

**APPLICATIONS FOR DETERMINATION
DEVELOPMENT CONTROL COMMITTEE - 10 March 2010
INDEX OF APPLICATIONS FOR CONSIDERATION**

Applications	Location	Recom.	Page
EN/09/00935/FUL	10 Hautboy Lane, Warmington	Refuse	2
EN/10/00038/VAR	Land Off Windsor Road, Rushden	Grant	19
EN/09/01814/RWL	Ditchford Lane, Rushden	Grant	26
EN/09/01674/FUL	20 Market Road, Thrapston	Grant	35
EN/10/00076/FUL	5 Main Street, Blatherwycke	Refuse	39
EN/09/01749/FUL	33 High Street, Irthlingborough	Grant	44
EN/10/00109/LBC	15 West Street, Oundle	Refuse	53
EN/09/01947/FUL	The Wheatsheaf Coaching Inn, Main Street, Upper Benefield	Grant	57
EN/09/00936/FUL	Potting Sheds, Ashton Wold, Ashton	Refuse	65

Committee Report

Committee Date : 17 February 2010

Printed: 24 February 2010

Case Officer **Amie Baxter**

EN/09/00935/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
17 June 2009	17 June 2009	12 August 2009	Lower Nene	Warmington

Applicant **Mr J Bell - Bells Butchers**

Agent **W R Griffin Associates**

Location 10 Hautboy Lane Warmington Peterborough Northamptonshire PE8 6TQ

Proposal **Change of shop front, first floor and single storey rear extension to private living accommodation (Re-submission of 08/02146/FUL)**

The application is brought back before the Planning Committee for determination after Members resolved to defer determination until a Members site visit had been conducted. This site visit took place on Tuesday 23rd February.

1.0 Introduction

- 1.1 The application was deferred from the agenda on 27th January 2010 to allow for further consultations to be undertaken, a copy of the previous report is attached at Appendix 2.
- 1.2 The Officer's committee reports for both 17th February 2010 and 27th January 2010 are appended to this report.

2.0 Update

2.1 Further information has been received from the Agent, detailing the relocated position of the Plucking Machine and methods of noise mitigation and sound insulation to be used. This information has been examined by the Council's Environmental Health Officer who has confirmed that the details are sufficient enough to overcome the concerns surrounding noise nuisance. Therefore, it is recommended that the previous reason for refusal (shown in Officers Report to Committee on 17th February 2010) is removed. If planning permission were to be granted this matter could be controlled by a suitably worded condition requiring that the noise mitigation methods be retained and maintained in perpetuity.

2.2 In addition, the Agent has also made further written comments on the proposed development having the potential to harm the adjacent tree which is subject to a Tree Preservation Order. The Agent has stated that any ground works to strengthen the load bearing capacity of the existing building can be done above ground and in a non-invasive manner. This has been confirmed verbally by our Building Control Department. The agent has stated that as constructional designer he is satisfied with the condition previously specified and the structural integrity of the existing rear wall in the vicinity of the protected tree.

2.3 On this basis it is recommended that this reason for refusal be removed. If planning permission were to be granted this matter could be controlled by a suitably worded condition requiring details of foundations and any ground work.

2.4 The agent has also expressed considerable concern regarding the amended recommendation and the fact that the impact on the nearby listed building has only recently become evident and is now an issue. He considers that the alterations affecting the street scene re-introduce a more traditional character and form which is an improvement to the existing incongruous tiled shop frontage.

3.0 Recommendation

In refusing this application, the relevant planning guidance and policies were identified as PPS1, PPG 15, PPG 24, East Midlands Regional Plan, Policy 2 and 27 and North Northamptonshire Core Spatial Strategy 2008 Policy 13 and Warmington Village Design Statement. Having regard to these, the representations received and any other material planning considerations, the main issues were identified as the principle of the development, the impact on neighbouring amenity, the design and visual impact, the highway implications and the impact on trees, Impact on the nearby listed building and noise issues. The application is recommended for REFUSAL for the following reasons:

1 The proposed addition of a first floor to the existing single storey building, by nature of its design, scale and its relationship with the street, would have an unacceptable overbearing and dominating impact upon the streetscene to the detriment of the appearance and character of the area and the setting of a listed building. Therefore the proposed development would fall contrary to PPS1, PPG15, Policy 13-General Sustainable Development Principles of the North Northamptonshire Core Spatial Strategy, RSS8 Policy 2 and 27.

Appendix 1- Committee Report for Development Control Committee on 17th February 2010.

This application is brought before the Planning Committee due to an objection from Warmington Parish Council and at the request of the local Ward Member.

The application was deferred from the agenda on 27th January 2010 to allow for further consultations and to be undertaken. It has been noted that the application site sits near to a Grade II Listed building and therefore the Conservation Officer has been consulted and appropriated advertisement has been made. Further additional consultations include Neighbours, Warmington Parish Council, The Highways Authority, Design Officer and Conservation Officer for Trees. All consultation responses which had been received at the time of writing this report have been included here, any further responses received shall be added to the Committee update sheet. The expiry date for the Nene Valley News advertisement is 13.02.10.

1 Summary of Recommendation

1.1 That authority to REFUSE the application be delegated to the Head of Planning Services in conjunction with the Chairman and Ward Member and subject to consultee responses.

2. The Proposal

1 The application seeks approval for a first floor extension to an existing ancillary dwelling over a single storey butchers shop, known as 'Bell's Butchers'. The extension would provide additional floorspace for the existing single storey residential unit.

2 The application also involves the replacement of the existing shop front and a small single storey extension to the rear elevation of the existing bungalow.

3 The Site and Surroundings

- 3.1 The application site sits on the eastern side of Hautboy Lane and is rectangular in shape. A vehicular access sits along the western boundary of the site which leads to a parking area, accommodating approximately two cars.
- 3.2 The site currently accommodates a Butchers shop and a single dwelling which is attached to the rear of the butchers and is associated with the retail use.
- 3.3 The dwelling is currently occupied by the owner of the Butchers shop. The site is surrounded by residential units to all sides. A Grade II Listed building sits to north west of the site and is known as Number 11 Hautboy Lane.
- 3.4 The existing butchers building is of simple construction with brick elevations, a green tiled shopfront and a tiled roof. The roof is pitched for the element adjacent to Hautboy Lane and runs into a flat roof as the building extends away from the road. The pitched part of the roof is covered in slate.
- 3.5 The existing dwelling is constructed from brick and blockwork, covered with render. The roof is covered with a concrete tile.
- 3.6 An open sided canopy covers the rear element of the parking area.

4 Policy Considerations

- 1 National Planning Policy Guidance PPS1– Sustainable Development PPG3-Housing PPG15-Planning and the Historic Environment. PPG 24-Planning and Noise.
- 2 Northamptonshire County Structure Plan None relevant to this application
- 3 North Northamptonshire Core Spatial Strategy Policy 13-General Sustainable Development Principles.
- 4 Regional Spatial Strategy 8-East Midlands Policy 2-Promoting Better Design. Policy 27-Regional Priorities for the Historic Environment
- 5 East Northamptonshire District Local Plan None relevant to this application
- 6 Supplementary Planning Guidance Residential Extensions and Alterations Design Guide Warmington Village Design Statement
- 7 Rural North, Oundle and Thrapston Submission Document.

5 Relevant Planning History

5.1 EN/01/00067/FUL Permitted on 21/03/01 Conversion of Slaughter House to dwelling. Permitted giving ancillary use only with dedicated parking space within the site. EN/08/02146/FUL: First Floor extension over existing Butchers Shop and associated dwelling. Refused on the grounds that the first floor extension over the existing dwelling would severely overlook the rear elevation and garden of Number 8 Hautboy Lane and as the applicant did not fully demonstrate that the existing plucking machine could be relocated in a manner which would not result in noise disturbance.

6 Consultations and Representations

6.1 Neighbours: Objections from Numbers 8 Hautboy Lane and 29 Chapel Street on the following grounds: Number 8, Hautboy Lane:

The proposed extension would block views of the village from upper floor windows, this view has been achievable for over half a century.

The development would alter the original benefits of the property and would remove a light source which would change the quality of life for occupiers.

The private amenity space of Number 8 would be overlooked and views will be possible from Number 8 to the proposed bedroom window.

The siting of the commercial machinery has yet to be addressed-this was a previous reason for refusal.

The proposal is a vast over development of the site. Number 29 Chapel Street:

The previous planning condition from EN/01/00067/FUL has been completely ignored and should be investigated.

The internal dimensions are not large enough to be useable and are not of an

acceptable height.

Parking on the site is inadequate. The intensification of the site will only add to existing parking problems on Hautboy Lane. This is a danger to highway safety.

Further intensification of the access will harm highway safety further.

The proposal does not satisfy the criteria set by Policy 13 of the NNCSS and constitutes development with an over dominant form. This will harm a materially important view as stated in The Warmington Village Statement.

Render is not an acceptable material when all other local buildings are stone.

The existing birch tree is in good health and is an important landscape feature. The tree could also become a risk to safety if 45% of the tree roots are cut. There is no tree report.

The proposed rooflights in the northern elevation would overlook the rear garden and windows of Number 29, which would result in loss of privacy,

The development would overshadow the rear garden and windows of Number 29.

The previous application was refused on the absence of adequate information detailing the potential noise impact from the plucking machine. No information has been submitted this time. The machine is very loud and causes considerable harm to the aural amenity of neighbouring occupiers.

- The dwelling mentioned is not a dwelling in its own right but is a dwelling associated with the Butchers Shop. An additional letter from the Occupiers of Number 29 was received on 03.01.10 and requests that a Construction Management Plan is submitted as part of the application, to ensure that no soil excavations or foundation improvements are undertaken, as stated in Paragraph 6.3 of the Tree Report submitted by the applicant.

Following on from this, a letter was received by the Council on 25th January 25.01.10 from a Solicitor who acts on behalf of Mr and Mrs Helstrip -the owners and occupiers of The Old Bakery, 29 Chapel Street. The main concerns highlighted within this letter are as follows:

Whether the proposed development could be erected in a way which protects the protected tree adjacent to the application site.

How the proposed development will have an impact upon the neighbouring occupiers and how any impacts could be mitigated effectively.

The letter notes that the current scheme has been modified and reduced in scale but that concerns still remain in terms of design and amenity.

Lack of information has been given about the relocation of the existing plucking machine. Given the location of the site in the centre of a residential area, it is vital that additional information is submitted to overcome the previous reason for refusal and to make an informed assessment as to whether this site is a suitable location for the type of equipment proposed. If its proposed location is considered appropriate, can any potential noise issues be mitigated effectively.

It is suggested that the applicants submit a construction management plan and structural report to set out the techniques to be employed during construction, before any approval is granted.

The letter also raises the issue of the previous planning condition which relates to creation of a parking bay within the application site and notes that, given the above comments, the application is contrary to the Development Plan and should be refused.

The Solicitor suggests, without prejudice to any decision, several conditions or changes to the previously suggested conditions which he feels should be imposed. The Solicitor suggests a condition requiring that details of the relocated plucking machine and a further condition requiring details of the proposed parking arrangements for the development. The Solicitor also suggests changes to several conditions, requesting a structural and construction report and making alterations to the proposed materials.

1 Parish Council: Objects on the grounds that the development would exacerbate existing parking problems on Hautboy Lane by increasing congestion. The application is a commercial application and as such will require a Design and Access Statement. The building work is likely to necessitate the destruction of the Silver Birch Tree. The Parish Council also notes that Condition 3 (Parking) of Planning permission EN/01/00067/FUL has not been complied with and asks that this is brought to the attention of the Enforcement Officer.

