least 2 metres by 2 metres shall be provided on the east side of the vehicular access shall be provided, and a pedestrian visibility splay of at least 1.2 metres by 2 metres shall be provided on the west side of the vehicular access. These measurements are taken from and along the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.6 metres above access/footway level.
Reason: In the interests of highway safety.
9. Prior to the first use or occupation of the development hereby permitted, the means of access shall be a minimum width of 4.5 metres.
Reason: In the interests of highway safety.
10. Prior to the commencement of the development hereby permitted, details to show the relationship of the solar panels with the roof slope of the dwellings, including section details, shall have been submitted to and approved in writing by the Local Planning Authority. The solar panels shall thereafter be installed in accordance with the details so approved.
Reason: To achieve a satisfactory appearance for the development.

11. Prior to the commencement of development, a scheme for cycle storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to occupation of the first dwelling and shall thereafter be retained in perpetuity.
Reason: In the interests of security, the convenience of cyclists at the premises and to encourage sustainable forms of transport.
12. Prior to the commencement of development, details of external lighting to the rear car park, 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, implemented prior to the first occupation, and retained in perpetuity.
Reason: In order to ensure adequate safety and security on site.
13. Prior to the commencement of development, a scheme detailing the security standards to be incorporated within all ground floor openings associated with the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with these details prior to first occupation and retained in perpetuity.
Reason: In the interests of crime prevention.
14. Notwithstanding the submitted information, prior to the commencement of development, full details of the external bin storage area 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 prior the occupation of the first dwelling and shall thereafter be retained in perpetuity.
Reason: In the interests of visual amenity and crime prevention.
15. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the local planning authority on 22 February 2013 and 21 March 2013, drawing numbers: 02 Existing elevations and 03A Site plan, block plan, existing plans and proposed plans and elevations, unless otherwise agreed in writing by the local planning authority.
Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.
16. Notwithstanding the submitted details, prior to the commencement of development, details of all surfacing for the vehicular access, parking spaces and turning spaces shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the submitted details and retained in perpetuity.
Reason: In the interests of visual amenity, highway safety and in the interests of residential amenity.

Informatives

1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187. Regard has been had to the 12 core planning principles in the NPPF and the more specific policies. In addition, the Development Plan and other material considerations have been taken into account as required by Section 54a of the Town and Country Planning Act 1990. The relevant specific policies identified were the National Planning Policy Framework, policies 2, 3 and 13b of the East Midlands Regional Plan, policies 1, 7, 9, 10, 13 and 14 of the North Northamptonshire Core Spatial Strategy, Local Highway Authority Standing Advice, Parking SPG, Residential Extensions and Alterations Design Guide and Domestic Waste Storage and Collection Supplementary

Planning Document.

The development accords with the development plan and thus satisfies the NPPF for the reasons set out below.

The principle of development is acceptable and complies with national and local planning policy.

The proposal would not result in a detrimental visual impact.

The proposal would not result in a detrimental impact on neighbouring amenity.

The proposal would not result in a detrimental impact on highway safety subject to the imposition of relevant conditions.

A condition is imposed to ensure that waste is stored securely and can be presented at the road side as necessary on the relevant day for collection.

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>