2 Environmental Health: No objection to the proposed development providing that the Plucking machine is relocated to an area within the site where adequate sound proofing is provided. A condition is recommended, if approved, to ensure that the dwelling stays within the same ownership as the Butchers to avoid any environmental issues resulting from the continuing use as a Butchers and Game dealer. A condition is also recommended requiring that the applicant demonstrates where the plucking machine is to be relocated together with the mitigation methods put in place to ensure that mitigation measures are employed to the satisfaction of the Council, to help prevent any noise nuisance.

3 Conservation Officer-Objects on the following grounds: The application building is a low order single storey building, it is assumed that the building was built circa the late nineteenth century for a commercial use. The building is a subordinate element in the street scene. Despite some more recent development on the west side of the street which is not entirely in keeping with the general village environs, the street is well preserved. I note the proximity of the application site to no. 3 Hautboy Lane, which is a statutorily listed building, built circa mid seventeenth century. The proposal is essentially to extend and remodel the building, giving it a similar form to the adjacent building which runs at right angles to the street. I am of the opinion that the design of the proposed when viewed with the neighbouring building (no. 8) will have a dominating appearance, which will appear awkward in the street scene. However, more importantly, I am concerned that the proposed development will have an overbearing impact on the listed building (No 11) when viewed from the north, thus adversely affecting the building's setting.

4 Highways Officer: No Objection-The Highway Authority is content that the allocated parking space identified on drawing No AB/W01/01a can be relocated within the curtilage of the site without undue compromise to any other party. The proposed development will not appear to create any further intensification of use to this single residential dwelling where no additional traffic is being generated by the proposed development. However the proposed plan drawing No 1430=P-03 rev B is promoting what could appear to be a individual flat accommodation, which could be separated in the future. I would therefore recommend that this be annexed to the main dwelling and conditioned accordingly.

5 Design Officer: Objects to the proposal on the following grounds:

The proposed development is likely to have a negative impact on the street scene and the nearby listed building at Number 11 Hautboy Lane. One would expect that Listed Buildings would be given visual precedence over other buildings within the streetscene as they contribute significantly to the existing character of the street.

The proposed extension would be read in conjunction with the existing dwelling at Number 8 Hautboy Lane and this would give the buildings an undesirable precedence within the streetscene, which again would have a detrimental impact on both the street and the listed building.

The proposed alterations to the shop front have not been addressed or justified within the design and access statement submitted. The proposed window is considered too large and does not appear to conform to the existing window design along Hautboy Lane. The repositioning of the access door would result in reduced legibility for visitors and would adversely affect the appearance of the shop front. The proposed materials for the shop front are considered to be acceptable as coursed rubble stonework is considered to conform well with materials in the local area.

The proposed extension would be highly visible and dominant within the streetscene. The extension would have the potential to detract from the current streetscene and have a negative impact on the setting of the listed building.

The proposed materials for the extension would not be acceptable and the use of render is not common in the area and would not therefore be supported. Render is likely to add to the prominence of the proposed extension.

6.2 Conservation Officer (Trees)-Objects on the following grounds:

I would like to raise some further comments. It has been brought to my attention that certain discrepancies still remain between the information within the submitted arboricultural report and the applicants plans. As I have outlined in my previous comments the submitted arboricultural assessment highlighted that no structural works are intended to the existing single storey walls, and that if such a situation were to arise that, a pile and raft construction would be utilised to reduce the risk to the neighbouring tree. However, the plans appear to contradict this and I do have concerns that any required structural upgrade of the wall may necessitate ground works which may potentially have a detrimental arboricultural impact. At this stage it would still appear that there is some uncertainty as to what is required for this structure and as such a risk to the tree (subject to a TPO) remains.

7 Evaluation

1 The following issues are relevant to the determination of this application: Visual Impact and Impact on the Streetscene, Neighbouring Amenity and Noise Nuisance, Impact on Trees, and Impact upon the nearby Listed Building.

2 Visual Impact and Impact on the Streetscene.

2.1 Hautboy Lane is a particularly narrow street and forms part of an important view towards the church, as defined by the Warmington Village Design Statement.

2.2 Hautboy Lane benefits from two listed buildings. One at Number 3 Hautboy Lane and the other, which is a thatched cottage, at Number 11 Hautboy Lane. Buildings along the lane range in date and size and there appears to be a varied roofscape, although generally buildings are low in height.

2.3 The application proposes a first floor extension above the existing butchers shop which would result in a structure which would closely mirror the design and proportions of Number 8, Hautboy Lane. Number 8 is the tallest and one of the largest buildings along the eastern side of Hautboy Lane and it is certainly one of the most prominent. The existing properties adjacent to the site are all fairly modest in scale and most have a ridge height which is lower than that of 8 Hautboy Lane.

2.4 Given the dominance of the existing dwelling at 8 Hautboy Lane, it would be detrimental to replicate its dominant appearance with the proposed extension. A first floor extension of this type would only increase the undesirable dominance of Number 8, Hautboy Lane and would result in the two buildings being read as one. The cumulative visual impact of the two buildings is likely to exacerbate the dominating effect over the streetscene and as a consequence, the buildings would detract from the character and humble form of the lane. Furthermore, the proposed extension would appear within close proximity to a Grade II Listed Building, where the extension being of such bulky and dominant proportions, is highly likely to have detrimental impact upon the setting of the listed building and also views along Hautboy Lane. In addition, the overall bulk of the proposed development would result in the focus being taken away from the listed buildings within the street scene, where one would expect that they were to be given visual precedence due to their positive contribution to the streetscene.

2.5 The design of the proposed shop front is considered detrimental to the character of the street scene due to the large, single casement shop window which is to be inserted within the front elevation and the relocation of the front access door. The proposed

window would not conform with the scale of windows within the surrounding properties or be of a size and design that one would expect to appear in such a building. The design of the window is particularly unsympathetic in the context of the surrounding buildings where mullions and sub-divided window openings are a notable characteristic. With specific regard to the relocation of the shop entrance door, the proposed repositioning from the front elevation to the south elevation is considered to adversely impact the visual appearance of the shop front and also limits the legibility of the building for visitors. The need for its relocation has not been addressed nor justified within the Design and Access Statement.

- 2.6 The materials proposed for the alterations to the shop front are considered to be appropriate, given the context of the building. However, only general information has been given in regard to the proposed first floor extension. Given the resultant prominence for the proposed extension it is crucial appropriate materials are used. The application particulars state that render is to be used externally at first floor level and whilst the neighbouring dwelling at Number 8 uses render, it is not a dominant characteristic of buildings in the area. The use of render is likely to add to the undesirable dominance of the proposed extension, increasing its adverse visual impact.
- 2.7 Although the application site does not sit within a Conservation Area, the area around the site has a very attractive and distinct character. PPS 1 encourages development which enhances the existing character and appearance of an area and on this occasion, the proposed development is considered to fall contrary to the relevant policy.
- 3.0 Impact on the setting of a Listed Building.
- 3.1 It is noted that the application site sits in close proximity to a Grade II Listed Building, known as Number 11, Hautboy Lane and thus, the Conservation Officer has been consulted on the proposed development and the necessary consultations and advertisements have been issued. Any further representations to the additional consultations shall be highlighted in the Committee Update sheet.
- 3.2 The Conservation Officer has raised an objection to the proposed development on the grounds that the first floor extension, when viewed in conjunction with the existing dwelling at 8 Hautboy Lane would have a dominating appearance which would appear awkward within the streetscene. This awkwardness would consequently have a detrimental and overbearing impact on the nearby listed building, particularly when viewed from the North, resulting in an adverse impact on the setting of the listed building.
- 3.3 Hautboy Lane is a well preserved area of Warmington and benefits from a distinctive character, made up of low lying, humble stone built dwellings, the exception being 8 Hautboy Lane. Reiterating the point raised above, to emphasise the height and bulk of Number 8 with the proposed development would result in physical massing and bulk which would severely detract from the character and form of the nearby listed building and its setting.
- 3.4 The proposed development would therefore fall contrary to the advice given in PPG15 and would fail to respect or preserve the setting and appearance of a listed building
- 5 Neighbouring Amenity and Noise Nuisance.
- 5.1 The proposed first floor extension would be constructed on top of the existing butchers shop and would extend for a distance of 12 metres back into the site. The existing butchers shop provides the boundary wall between the application site and the adjacent garden area serving 29 Church Street and the existing structure runs along the end of the garden. The proposed first floor extension would follow the same building line as the existing butchers shop and this would result in a two storey

structure with a height of 7 metres to the ridge, running a length of 12 metres along the end of the garden at 29, Church Street. However, a distance of 19.3 metres would exist between the rear elevation of 29 and the northern elevation of the butchers shop.

- 5.2 Therefore, it is considered that there would be a sufficient distance between each property to prevent the likelihood of overshadowing . The structure could overshadow the very end of the garden at 29 Church Street from the late morning to the late afternoon. The area which would be overshadowed is not considered to be the sole or primary area of amenity space within the plot and this area already appears to be darkened by the existing butchers shop. The proposed development would not increase overshadowing to a level which would warrant the refusal of this application and would not overshadow the habitable room windows along the rear elevation of Number 29.
- 5.3 Due to the physical distance between the subject property and 29 Church Street, the resultant height of the dwelling is also unlikely that the proposal would result in an overbearing impact. Whilst the proposed first floor extension would hold some prominence when viewed from the rear of Number 29, it is considered unlikely that this would become harmful to the enjoyment of the dwellinghouse by having an overbearing impact.
- 5.4 Due to the relationship of all other neighbouring dwellings with that of the proposed first floor extension, it is unlikely that significant additional overshadowing or overbearing impact would occur.
- 5.5 The proposal includes the insertion of a bedroom window at first floor level in the western elevation of the proposed extension. This would not lead to overlooking of the dwellings opposite the site due to the distance of approximately 30 metres between the application site and the nearest opposing dwelling. Particular attention has been given to the relationship of the application site and 6 Hautboy Lane in terms of overlooking and it is concluded that the distance between the two would be sufficient enough to prevent harm. A small rooflight is proposed within the northern roofslope which would provide light to the stairway and landing area. A condition is recommended to ensure that the velux window has a minimum sill height of 1.6 metres above first floor level in order to prevent any overlooking of 29 Church Street. There is one habitable room window within the northern elevation of Number 8 Hautboy Lane; however, no overlooking from the proposed development would occur as obscure glazing is proposed for the new dormer window in the south elevation. No overshadowing of this window would occur, given the position of the proposed extension in relation to the orientation of the sun.
- 5.6 Due to the modest scale of the proposed single storey extension, no overlooking, overbearing impact or overshadowing would occur.
- 5.7 Overall then, the proposed development is considered unlikely to harm neighbouring amenity in terms of overlooking, overshadowing and overbearing impact due to the scale of the proposed extension and given the appropriate relationship of the resultant extension with neighbouring dwellings.
- 6 Impact on Trees.
- 6.1 The neighbouring garden at 29 Church Street contains a Birch tree which is subject to a Tree Preservation Order (TPO). The TPO was issued on 28th July 2009.
- 6.2 The applicant has submitted a comprehensive arboricultural report which concludes that the development would not have an adverse impact on the health and safety of the tree. This, according to the report, would be ensured as the current proposal 'will not require any soil excavations within the theoretical root protection area of the tree, prior to, or during, the construction works. No foundation improvements will be required, no root severance will be necessary' (pg.6, 6.0.)

- 6.3 In any event, the tree does not sit within the application site but it is highlighted that the tree is not only the sole responsibility of the occupier of 29 Church Street. The applicant must ensure that the development does not result in any significant harm to the protected tree.
- 6.4 The Conservation Officer for Trees noted that the arboricultural report identifies that the proposal is not likely to harm the health of the existing tree and gives details of sympathetic methods of construction. It is stated in the report that there will be no ground foundation improvements or soil excavation and as such, the possibility of damage to the root structure is minimal.
- 6.5 However, It has more recently been brought to the Tree Officers attention that Plan Number 1403-p-04 notes that 'additional foundation measures, in the form of root block and bridging may be implemented' This appears to contradict the information given within the Arboricultural report and shows an uncertain approach. No formal details of any underground works have been submitted and therefore a significant deal of uncertainty arises as to how the applicant can erect the proposed extension whilst safeguarding the health and safety of the tree.
- 6.6 Upon examining the existing building, it appears that the existing butchers shop is of very simple construction which gives rise to concerns as to whether the existing building is capable of supporting an additional storey. Whilst it states within the Arboricultural report that no additional foundation works are required, in order to ensure the health of the tree, the applicant would need to demonstrate that the existing building is capable of accommodating an additional storey without the need for any foundation works.
- 6.7 In summary, the applicant would need to provide detailed information showing the form of foundations which are to be laid to facilitate the development or the applicant would need to firmly state that there are no foundation works to be undertaken.
- 6.8 The information submitted in its current form does not confirm exactly what works are to be undertaken, and given the proximity of the protected tree, it is considered that the applicant has not demonstrated that the proposed development would not result in detriment to the wellbeing of the protected tree adjacent to the site.
- 6.9 Details have been provided in relation to the pruning works that would be required to facilitate the development. The pruning relates to branches 1C, 2A, 2B and 2C only under this planning permission and any other pruning would need to be covered under a separate planning application or Tree Preservation Order Consent. A condition is recommended to ensure that works to the tree are carried out in accordance with the current British Standard (BS3998: 1989, Recommendations for tree work.)
- 7 Other considerations
- 7.1 Several consultation responses have noted that a previous condition was applied to the site under ref: EN/01/00067/FUL which required the applicant to provide a designated off road parking bay towards the rear of the site at the time when the existing residential unit was converted from a slaughterhouse. This parking bay has never been provided and the area for the parking bay has existed in its current form since the conversion of the bungalow. A plan showing the position of the parking bay approved as part of EN/01/00067/FUL shall be displayed at the Planning Committee meeting for clarification purposes.
- 7.2 The designated parking bay approved under EN/01/00067/FUL, is not considered to be of usable positioning or proportions and with the existing provision for 2 vehicles on site, the designated bay is not considered necessary. The current occupiers have not used the area as a parking bay and therefore it would be unreasonable to insist on its reinstatement within this application for an extension as the number of vehicles visiting or held on the site would not be likely to increase as a result of this application.

- 7.3 For further clarification since the previous Committee Report was drafted, we have undertaken an additional consultation with the Highways Authority to ascertain the likelihood of the said parking bay resulting in any detriment to the use or safety of the highway.
- 7.4 The response from the Highways Authority confirmed that the said parking bay could be relocated within the site without compromising any neighbouring occupier. In addition, as the proposed development would not result in an increase in traffic in its current form, parking provision is unlikely to become an issue. The Highways Officer noted that the proposed development should be conditioned to prevent the extended portion of the property becoming a separate unit as this may result in an increase in traffic along Hautboy Lane
- 7.5 Warmington Parish Council notes that parking is already an issue along Hautboy Lane. However, there would not be a likely increase in vehicles travelling to and from the site as a result of this proposal which relates only to an extension and shop front alteration and not the creation of a new unit. No further intensification of the site would result.
- 7.6 The issues of the previous condition and provision of a parking bay would need to be considered as a matter to be dealt with separate to this application, under the powers of enforcement. The matter has been investigated by our enforcement team and based on the comments of the Highways Officer, the lack of the said parking bay is not considered to be detrimental to the use or safety of the highway and the Officers view is that the matter would be expedient to enforcement action.
- 8 Other issues
- 8.1 Adequate private amenity space would remain to the rear of the property.
- 8.2 Crime and Disorder -this application does not raise any significant issues
- 8.3 Access for Disabled -The development would be covered by the necessary building regulations as public access is necessary. The proposed extension to the dwelling would not have any public access and does not therefore required to comply with disables access regulations.
- 8.4 Location of the Plucking Machine
- 8.4.1 The previous application was refused because of concerns regarding the need to relocate the plucking machine and the potential noise that could result.
- 8.4.2 The Councils Environmental Health Officer has met on site with the applicant to agree a suitable position for the relocation of the plucking machine. The Environmental Health Officer is satisfied that the plucking machine could be relocated internally without causing any further nuisance. However, this view is on the basis that adequate sound proofing and noise mitigation methods are used to prevent the potential for noise nuisance.
- 8.4.3 The applicant, however, has not provided plans showing where the plucking machine would be located, additional noise mitigation information and that appropriate soundproofing would be used. A proper assessment of the potential for noise nuisance cannot be undertaken. Should the applicant submit the required information, then a detailed assessment of the potential noise impact could be made and conditions could be applied to any approval. Given the level of uncertainty regarding the issue of noise and impact on residential amenity, it is recommended that the application be refused on this ground.

9 Recommendation

That authority to REFUSE the application be delegated to the Head of Planning Services in conjunction with the Chairman and War Member and subject to consultee responses.

Conditions/Reasons

1 The proposed addition of a first floor to the existing single storey building, by nature of its design, scale and its relationship with the street, would have an unacceptable overbearing and dominating impact upon the streetscene to the detriment of the appearance and character of the area and the setting of a listed building. Therefore the proposed development would fall contrary to PPS1, PPG15, Policy 13-General Sustainable Development Principles of the North Northamptonshire Core Spatial Strategy, RSS8 Policy 2 and 27.

2 The proposed development would require the relocation of the plucking machine, however, the applicant has failed to demonstrate that the relocation of the existing plucking machine would not result in any additional noise nuisance or impact on residential amenity. Furthermore, the applicant has failed to give details of any necessary noise mitigation methods which may be required as a result of the repositioning of the plucking machine, Therefore, the proposed development is considered to fall contrary to the advice given in PPG 24-Planning and Noise.

3 Through the submission of insufficient information, the applicant has failed to demonstrate that the proposed development would not have a harmful impact upon the Birch tree which sits adjacent to the site and is subject to a Tree Preservation Order, and makes an important contribution to the visual amenity of the area.

Informatives

1. The drawings to which this decision relates are as follows: Drawing No's 1430-p-01, 1430-p-02A, 1430-p-03B, 1430-p-04B and 1430-p-05A. Received by the Local Planning Authority on 17th June 2009

Appendix 2- Committee Report for Development Control Committee on 27th January 2010 (Deferred from the agenda)

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application seeks approval for a first floor extension to an existing ancillary dwelling over a single storey butchers shop, known as 'Bell's Butchers'. The extension would provide for additional floorspace for the existing single storey residential unit.

2.2 The application also involves the replacement of the existing shop front and a small single storey extension to the rear of the existing residential unit.

3 The Site and Surroundings

3.1 The application site sits on the eastern side of Hautboy Lane and is rectangular in shape. A vehicular access sits along the western boundary of the site which leads to a parking area, accommodating a maximum of two cars.

- 3.2 The site currently accommodates a Butchers shop and a single dwelling which is attached to the rear of the butchers and is associated with the retail use. The dwelling is currently occupied by the owner of the Butchers shop.
- 3.3 The site is surrounded by residential units to all sides.
- 3.4 The existing butchers building is of simple construction with brick elevations and a tiled roof. The roof is pitched for the element adjacent to Hautboy Lane and runs into a flat roof as the building extends away from the road. The pitched part of the roof is covered in slate.
- 3.5 The existing dwelling is constructed from brick and blockwork, covered with render. The roof is covered with a concrete tile.
- 3.6 An open sided canopy covers the rear element of the parking area.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1– Sustainable Development
PPG3 -Housing
- 4.2 Northamptonshire County Structure Plan
None relevant to this application
- 4.3 North Northamptonshire Core Spatial Strategy
Policy 13 -General Sustainable Development Principles.
- 4.4 Regional Spatial Strategy 8-East Midlands
Policy 2 -Promoting Better Design.
- 4.5 East Northamptonshire District Local Plan
None relevant to this application
- 4.6 Supplementary Planning Guidance Residential Extensions and Alterations Design Guide
Warmington Village Design Statement
- 4.7 Rural North, Oundle and Thrapston Submission Document.

5 Relevant Planning History

- 5.1 EN/01/00067/FUL Permitted on 21/03/01 Conversion of Slaughter House to dwelling.
Permitted giving ancillary use only with dedicated parking space within the site.
EN/08/02146/FUL: First Floor extension over existing Butchers Shop and associated dwelling. Refused on the grounds that the first floor extension over the existing dwelling would severely overlook the rear elevation and garden of Number 8 Hautboy Lane and as the applicant did not fully demonstrate that the existing plucking machine could be relocated in a manner which would not result in noise disturbance.

6 Consultations and Representations

- 6.1 Neighbours: Objections from Numbers 8 Hautboy Lane and 29 Chapel Street on the following grounds: Number 8, Hautboy Lane:
- The proposed extension would block views of the village from upper floor windows, this view has been achievable for over half a century.
 - The development would alter the original benefits of the property and would remove a light source which would change the quality of life for occupiers.
 - The private amenity space of Number 8 would be overlooked and views will be possible from Number 8 to the proposed bedroom window.
 - The siting of the commercial machinery has yet to be addressed-this was a previous

reason for refusal.

- The proposal is a vast over development of the site. Number 29 Chapel Street:
- The previous planning condition from EN/01/00067/FUL has been completely ignored and should be investigated.
- The internal dimensions are not large enough to be useable and are not of an acceptable height.
- Parking on the site is inadequate. The intensification of the site will only add to existing parking problems on Hautboy Lane. This is a danger to highway safety.
- Further intensification of the access will harm highway safety further.
- The proposal does not satisfy the criteria set by Policy 13 of the NNCSS and constitutes development with an over dominant form. This will harm a materially important view as stated in The Warmington Village Statement.
- Render is not an acceptable material when all other local buildings are stone.
- The existing birch tree is in good health and is an important landscape feature. The tree could also become a risk to safety if 45% of the tree roots are cut. There is no tree report.
- The proposed rooflights in the northern elevation would overlook the rear garden and windows of Number 29, which would result in loss of privacy,
- The development would overshadow the rear garden and windows of Number 29.
- The previous application was refused on the absence of noise impact from the plucking machine. No information has been submitted this time. The machine is very loud and causes considerable harm to the aural amenity of neighbouring occupiers.
- The dwelling mentioned is not a dwelling in its own right but is a dwelling associated with the Butchers Shop. An additional letter from the Occupiers of Number 29 was received on 03/01/10 and requests that a Construction Management Plan is submitted as part of the application, to ensure that no soil excavations or foundation improvements are undertaken, as stated in Paragraph 6.3 of the Tree Report submitted by the applicant.

6.2 Parish Council: Objects on the grounds that the development would exacerbate existing parking problems on Hautboy Lane by increasing congestion. The application is a commercial application and as such will require a Design and Access Statement. The building work is likely to necessitate the destruction of the Silver Birch Tree. The Parish Council also notes that Condition 3 (Parking) of Planning permission EN/01/00067/FUL has not been complied with and asks that this is brought to the attention of the Enforcement Officer.

6.3 Environmental Health: No objection to the proposed development providing that the Plucking machine is relocated to an area within the site where adequate sound proofing is provided. A condition is recommended to ensure that the dwelling stays within the same ownership as the Butchers to avoid any environmental issues resulting from the continuing use as a Butchers and Game dealer.

7 Evaluation

7.1 The following issues are relevant to the determination of this application: Visual Impact, Neighbouring Amenity, Impact on Trees and Other Material Considerations:

7.2 Visual Impact

7.2.1 The proposed extension would follow the proportions of the existing single storey butchers shop. The height of the resultant structure would be 7 metres which is an increase of 2.7 metres from the height of the front portion of the existing building at present. The existing flat roofed element of the butchers shop would increase by 3.7 metres.

7.2.2 The extension would result in a building similar to that of the neighbouring dwelling at 8 Hautboy lane in that its design and scale is similar and this would create a sense of symmetry within the street scene. The proposed extension would be of the same height as the dwelling at 8 Hautboy Lane but would be 0.7 metres narrower.

- 7.2.3 The proposed extension, although prominent, would not visually dominate the streetscene and would appear as a twin with Number 8. Due to its positioning and first floor nature the proposed extension would have a noticeable impact within the streetscene. However, this impact is not considered detrimental due to its design and scale, and subject to appropriate materials which can be controlled by way of condition.
- 7.2.4 The extension is proposed to be constructed from coursed rubble stone to the front elevation at ground level, with a rendered finish to all other elevations at both ground and first floor level. It is considered that the extension to the first floor would be more appropriate if it were constructed from stone, as opposed to being faced with render. A condition is recommended to ensure this.
- 7.2.5 A small dormer window and one small velux roof light are proposed to be inserted within the southern elevation which would give natural light to the proposed dressing room and bathroom, with two small velux rooflights in the northern elevation giving light to the landing area. The design of the proposed rooflights and dormer window are considered to be appropriate for the building and would not result in harm to the street scene.
- 7.2.6 To accommodate a staircase giving access to the first floor extension, a protruding element is proposed to be incorporated within the existing single storey link. The staircase would be enclosed and covered with a lead finish. A decorative brick wall is proposed to be constructed at first floor level along the northern elevation to disguise the staircase in views from the north. The staircase would not otherwise be visible from outside the application site.
- 7.2.7 The single storey extension proposed to the rear of the existing dwelling would be constructed from block-work with a buff coloured render finish and pantile roof. The extension would not be visible within the streetscene but would be visible from the rear gardens of some neighbouring dwellings. The rear extension is not considered harmful in terms of visual impact due to its single storey nature and its concealed position, subject to the use of appropriate materials which again can be controlled by condition.
- 7.2.8 The proposed alterations to the existing shop front would involve the replacement of the existing green tiled frontage with stone facing and large shop window. The stone facing could be provided to match the stone used for neighbouring buildings to ensure it compliments the existing street scene and the use of render at first floor level would allow the proposed extension to match the appearance of the dwelling at 8 Hautboy Lane. A condition is recommended to ensure that appropriate materials are used.
- 7.2.9 Overall then, the proposed first floor extension would be constructed from materials which would compliment the existing structures on site and many of the adjacent buildings. The proposed structure would not dominate the adjacent dwelling at Number 8 Hautboy Lane and in addition, would not be of a scale or proximity to any other neighbouring dwellings which would result in an oppressive impact in visual terms. The proposed alterations to the existing shop front would allow the building to appear more in-keeping with the surrounding buildings, through the use of appropriate materials and shop front design. A condition is recommended to ensure that appropriate materials are used.
- 7.3 Neighbouring amenity
- 7.3.1 The proposed first floor extension would be constructed on top of the existing butchers shop and would extend for a distance of 12 metres back into the site. The existing butchers shop provides the boundary wall between the application site and the adjacent garden area serving 29 Church Street and the existing structure runs along the end of the garden. The proposed first floor extension would follow the same building line as the existing butchers shop and this would result in a two storey

structure with a height of 7 metres to the ridge, running a length of 12 metres along the end of the garden at 29, Church Street. However, a distance of 19.3 metres would exist between the rear elevation of 29 and the northern elevation of the butchers shop. Therefore, it is considered that there would be a sufficient distance between each property to prevent the likelihood of overshadowing. The structure would slightly overshadow the very end of the garden at 29 Church Street from the late morning to the late afternoon. The area which would be overshadowed is not considered to be the sole or primary area of amenity space within the plot and this area already appears to be darkened by the existing butchers shop. The proposed development would not increase overshadowing to a level which would warrant the refusal of this application and would not overshadow the habitable room windows along the rear elevation of Number 29.

7.3.2 Due to the physical distance between the subject property and 29 Church Street, the resultant height of the dwelling is also extremely unlikely that the proposal would result in an overbearing impact. Whilst the proposed first floor extension would hold some prominence when viewed from the rear of Number 29, it is considered unlikely that this would become harmful to the enjoyment of the dwellinghouse by having an overbearing impact.

7.3.3 Due to the relationship of all other neighbouring dwellings with that of the proposed first floor extension, it is unlikely that significant additional overshadowing or overbearing impact would occur.

7.3.4 The proposal includes the insertion of a bedroom window at first floor level in the western elevation of the proposed extension. This would not lead to overlooking of the dwellings opposite the site due to the distance of approximately 30 metres between the application site and the nearest opposing dwelling. Particular attention has been given to the relationship of the application site and 6 Hautboy Lane in terms of overlooking and it is concluded that the distance between the two would be sufficient enough to prevent harm. A small rooflight is proposed within the northern roofslope which would provide light to the stairway and landing area. A condition is recommended to ensure that the velux window has a minimum sill height of 1.6 metres above first floor level in order to prevent any overlooking of 29 Church Street. There is one habitable room window within the northern elevation of Number 8 Hautboy Lane; however, no overlooking from the proposed development would occur as obscure glazing is proposed for the new dormer window in the south elevation. A condition is recommended to ensure that both the dormer window and the adjacent velux rooflight are provided with obscure glazing to prevent any overlooking.

7.3.5 Due to the modest scale of the proposed single storey extension, no overlooking, overbearing impact or overshadowing would occur.

7.3.6 Overall then, the proposed development is considered unlikely to harm neighbouring amenity due to the scale of the proposed extension and given the appropriate relationship of the resultant extension with neighbouring dwellings.

7.4 Impact on Trees.

7.4.1 The neighbouring garden at 29 Church Street contains a Birch tree which is subject to a Tree Preservation Order (TPO). The TPO was issued on 28th July 2009.

7.4.2 The applicant has submitted a comprehensive arboricultural report which concludes that the development would not have an adverse impact on the health and safety of the tree.

7.4.3 In any event, the tree does not sit within the application site but it is highlighted that the tree is not only the sole responsibility of the occupier of 29 Church Street. The applicant must ensure that the development does not result in any significant harm to the protected tree.

7.4.4 The Conservation Officer for Trees notes that the arboricultural report identifies that the proposal is not likely to harm the health of the existing tree and gives details of sympathetic methods of construction. It is stated in the report that there will be no ground foundation improvements or soil excavation and as such, the possibility of damage to the root structure is minimal.

7.4.5 Details have been provided in relation to the pruning works that would be required to facilitate the development. The pruning relates to branches 1C, 2A, 2B and 2C only under this planning permission and any other pruning would need to be covered under a separate planning application or Tree Preservation Order Consent. A condition is recommended to ensure that works to the tree are carried out in accordance with the current British Standard (BS3998: 1989, Recommendations for tree work.)

7.5 Other Issues

7.5.1 Several consultation responses have noted that a previous condition was applied to the site under ref: EN/01/00067/FUL which required the applicant to provide a designated off road parking bay towards the rear of the site at the time when the existing residential unit was converted from a slaughterhouse. This parking bay has never been provided and the area for the parking bay has existed in its current form since the conversion of the bungalow. A plan showing the position of the parking bay approved as part of EN/01/00067/FUL shall be displayed at the Planning Committee meeting for clarification purposes.

7.5.2 The designated parking bay approved under EN/01/00067/FUL, is not considered to be of usable positioning or proportions and with the existing provision for 2 vehicles on site, the designated bay is not considered necessary. The current occupiers have not used the area as a parking bay and therefore it would be unreasonable to insist on its reinstatement within this application for an extension as the number of vehicles visiting or held on the site would not be likely to increase as a result of this application.

7.5.3 The issues of the previous condition would need to be considered as a matter to be dealt with separate to this application, under the powers of enforcement, if it is felt necessary.

7.5.4 Warmington Parish Council notes that parking is already an issue along Hautboy Lane. However, there would not be a likely increase in vehicles travelling to and from the site as a result of this proposal which relates only to an extension and shop front alteration and not the creation of a new unit.. No further intensification of the site would result.

8 Other issues

8.1 Adequate private amenity space would remain to the rear of the property.

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

8.3 Access for Disabled -The development would be covered by the necessary building regulations as public access is necessary The proposed extension to the dwelling would not have any public access and does not therefore required to comply with disabled access regulations.

9 Recommendation

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

Conditions/Reasons

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

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

2. The extension hereby approved shall be used for domestic purposes only as part of the single dwelling unit which is associated with the Butchers Shop and for no separate or independent use.

Reason: In order to safeguard the amenity of adjacent residential properties and the amenity of the existing domestic unit.

3. Notwithstanding the submitted details, a sample of the proposed external materials to be used for the buildings hereby approved shall have been submitted to and approved in writing by the local planning authority prior to the commencement of development. The building shall be finished with render at first floor level and natural stone for all replacement or new external stonework or brickwork at ground floor level. The approved materials shall be implemented and thereafter retained in accordance with the annotations of the approved drawings and the subsequently approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory elevational appearance.

4. Notwithstanding the submitted details, the first floor dormer window in the south elevation and velux windows within the north elevation of the extension hereby approved shall be fitted with obscure glazing and a method of restricting opening, in such a manner as would eliminate the potential for overlooking. Details of which shall have been submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: In order to safeguard neighbouring amenity.

5. The tree work to facilitate the construction or the new roof structure hereby permitted shall be carried out in accordance with best practice as set out in the current British Standard (BS3998: 1989, Recommendations for Tree Work) and the latest recommendations of the Arboricultural Advisory and Information Service and shall be limited to the works described in the submitted arboricultural report reference FH-Griffin-Bell-Warmington-09.

Reason: In the interest of the future well-being of the tree upon which work is being carried out (TPO Number: 0257)

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

Reason: In the interests of residential amenity.

Committee Report

Committee Date : 10 March 2010

Printed: 23 February 2010

Case Officer **Stephanie Penney**

EN/10/00038/VAR

Date received	Date valid	Overall Expiry	Ward	Parish
13 January 2010	13 January 2010	14 April 2010	Rushden Hayden	Rushden

Applicant **Bellway Homes - Mr B Stacey**

Location Land Off Windsor Road Rushden Northamptonshire NN10 0BB

Proposal **Variation of Condition 8 of Planning Permission EN/08/01754/REM dated 30th January 2009 to read " the dwellings agreed as the '1st phase' of development will not be required to achieve a minimum of Code level 3, they will achieve current building regulation requirements at the time of construction. If residential units delivered between 2013-2015 the dwellings shall achieve a minimum of Code level 4 and those delivered from 2016 onwards will meet Code level 6 as a minimum' unless it is not viable to do so'**

This application is reported to the Development Control Committee as it is an application for a variation of condition relating to a major development of 205 dwellings.

1 Summary of Recommendation

1.1 That permission is GRANTED

2. The Proposal

2.1 This planning application seeks the variation of Condition 8 of Planning Permission EN/08/01754/REM dated 30th January 2009. Condition 8 states:

The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes if the residential units are to be delivered 2008 - 2012, if delivered 2013 - 2015 the dwellings shall achieve a minimum of Code Level 4 and those delivered from 2016 onwards will meet code level 6 as a minimum. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the Code Level has been achieved.

2.2 This condition was attached in order to comply with policy 14 of the North Northamptonshire Core Spatial Strategy, which requires schemes over 200 dwellings to achieve the relevant code for sustainable homes dependant on when the homes are to be delivered, as prescribed above.

2.3 The applicant is proposing a variation of the condition to read " the dwellings agreed as the '1st phase' of development will not be required to achieve a minimum of Code level 3, they will achieve current building regulation requirements at the time of construction. If the residential units delivered between 2013-2015 the dwellings shall achieve a minimum of Code level 4 and those delivered from 2016 onwards will meet Code level 6 as a minimum' unless it is not viable to do so'

2.4 The first phase of development proposes that 82 dwellings out of the 205 will not be required to achieve a minimum of code level 3, but existing building regulations. This represents 40% of the dwellings.

3 The Site and Surroundings

3.1 The application site is a large area of former agricultural land on the edge of Rushden, bound by the existing built area, the A6 Rushden bypass and the new town centre link road (John Clark Way).

3.2 To the south of the site is an existing residential area. The rear gardens of Balmoral Avenue back immediately onto the site.

3.3 To the west of the site is an area that benefits from planning permission for residential development and which is partially under construction (phase 2).

3.4 To the north of the site, at the opposite side of John Clark Way, is an area that has been recently developed for industrial / commercial buildings.

3.5 To the east of the site is the A6 Rushden bypass, beyond which is open countryside.

3.6 Immediately surrounding the site is a bund that was required as part of the outline permission. This is to be landscaped and incorporated into the proposed scheme to screen the adjoining commercial properties and highways from the development.

4 Policy Considerations

4.1 Planning Policy Guidance

PPS1 - Sustainable Development

PPS3 - Housing

PPS22 - Renewable Energy

4.2 East Midlands Regional Plan

Policy 2 - Promoting Better Design

Policy 39 - Regional Priorities for Energy Reduction and Efficiency

4.3 Northamptonshire County Structure Plan

No relevant saved policies

4.4 East Northamptonshire District Local Plan

No relevant saved policies

4.5 Joint Core Spatial Strategy for North Northamptonshire

13 – General Sustainable Development Principles

14 – Energy Efficiency and Sustainable Construction

15 – Sustainable Housing Provision

4.6 Supplementary Planning Guidance / Documents

Sustainable Design (JPU SPD)

4.7 Three Towns Plan (Preferred Options)

The application site is recognised as a “large site already committed for development” and is shown as within the proposed town boundary.

5 Relevant Planning History

5.1 The planning history relating to this site is lengthy, but highly relevant to the consideration of the application. The relevant history is given below.

5.1.1 Two reserved matters applications have recently been approved for 199 and 205 dwellings at the site.

5.1.2 Members refused a reserved matters application for 210 dwellings on this site at the Development Control Committee on 20 August 2008. The reason for refusal was:

The design and layout of the scheme is poor and would not create a sense of place, nor would it function adequately. The concept of attempting to replicate the Victorian factories in the form of flats has not been justified and the scale, massing and "prison like" form of these units would detract from the visual amenity of the scheme; the gateway feature is particularly awkward. In addition there is a predominance of large car parking courts many of them accessed by drive unders, some garages are poorly located and there is inadequate provision for bin storage. The proposal would therefore be contrary to Policy GS5 in the Northamptonshire Structure Plan and Policy 13 in the North Northamptonshire Core Spatial Strategy.

5.2 Outline planning permission

5.2.1 Outline planning permission was granted in 1998 for "Residential and commercial development (B1, B2 and B8)" (ref: 97/00599/OUT). This outline permission covered the large area of land to the north-west of Rushden, bound by the disused railway, Balmoral Avenue and the A6 Rushden bypass and the Ferrers School (sites RU1 and RU3 in the adopted Local Plan 1996).

5.2.2 The residential element of the outline permission related to three phases of development south of the new town centre link road (John Clark Way): phase 1 closest to the centre of Rushden; phase 2 next furthest out; and phase 3 the furthest out of centre (site RU1-C in the adopted Local Plan 1996).

5.2.3 The outline did not specifically stipulate or limit the number of dwellings.

5.2.4 A section 106 agreement was attached to the outline planning permission requiring a contribution of £1189.47 per dwelling towards the provision of a new primary school. The outline sought no other specific contributions, although a condition on the outline does stipulate compliance with the principles of a Development Brief, which in turn refers to the provision of equipped open space and a commuted sum for its maintenance.

5.2.5 The conditions stipulating the time limits for submission of reserved matters and commencement of development have been varied by later permissions (see 5.3 below).

5.3 Extensions of Time

5.3.1 A variation of conditions application was made in 2001 to allow a further period for the submission of reserved matters and commencement of the housing development (ref: 01/00107/VAR). This application was approved, and hence the time periods were extended as follows (although no additional conditions or section 106 requirements were introduced at this stage):

Phase 1: reserved matters to be submitted by 19/9/02; works to commence by 16/9/04 (or within 2 years)

Phase 2: reserved matters to be submitted by 16/9/04; works to commence by 16/9/06 (or within 2 years)

Phase 3: reserved matters to be submitted by 16/9/06; works to commence by 16/9/08 (or within 2 years)

5.3.2 In 2005 a further variation of conditions application was made to allow a further period for the submission of reserved matters and commencement of development for the phase 3 housing only (ref: 05/00610/VAR). This application was also approved, and hence the time periods for phase 3 were extended as follows (although no additional conditions or section 106 requirements were introduced at this stage):

Phase 3: reserved matters to be submitted by 16/9/08; works to commence by 16/9/10 (or within 2 years)

5.4 Reserved Matters applications (pairs of identical twin tracked applications)

5.4.1 Prior to the granting of the latest extension in time, a batch of reserved matters applications were approved in 2001, and it is under these permissions that any existing development has taken place:

01/00621 – Phase 1: residential development (50 houses and estate roads)

01/00791 (and twin tracked application 01/00792) – Phasing scheme: elements of John Clark Way to be open to traffic before certain number of dwellings are occupied.

01/00794 (and twin tracked application 01/00795) – Phase 1

01/00803 (and twin tracked application 01/00804) – Western end of Phase 1, adj Denfield Park School

01/00805 (and twin tracked application 01/00806) – Phase 2

01/00807 (and twin tracked application 01/00808) – Phase 3

01/00809 (and twin tracked application 01/00810) – Industrial

5.5 Other applications

5.5.1 In 2003 a proposal to start phase 3 in advance of Phase 1 and 2 was refused on the basis that this would not be in line with sustainability objectives (ref: 03/00172). It was concluded that the sites nearest to the town centre should be developed first.

5.5.2 In 2005 a series of applications relating to the industrial development were permitted (refs: 05/00256, 05/01774, 05/02072).

6 Consultations and Representations

6.1 Rushden Town Council: Raise an objection. Members were concerned that the standard of development would be compromised by building any of the dwellings below Code Level 3. All residential dwellings should be constructed to the original specifications approved for the development, in order to meet sustainability requirements.

6.2 Sport England: No comments to make

6.3 Environment Agency: No comments to make

6.4 E-ON: No objection

6.5 NCC Highways: No observations on highway related issues

6.6 ENC Environmental Protection Manager: The Council should not accept the removal of this condition as this would be a missed opportunity to reduce carbon use of the dwellings...If it is not viable to build this phase without meeting the conditions then maybe the development should wait until circumstances change. If it is accepted that the condition is varied a further assessment should be carried out in 2011 as the market could have significantly changed or rather limit it to the number of dwellings completed. The proposed period of 2013 is too long and a significant amount of the development could have been achieved by this date. I also suggest that if we accept to allow the development to build to 2010 – 11 without code 3 that all development after that has to be built to code level 6 to compensate.

6.7 Crime Prevention Design Advisor: No comments to make

6.8 Joint Planning Unit: Bellway Homes contacted the LPA - ENC with regard to the condition on the John Clark Way application for homes to meet CSH as per the CSS. Following this a discussion took place with the ENC and the JPU and it was agreed to follow the recently drafted viability assessments of sites. Stage 1 of this was for the local authority to state that they wanted the site to come forward to be developed and was willing to look at an independent viability assessment to see what was viable in the current economic climate.

With regard to this site ENC felt that they wanted to see the site come forward and were prepared to consider the viability assessment to assess what could be achieved on site in terms of CSH. It is still important for ENC to see the site be as sustainable as possible in line with the CSS and Government policy. Following this agreement NNJPU, NNDC, Bellway and the independent assessors Aecom signed a confidentiality agreement. This enabled Bellway to provide the raft of information required to undertake the assessment, including land purchase price and costings of each unit including items such as connection costs and all fit out materials. Also submitted by Bellway are the levels that they felt are viable and what phase 1 of the site could comprise of at no CSH. Aecom used this information and assessed that for the site to be viable the first phase would have to be for the first 82 units to be to no code, with the remainder split into two more phases each reaching CSH 3(62 units) and 4 (61 units). The viability assessment was completed at the beginning of January 2010 and sent to Bellway. The JPU and NNDC are happy with the viability assessment and how it has been used by the applicant in the variation of condition for phase 1 of the development. However it is expected that the remaining units will, as a minimum, meet the code requirements as set out in policy 14 of the CSS unless an independent viability assessment indicates otherwise, but the same process as above will have to be carried out at the time the subsequent phases are developed.

6.9 Neighbours:

7 Evaluation

7.1 The main issue relevant to this application is the acceptability of removing the above mentioned condition which relates to sustainability.

Background

7.2 Policy 14 (Sustainability and Energy Efficiency) of the Core Strategy states that, "Development should meet the highest viable standards of resource and energy efficiency and reduction in carbon emissions." It further states that residential units to be delivered 2008 – 2012 will meet the Code for Sustainable Homes (CSH) level 3 as a minimum, those delivered 2013 – 2015 will meet CSH code level 4 and those delivered from 2016 onwards will meet CSH code level 6, Additionally there is a target of at least 30% of the demand of energy will be met on site (but the actual figure will depend upon technical and economic viability) and renewably and / or from a decentralised renewable or low carbon energy supply. Accordingly a condition was attached to the reserved matters application to ensure the above code was achieved.

7.3 The information submitted with the previous reserved matters application advised that the dwellings to be constructed had the equivalent Eco Homes rating of 'Good'. However at the time of the reserved matters application the Applicant did advise that achieving the prescribed code might be difficult as viability would have an impact due to economic decline and the effect that this has had on the house building sector. It was also stated that Bellway Homes had incurred escalating 'holding' costs due to the delay in commencing the development. However, the Applicant stated that they remained at the forefront of developing sustainably and had examples nationwide. It was highlighted that the units proposed in the scheme will be constructed to the equivalent Eco Homes 'Good' standard and are proposing to offer 10% of the units to meet CSG level 3.

7.4 In terms of energy efficiency on site and within the buildings, the following measures were proposed to maximise energy efficiency: plots to have 40% dedicated low energy lighting; all communal and external lighting to be dedicated low energy lighting; all insulation materials will have an Ozone Depletion Potential of Zero and a Global Warming Potential of less than 5; gas central heating boilers will be better than BS EN 297:1994 Class 5, with dry NOx emissions of less than 40mg/kWH; surface water to be attenuated on site to reduce the risk of downstream flooding; roof and internal wall construction to be A-rated according to the Green Guidance to housing Specification; site waste management initiative to be implemented to minimise construction waste; materials for key building elements to be purchased from responsible sources; facilities to be provided to ensure occupiers can make

full use of the local authority recycling collections; internal water to be reduced by use of dual flush WC's and low flow showers; party wall and floor structures to be specified to achieve performance better than required for compliance with Approval Document E and 12. U-values for building fabric to be lower than required for compliance with Approved Document L1. It is understood that this is still achievable.

Supporting Evidence

7.5 However since the granting of the reserved matters applications, the applicant has approached the Council and the Joint Planning Unit seeking our informal opinion on the proposed variation. The applicant has undertaken a viability assessment to demonstrate that the site, given current market conditions, is not viable to develop and the requirement to deliver Code 3 was one of the contributors. These assessments are confidential given the sensitive financial information. Aecom (previously known as Edaw) assessed the viability information. Aecom are an independent company who provide an economic analysis on a wide range of projects. They advised that for the site to be viable the first phase would have to be for the first 82 units to be to no code, with the remainder split into two more phases each reaching Code 3(62 units) and Code 4 (61 units).

7.6 First what has to be considered is whether the Local Planning Authority considers that this is a site which they wish to come forward. It is the opinion of officers that this site should come forward given that it is included in the Council's 5 year housing land supply. It must also be acknowledged that the District is within Milton Keynes South Midlands growth area and the Regional Strategy outlines that North Northamptonshire is a key component of the growth area. The Regional Strategy outlines that North Northamptonshire should accommodate 52,100 new dwellings between 2001 and 2021.

7.7 Figures and costings were provided by the applicant which were consequently checked by Aecom. Officers at East Northamptonshire Council, North Northants Development Company and the Joint Planning Unit have all looked at the figures and are satisfied with the figures and conclusions that have been put forward. It can therefore be concluded reasonable to allow 82 units to be built not a code level 3. It is also worth noting that Aecom (formally known as Edaw) prepared our viability assessment in relation to the provision of affordable housing which was used for the Rural North, Oundle and Thrapston Plan.

Building Regulations

7.8 It has been advised that from April 2010 the Building Regulations will require new dwellings to meet a minimum code level 3 unless development has commenced on site. Officers were concerned that there was little point in this application given these new regulations and given that work had not commenced and was unlikely to do so imminently given the pre-commencement conditions that needed to be discharged.

7.9 However, it has since been advised that these new regulations may not come into force until October 2010. The current requirements are therefore that dwellings must be built to the equivalent of code level 1. However, should the new regulations come into force in April then the requirement will be to build to code level 3 despite any planning approval which may vary the condition.

Wording of the Amended Condition

7.10 The applicant has requested a variation in the condition to read: the dwellings agreed as the '1st phase' of development will not be required to achieve a minimum of Code level 3, they will achieve current building regulation requirements at the time of construction. If residential units delivered between 2013-2015 the dwellings shall achieve a minimum of Code level 4 and those delivered from 2016 onwards will meet Code level 6 as a minimum' unless it is not viable to do so'

7.11 However it is not considered necessary to amend the condition in accordance with the above wording as this submitted application only relates to a variation in condition with regard to the 82 plots within the red line, i.e. plots 1 – 50 and plots 135 – 166. Therefore the

remaining 123 plots would have to comply with the original wording of the condition attached to the reserved matters permission, i.e.: The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes if the residential units are to be delivered 2008 – 2012, if delivered 2013 – 2015 the dwellings shall achieve a minimum of Code Level 4 and those delivered from 2016 onwards will meet code level 6 as a minimum. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the Code Level has been achieved. The proposed wording submitted by the applicant did state ‘...unless it is not viable to do so.’ However it is not considered reasonable to include this wording and accordingly if the applicant considers the remainder of the development to be unviable then another application would be necessary, to vary the condition, to assess the viability.

8 Conclusion

8.1 In recommending approval of this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS23, Policies 2 and 39 of the East Midlands Regional Plan, North Northamptonshire Core Spatial Strategy 2008 policies13, 14 and 15, and the Sustainable Design Supplementary Planning Document. Having regard to these, the representations received and any other material planning reasons, the main issue was identified as site viability. The application has been recommended for approval as:

- The supporting viability assessment demonstrates that to achieve code level 3 would make 82 plots unviable.

9 Recommendation

9.1 That the application be GRANTED, subject to the following condition:

Conditions/Reasons -

1. Condition 8 pursuant of EN/08/01754/REM is varied to permit plots 1- 50 and plots 135 - 166 only to be built to current building regulation requirements. Accordingly condition 8 of planning permission EN/08/01754/REM still applies to the remaining plots.
Reason: To clarify the terms of this permission

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS23, Policies 2 and 39 of the East Midlands Regional Plan, North Northamptonshire Core Spatial Strategy 2008 policies13, 14 and 15, and the Sustainable Design Supplementary Planning Document. Having regard to these, the representations received and any other material planning reasons, the main issue was identified as site viability. The application has been recommended for approval as:
- The supporting viability assessment demonstrates that to achieve code level 3 would make 82 plots unviable.
2. The drawing to which this decision relates is the location plan ref PL/590/01 Rev C received 17 February 2010.

Committee Report

Committee Date : 10 March 2010

Printed: 23 February 2010

Case Officer **Mr Rhys Bradshaw**

EN/09/01814/RWL

Date received	Date valid	Overall Expiry	Ward	Parish
16 November 2009	23 November 2009	18 January 2010	Rushden Spencer	Rushden

Applicant **Bovis Homes Limited**

Agent **Lovejoy Birmingham Limited**

Location Ditchford Lane Rushden Northamptonshire

Proposal **Replacement of extant planning permission 04/01708/FUL Upgrade of the existing A45(T) Ditchford Road interchange including new sliproads, widening works and replacement of existing roundabouts with signal controlled junctions**

This proposal is brought before the Planning Committee for determination given its potentially significant impact on the District. Rushden Town Council have raised an objection to the application.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes the renewal of application EN/04/01708/FUL for alterations and amendments to the existing grade separated interchange linking Ditchford Lane and the A45(T), which was granted on 20/07/2005 subject to conditions.

2.2 The proposal includes new slip roads to allow traffic to enter and leave the A45(T) in both directions at this junction. Also proposed are traffic light junctions to replace the two existing roundabouts at the junction, widening works and amendments to the alignment of the existing slip roads.

2.3 It is unusual for the local planning authority to be the determining authority for this type of junction improvement to the strategic national highway network; the District Council would normally be a consultee. In this instance however the junction improvements are proposed by a private body (Bovis Homes Ltd) rather than the Highways Agency or the County Council and as such it falls to this Council to determine the application.

2.4 It should be noted that these junction improvements are proposed as an integral part of the access strategy to a large scale urban extension to Wellingborough which has been approved on adjacent land.

2.5 Most of the works (including alterations to the eastbound entry/exit slip roads which cause Rushden Town Council concern) fall within the administrative area of the Borough Council of Wellingborough; these elements have been considered by the Borough Council of Wellingborough in their determination of the wider outline WEAST proposal.

2.6 Works proposed within East Northamptonshire comprise primarily of the replacement of the roundabout with signal controlled junctions; the construction of a new westbound exit slip road; and widening works to Ditchford Lane (which forms the administrative boundary between East Northamptonshire and Wellingborough).

3 The Site and Surroundings

3.1 This is one of a number of junctions on the A45(T); to the east is a limited access junction on the westbound carriageway only which leads to Irchester, whilst to the west is a roundabout giving access to the Crown Park development, Rushden Lakes (formerly Skew Bridge) development site, and Higham Ferrers.

3.2 To the north, south and west of the existing interchange is open agricultural land which falls within the administrative area of Wellingborough Borough Council.

3.3 To the east of the interchange is existing commercial and industrial development on the edge of Rushden which is accessed from Northampton Road.

3.4 The site is considered to be outside the settlement confines of Rushden but is not within a Conservation Area and not within the curtilage or setting of a listed building.

4 Policy Considerations

4.1 National Planning Policy

PPS1: Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPG15: Planning and the Historic Environment
PPS25: Development and Flood Risk

4.2 East Midlands Regional Plan (RSS8) 2008

Policy 1 – Regional Core Objectives
Policy 3 – Distribution of New Development
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 28 – Regional Priorities for Environmental and Green Infrastructure
Policy 29 – Priorities for Enhancing the Region's Biodiversity
Policy 36 – Regional Priorities for Air Quality
Policy 39 – Regional Priorities for Energy Reduction and Efficiency
Policy 43 – Regional Transport Objectives
Policy 44 – Sub-area Transport Objectives
Policy 45 – Regional Approach to Traffic Growth Reduction
Policy 53- Regional Trunk Road Priorities
Policy 54 – Regional Major Highway Priorities
Policy MKSM SRS Northamptonshire 1
Policy MKSM SRS Northamptonshire 2

4.3 North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the network of settlements
Policy 4 - Enhancing Local Connections
Policy 6 – Infrastructure Delivery and Developer Contributions
Policy 9 – Distribution and Location of Development
Policy13- General Sustainable Development Principles

4.4 Three Towns Plan Preferred Options

5 Relevant Planning History

5.1 EN/04/01708/FUL - Upgrade of the existing A45(T) Ditchford Road interchange including new slip roads, widening works and replacement of existing roundabouts with signal controlled junctions. APPROVED 20/07/2005

6 Consultations and Representations

6.1 Neighbours: no comments received

6.2 Rushden Town Council: Objection

The application is similar to one previously submitted to this Council and has not altered significantly enough for there to be a change in our opinion about it. The concern lies in the proposed east bound off and on ramps and the traffic light controlled junction on Ditchford Lane. We have no concerns with the west bound off ramp or the roundabout further north on Ditchford Lane.

The present east bound off ramp works well, and it is understood that there is presently no on ramp. However we have grave concerns about the proposed new road layout, particularly the replacement of the off ramp. Traffic travelling from Wellingborough is travelling at speed at this point on the A45, the proposed exit is just past the railway bridge on the brow of the hill which makes seeing the junction ahead difficult even now. The proposed sharp left hand bend of the new off ramp and steep gradient we feel would greatly increase the potential for accidents for drivers coming upon the junction at speed. Similarly, we fear traffic light controlled junction fed by the off ramp could result in traffic backing up onto the A45 at peak times, which again would present a considerable hazard to drivers approaching the junction on the A45 at speed, not being able to see over the brow of the hill. Similarly, the east bound ramp would be concealed by the same topography, and we wonder if slow moving vehicles could join the main carriageway safely given the short length of the on slip road.

The application has the potential to be dangerous in certain circumstances and should be rejected. Either considerable speed reduction measures should be employed on the A45 to obviate these hazards or an alternative layout should be considered. A suggestion might be to explore the possibility of retaining the existing off ram and connecting a new on ramp/road to the old ski club service road behind the petrol station if it is not possible to build a conventional on ramp to the east of the bridge.

6.3 NCC (Highways): No objection subject to a condition listing the plans.

6.4 Highways Agency: No objection subject to a condition listing the plans.

6.5 NCC (Footpaths): Further information requested. Any comments received will be reported to the Committee via the update sheet.

6.6 The Ramblers Association: The drawing shows that it affects public footpaths TL2, TL3 and TL24 Irchester and UL10 and UL12 Wellingborough. These should be diverted as part of the works up the access track to Knuston Lodge Farm to a safe crossing point on the new interchange. A 3m shared cycleway/footpath is shown from junction JCT7 to JCT/C. We would prefer this to be along the disused length of Ditchford Lane and continue to Ditchford Lakes and Meadows Local Nature Reserve, which is one of ENC's designated leisure areas. This was not addressed in the original application

6.7 Natural England: No objection subject to conditions

6.8 The Wildlife Trust: Objection summarised by the following:

- Concerns that it would have an adverse effect on the integrity of a European designated site; including land take, fragmentation and disturbance.
- Draw attention to conditions attached to Stantons Cross permission in respect of new compensatory habitat for the loss of existing Local Wildlife Site (LWS) habitat and the fragmentation of wildfowl feeding areas due to the route of the new access road between Stantons Cross and Ditchford Road.
- It can be seen that the route for a specific section of the proposed new road network cuts across areas of both LWS No 995 Viaduct Lake and LWS No.994 Irthingborough Grange Gravel Pits. It is clear that the realignment of the southern section of the existing

Ditchford Road will have an effect upon the access arrangements to the main entrance to the Ditchford Lakes and Meadows Nature Reserve, Therefore may we urgently request that the appropriate person makes contact with the Wildlife Trust's reserves Manager in order to discuss the implications

- On the current information it is our opinion that the proposed development is likely to have a significant effect on the interest features for which the wider site location is both locally and internationally designated. There maybe potential for amended plans to be agreed based upon conditions for the Stanton Cross development to incorporate mitigation and compensation for impacts on the SSSI complex which may well allow The Wildlife Trust to review its objection position in the future.

6.9 ENC Environmental Protection As far as can be ascertained there are no significant changes to their proposals. Therefore, my comments remain the same and I have no objection to the planning application.

6.10 Site notice posted

7 Evaluation

7.1 This is a replacement of a previously approved application. The scheme considered here is exactly the same as that approved under EN/04/01708/OUT. In approving this application the East Northamptonshire Council is effectively granting an extension to the time given to commence development. EN/04/01708/OUT was considered against the 2001 Northamptonshire County Structure Plan and 1996 East Northamptonshire District Local Plan. Most of the policies contained within these documents are now replaced by policies in the East Midlands Regional Plan and North Northamptonshire Core Strategy, as listed in section 4 above of this report. Regional Policies (43, 44) support the development of transport infrastructure where it is needed to accommodate major planned housing and employment growth. As highlighted previously, this application has come about as a result of the planned growth of Wellingborough East (WEAST). Policy 9 of the North Northamptonshire Core Spatial Strategy supports the strengthening of the network of settlements as set out in Policy 1 of the same document – principally the growth towns of Corby, Kettering and Wellingborough.

7.2 Environmental impact

7.2.1 Having considered this proposal against the relevant Environmental Impact Assessment regulations, it is not considered that this proposal in itself would require an Environmental Impact Assessment.

7.2.2 It is still recognised however that the proposal could have environmental consequences which must be properly considered and assessed.

7.2.3 With regard to visual and landscape impact, the existing junction is already elevated above the A45(T) dual carriageway but this is to a large extent accommodated within the existing contours of the surrounding landscape. The proposal offers an opportunity to secure significant new landscape planting around the junction which in time could materially reduce its impact in the wider landscape. These works could be secured via a planning condition.

7.2.4 With regard to ecological impact, Natural England has assessed this proposal and has suggested conditions to secure the following:

- Floodplain and ecology compensation areas
- Ecology management plan
- Creation of compensatory habitats
- Time restriction on construction of routes 2 and 7
- Submission of a scheme to allow the safe access through bridges by otters and badgers.

It is considered that these conditions also overcome the concerns of The Wildlife Trust. Although this has been informally agreed, Officers are currently awaiting formal confirmation. The applicant is also liaising with The Wildlife Trust to secure suitable access to the Ditchford

Lakes and Meadows Nature Reserve.

7.3 Safety

7.3.1 The concerns of Rushden Town Council are noted regarding the curved design of the proposed new eastbound entry and exit slip roads. The applicant submitted revised plans under the previous application which alter the geometry of the proposed new slip roads, decreasing the “tightness” of the bends on the slip roads. These plans are considered under the current application. Both the Highways Agency and Northamptonshire County Council have no objections to the replacement permission.

7.4 Accessibility

7.4.1 The proposed junction improvements would upgrade the existing interchange from a limited access junction to become a full access junction. Westbound traffic would be able to leave the A45(T) at Ditchford and would no longer have to travel through Crown Park and along Northampton Road to reach commercial premises at Express Park.

7.4.2 Similarly, exiting traffic would also be able to join the A45(T) eastbound.

7.4.3 The proposal would therefore increase the accessibility of Express Park to the national strategic road network which is considered to be an important factor in improving the attractiveness of this industrial estate to potential occupiers.

7.4.4 The increased accessibility to Express Park is considered to be of economic benefit to the District which must be taken into account in the determination of this application.

7.4.5 The proposal would undoubtedly increase the accessibility to parts of north-eastern Rushden, as well as having the potential to make Ditchford Lane a more attractive route into the western extremities of Irthlingborough.

7.4.6 The comments of the Ramblers Association are noted. Any approval for junction improvements must include enhanced pedestrian and cyclist crossing facilities which would enhance the potential for these road users to access the river-based leisure facilities north of the A45(T). A condition was attached to the previous consent to secure suitable cycle ways and footpaths. This condition is attached again.

7.5 Integration

7.5.1 This refers to how well the proposed junction improvements would relate to the existing road network. It is considered that these proposed improvements would improve access to the commercial areas in north-eastern Rushden to a significant extent and would have a commensurate reduction (albeit potentially not noticeable) reduction in commercial traffic levels on Northampton Road.

7.5.2 Marginal access improvements to the western extremities of Irthlingborough might result, although this would only be with regard to route choices for east-bound Irthlingborough traffic and again this is not considered to be a noticeable or significant benefit.

7.5.3 It is noted that the proposal would be a significant means of access to the proposals for an urban extension at Wellingborough East and that further to the north the road would curve away to the west, outside the District and into Wellingborough Borough Council's administrative area.

7.5.4 The southern section of Ditchford Lane would in essence therefore become part of a Wellingborough eastern relief road. This would bring additional traffic loading onto the existing Ditchford Lane interchange and both the highway authority and the Highways Agency have considered the wider implications of the WEAST proposal on the local and strategic road networks. This outline application was approved by the Borough Council of Wellingborough.

7.5.5 Aside to additional traffic loading, it is noted that within the "red line" of this junction improvement application, Ditchford Lane would be stopped up and removed for a short length to the south of the river bridge, allowing the carriageway to be diverted to the west and over a new river bridge. A new roundabout is proposed in this location. Traffic heading south along Ditchford Lane would have to stop and give way at this roundabout to additional traffic volumes on the proposed Wellingborough eastern relief road.

7.6 Neighbouring amenities

7.6.1 The majority of premises adjacent to the proposed improved junction are of a commercial nature which are considered likely to benefit from the improved access to the A45(T) which the proposal would bring.

7.6.2 It is noted that there have been no comments from adjacent occupiers, either in support or against the proposal.

7.6.3 The previous comments of the Environmental Health Officer regarding noise and dust are noted; it is considered that this could adequately be dealt with by way of a planning condition.

8 Other Issues

8.1 Crime and Disorder - this is not considered to be relevant to this proposal.

8.2 Access for Disabled - this matter can adequately be controlled through the normal highway adoption process.

9 Conclusion

9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS4, PPS9, PPG13 Policies 1, 2, 3, 26, 28, 29, 36, 39, 43, 44, 53 and 54 of the East Midlands Regional Plan and North Northamptonshire Core Spatial Strategy 2008 policies 1, 4, 6, 9 and 13. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the environmental impact, visual impact, safety, accessibility, integration with the existing road network and the impact on neighbour amenity.

The application has been recommended for approval as:

- The principle of the development is acceptable and is consistent with the development plan.
- The proposal would not have an unacceptable impact on the local highway.
- The siting of the development is acceptable and the development would not harm the visual amenity or character of the area.
- The proposal would have an acceptable environmental impact
- The proposal would integrate into the existing highway network
- The proposal would not have a significant impact on the amenities of neighbouring occupiers
- The proposal would have economic benefits to the existing industrial area at Express Park, which would be better served by the highway network.

Recommendation

That planning permission be GRANTED subject to the following conditions/reasons:

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 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of development details of the phasing of the highway works hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall be progressed in accordance with the agreed phasing details.

Reason: In order to secure an appropriate construction period in the interests of the safety and convenience of users of the public highway

3. Prior to the commencement of development details of measures to protect nearby dwellings from dust and noise nuisance during construction works shall be submitted to and approved in writing by the local planning authority. The approved measures shall remain in place during construction works.

Reason: In order to protect the amenities of nearby residential occupiers

4. The details submitted pursuant to condition 2 of this consent shall illustrate that operations involving the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive unless otherwise approved in writing by the local planning authority following a demonstration by the applicant that breeding birds would not be adversely affected.

Reason: In order to protect breeding birds during construction

5. Prior to the commencement of development details of a comprehensive landscaping scheme shall be submitted to and approved in writing by the local planning authority. The said scheme shall be so designed as to minimise the visual impact of the approved highway works in the wider landscape and shall be implemented in accordance with a timetable to be agreed in writing by the local planning authority prior to the commencement of development. The landscaping scheme shall be implemented in accordance with the approved timetable.

Reason: To minimise the visual impact of the approved highway works

6. The landscaping scheme approved pursuant to condition 5 of this consent shall be maintained for a minimum period of 5 years following its implementation. Any of the landscaping which dies, becomes diseased or is otherwise removed within the said period shall be replaced with a similar size and species in the first planting season.

Reason: In order to ensure that the highway works are assimilated into the wider landscape in an appropriate manner.

7. Details of future maintenance of the approved landscaping (including the body responsible and details of any associated commuted sum) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason: In order to ensure that the approved landscaping is maintained in the long-term in the interests of visual amenity.

8. Prior to the commencement of development, details of pedestrian/cycle crossing facilities shall be submitted to and approved in writing by the local planning authority. The subsequently approved crossing facilities shall be constructed and made available for use in accordance with a timetable to be approved in writing by the local planning authority

prior to the commencement of development.

Reason: In order to foster safe and convenient pedestrian/cycle movements.

9. Development of route 7 (as shown on Plans – 611071/R7/J01 Rev J, 611071/R7/01 Rev M, 611071/R7/02 Rev L, 611071/R7/03 Rev L and 611071/R7/SIG2 Rev G) will not commence until floodplain and ecology compensation areas within the Nene Valley are provided.

Reason: In the interests of ecology

10. An ecology management plan detailing the habitat creation and management for the existing County Wildlife Sites and related compensatory habitat shall be submitted to and approved in writing by the local planning authority prior to the construction of Access Road 2. This should cover the enhancement of the floodplain areas 2 and 4 on Figure 23a of the Masterplan Report as well as the Route 2 ecology compensation areas indicated on Figure 22a of the Masterplan Report. The ecology management plan and development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of ecology

11. An ecology management plan detailing the habitat creation and management (including a detailed zoning scheme to control access to people visiting the SSSI/SPA) for the candidate Special Protection Areas/SSSI and related compensatory habitat will be submitted to and approved in writing by the local planning authority prior to the construction of Access Route 7. The ecology management plan and development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of ecology

12. Construction of Route 7 shall not commence until the area of compensatory habitat for ecological impacts on the SSSI/SPA has been created and completed in accordance with an agreed design and scheme, or any amendment to the scheme, as approved in writing by the local planning authority.

Reason: In the interests of ecology

13. Construction of Route 7 within the pSPA shall not take place between the months of November and February inclusive unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of ecology

14. Development of Access Route 7 shall not commence until precise details of a scheme to allow the safe access through the bridges and/or embankments by otters and badgers (including tunnels and fencing if required) has been submitted to and approved in writing by the local planning authority. The bridges shall not be used by vehicular traffic until the scheme has been installed in accordance with the details approved.

Reason: In the interests of ecology

15. The development hereby approved shall be carried out in accordance with the following MLM drawings, including any subsequent revisions resulting from the implementation of the recommendations of the Road Safety Audit and in consultation with the Highways Agency:

611071/R7/01RevM

611071/R7/02RevL

611071/R7/03RevL

611071/R7/SIG2RevG

611071/R7/J01RevJ

Reason: For the avoidance of doubt and in the interests of highway safety.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS4, PPS9, PPG13 Policies 1, 2, 3, 26, 28, 29, 36, 39, 43, 44, 53 and 54 of the East Midlands Regional Plan and North Northamptonshire Core Spatial Strategy 2008 policies 1, 4, 6, 9 and 13. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the environmental impact, visual impact, safety, accessibility, integration with the existing road network and the impact on neighbour amenity.

The application has been approved as:

- The principle of the development is acceptable and is consistent with the development plan.
- The proposal would not have an unacceptable impact on the local highway.
- The siting of the development is acceptable and the development would not harm the visual amenity or character of the area.
- The proposal would have an acceptable environmental impact
- The proposal would integrate into the existing highway network
- The proposal would not have a significant impact on the amenities of neighbouring occupiers
- The proposal would have economic benefits to the existing industrial area at Express Park, which would be better served by the highway network.

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

611071/R7/01 RevM

611071/R7/02 RevL

611071/R7/03 RevL

611071/R7/SIG2 RevG

611071/R7/J01 RevJ

Received by the Local Planning Authority on 24.12.09

Committee Delegated Report

Committee Date : 10 March 2010

Printed: 22 February 2010

Case Officer **Carolyn Tait**

EN/09/01674/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
16 October 2009	26 October 2009	21 December 2009	Thrapston Market	

Thrapston

Applicant **Mr S Lightfoot**

Location 20 Market Road Thrapston Kettering Northamptonshire NN14 4JU

Proposal **Erection of a garage and extension adjoining the side and rear elevation of existing dwelling**

This application is brought before Development Control Committee as the applicant is related to a member of Council staff.

1 Summary of Recommendation

1.1 That permission be GRANTED.

2. The Proposal

2.1 The application proposes the erection of a garage and extension adjoining the side and rear elevation of the existing dwelling.

2.2 Revised plans were received on 8 February 2010, following discussions with the applicant. The revised drawings have amended the proportion and design of the roof of the extension, from a pitched roof to hipped roof and have lowered the ridge of the proposed roof from the eaves of the existing dwelling to below the eaves. The revised plans also propose changes to the internal layout and as a result of this the positioning and design of the fenestration to the front elevation has been amended.

2.3 The original proposed extension measured approximately 6.5 metres in height and the revised proposal measures approximately 5 metres in height to the ridge. The revised proposal has also reduced in width by approximately 1 metre from approximately 8 metres to approximately 7 metres.

3 The Site and Surroundings

3.1 The application site accommodates a two storey detached dwelling.

3.2 The application property is a slated roof red brick building surrounded by a number of terraced properties built from the same period.

3.3 The application site is located on a corner street plot in which the proposed garage extension would be visible in the street scene.

3.4 The site is enclosed by 1.8 metre high boundary fencing along the west boundary.

3.5 The application site is not located within the Thrapston Conservation Area.

- 4 Policy Considerations
 - 4.1 National Planning Policy Guidance
PPS1– Sustainable Development
 - 4.2 East Midlands Regional Plan
Policy 2 – Promoting Better Design
 - 4.3 North Northamptonshire Core Spatial Strategy
Policy 13 – General Sustainable Development Principles
 - 4.4 Supplementary Planning Guidance
Residential Extensions and Alterations Design Guide, Oct 1998
 - 4.5 Other Documents
Rural North Oundle and Thrapston Plan (Inspector’s Modifications, 8 July 2009)
The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination on 8 July 2009 the Inspector found the document sound. However, as yet the Council has not adopted the Plan as a Development Plan Document as such the Council is still treating the document as emerging policy.
Highway Authority Standing Advice for Planning Authorities, Working Draft, July 2008.
- 5 Relevant Planning History
 - 5.1 04/00170/OUT Erection of 2/3 bedroom dwellinghouse. REFUSED.
 - 5.2 04/00440/OUT Proposed dwellinghouse. REFUSED.
 - 5.3 07/00560/FUL Double garage adjoining side elevation of existing dwelling. REFUSED.
- 6 Consultations and Representations
 - 6.1 Neighbours: No comments received.
 - 6.2 Parish Town Council: No objection received on 3 December 2009
 - 6.3 Site Notice posted: NA
 - 6.4 Local Highway Authority: Comments received on 11 November 2009. “To ensure that highway safety is maintained, this authority recommends to the planning authority that the highway standards and planning conditions set out in the NCC document ‘Highway Authority Standing Advice’ be applied to this planning application”.
- 7 Evaluation
 - 7.1 The main considerations in the determination of this proposal are its visual impact; the impact on neighbouring amenities and the impact on highway safety.
 - 7.2 Visual impact
 - 7.2.1 A single storey extension has been proposed to create additional internal accommodation space for use as a study, wc and a single garage. The proposed roof is of a hipped design to match the existing house.
 - 7.2.2 The proposed extension would remain visually subservient to the main property by being single storey in height and being set back a distance of approximately 6 metres from the front line of the main building. The proposed extension has a significantly large footprint, measuring approximately 7 metres x 8 metres, the width of the proposed extension therefore exceeds the width of the main property which is approximately 6 metres.

7.2.3 It is considered that the proposed extension will remain visually subservient to the existing dwelling in accordance with the Residential Extensions and Alterations Design Guide as the ridge of the proposed extension comes to approximately 1 metre below the eaves of the existing dwelling. In addition to the eaves measures approximately 3 metres in height and approximately 5 metres to the pitch, therefore remaining in proportion to one another. The proportion of the roof to the proposed extension remains in proportion to the roof of the main part of the existing dwelling.

7.2.4 The previous application 07/00560/FUL was refused for reason of design and the assessment mentioned the unattractive, inactive side elevation fronting Halford Street and the prominence of the proposed roof. This previous proposal measured 6.5 metres in width by 7 metres in depth. In the previous application, the height to the eaves was approximately 2.8 metres and to the pitch was approximately 6.5 metres. It is considered that this proposal does address these concerns as the proposal now includes a hipped roof which reduces the impact of the unattractive and inactive side elevation fronting Halford Street, and the new proposed roof is less prominent and is now in proportion when comparing to the existing dwelling and the overall appearance of the proposed extension.

7.2.5 The fenestration of the proposed extension is considered to be in keeping with the existing dwelling to the front and the rear as it is of similar scale and design. The proposed new window to the front elevation is the same as the existing first floor windows to the front elevation, and to the rear the proposed ground floor windows and doors are of similar scale and design to the ground floor of the existing dwelling.

7.3 Neighbouring amenity

7.3.1 Given the scale, siting and design of the proposed side extension, the only occupiers likely to be affected are No.22 Market Road. All other nearby dwellings are far enough away not to be impacted to any significant extent.

7.3.2 The adjacent property No.22 has side and rear windows on the first floor level facing the application site. Whilst there are two doors and a window proposed in the rear elevation it is considered that the proposed extension would not result in a loss of privacy to the occupiers of the adjacent property as the proposal is only for a single storey extension and there is enough space between the extension proposed at No.20 and the neighbouring property. According to the plans submitted, there is a distance of approximately 6 metres between the extension proposed at No.20 and the rear wing of the neighbouring property at No.22.

7.4 Impact to highway safety

7.4.1 Although the Local Highway Authority has asked for standard requirements to be met, it is considered that the proposal would not lead to an intensification of use as the accommodation is ancillary. At present the access is used and it would appear that two cars currently use the space that is accessible via the vehicle crossover. Two spaces remain, in addition the proposal involves a garage.

8 Other issues

8.1 Adequate private amenity space would remain.

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

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

9 Conclusion

In recommending this application for approval, the relevant planning guidance and policies were identified as, PPS1, East Midlands Regional Plan Policy 2, North Northamptonshire Core Spatial Strategy 2008 policy 13 and the Rural North Oundle and Thrapston Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the visual impact, the impact on neighbouring amenity and the impact on highway safety. The application has been recommended for approval as:

1. The proposal would not result in a detrimental visual impact that would result in harm to the character and appearance of the street scene or the existing dwelling.
2. It is considered that the proposed extension, in particular the form of the roof and accommodation elements and the design of the fenestration would not result in a detrimental visual impact to the character and appearance of the existing dwelling.
3. It is considered that the proposal would not have an impact on neighbouring amenity.
4. The proposal would not lead to an intensification of the existing access and as such would not result in any harm to highway safety.

Recommendation

That the application be APPROVED subject to the following conditions:

Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development the subject of this planning permission shall be carried out using external materials matching those of the existing building, unless otherwise agreed in writing by the local planning authority.
Reason: To achieve a satisfactory elevational appearance for the development.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as, PPS1, East Midlands Regional Plan Policy 2, North Northamptonshire Core Spatial Strategy 2008 policy 13 and the Rural North Oundle and Thrapston Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the visual impact, the impact on neighbouring amenity and the impact on highway safety. The application has been approved as:
 1. The proposal would not result in a detrimental visual impact that would result in harm to the character and appearance of the street scene or the existing dwelling.
 2. It is considered that the proposed extension, in particular the form of the roof and accommodation elements and the design of the fenestration would not result in a detrimental visual impact to the character and appearance of the existing dwelling.
 3. It is considered that the proposal would not have an impact on neighbouring amenity.
 4. The proposal would not lead to an intensification of the existing access and as such would not result in any harm to highway safety.
2. The drawings to which this decision relates are as follows:
Plans received by the Local Planning Authority on 26 October 2009, drawing number: NN216736 Location plan.
And plans received by the Local Planning Authority on 8 February 2010, drawing number: MKTRD-2009-001/3 Plans and elevations.

Committee Report

Committee Date : 10 March 2010

Printed: 22 February 2010

Case Officer **Mrs Diane Hall**

EN/10/00076/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
20 January 2010	20 January 2010	17 March 2010	Kings Forest	Blatherwycke

Applicant **Mr P Osborn**

Agent **Rockingham Design - Mr N Hansford**

Location **5 Main Street Blatherwycke Northamptonshire PE8 6YW**

Proposal **Proposed first floor extension to provide two additional bedrooms and additional living area**

This application is brought before Development Committee at the request of Councillor Glithero, so the residents of the village can speak on this application.

1 Summary of Recommendation

1.1 That permission be REFUSED.

2. The Proposal

2.1 The application seeks permission for a first storey extension to an existing bungalow to provide two additional bedrooms and additional living accommodation.

3 Site and surroundings

3.1 The proposal site consists of a bungalow built in the early 1970's, which had a garage extension in the mid 1970's.

3.1.2 The bungalow is an inverted L-shape which stands in an elevated position off the Main Street which leads to Kingscliffe.

3.1.3 Blatherwycke is a small village which is made up of a single street which rises from Blatherwycke Lakes and Estate at the bottom of the hill, leading up to the proposal site, which is the only bungalow in the village.

3.1.4 The village street scene is mostly traditional cottage style dwellings, some listed, in mostly linear form, with a small number of larger more modern stone dwellings, which have been built in a traditional style.

4 Policy Considerations

4.1 National Guidance:

PPS1 - Sustainable Development

4.2 East Midlands Regional Plan

Policy 2 Promoting better design

4.2 Northamptonshire County Structure Plan:

No relevant saved policies.

4.3 North Northamptonshire Core Spatial Strategy

Policy 13 - General Sustainable Development Principles 2009

4.4 Rural North Oundle and Thrapston Plan (Inspector Modifications July 2009)

The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination on 8 July 2009 the Inspector found the document

sound. However, as yet the Council has not adopted the Plan as a Development Plan Document as such the Council is still treating the document as emerging policy.

4.5 Supplementary Planning Guidance
Residential Extensions and Alterations Design Guide, Oct 1998

5 Relevant Planning History

5.1 EN 09/01968 QRY- Raise roof line by 1.2 metres to provide additional bedrooms. The advice was that the resultant dwelling would be out of keeping with the character of the area and unduly prominent due to the proposed design.

6 Consultations and Representations

6.1 Blatherwycke Parish Council: Raised objections for 3 reasons :-

- Visual appearance due to the roof height, and roof dormer windows.
- The wooden cladding would not be in keeping, as this is the first dwelling visible on entering the village from the north.
- The height of the leylandii trees to the boundary with the highway.

6.2 Neighbours:-

6.2.1 A petition against the development in general was received containing 13 signatures. No specific reason for objection was given.

6.2.2 Three letters of objection were received from other occupants in the village on the grounds of :-

- Materials used are out of keeping with the rest of the village.
- The roof height.
- There is scope to develop elsewhere on the site.
- Highway safety issues.

No representations were received from adjacent neighbours.

6.2.3 Other representations: The Agent responded to the points raised by neighbour representations to the proposal.

6.2.4 A Design and Access Statement was supplied with this application.

7 Evaluation

7.1 The main issues which need to be taken into consideration with regard to this application are layout, design and appearance: visual impact on the street scene and impact on neighbouring amenity.

7.2 Layout design and appearance

7.2.1 The proposal is to increase the height of the existing bungalow by raising the roof by an additional 2.4 metres.

7.2.2 The proposed front elevation includes one central dormer window and an additional 7 conservation rooflights.

7.2.3 The rear elevation will have two dormer windows with two conservation roof lights. An additional large glazed area has also been proposed and with two sets of double glazed doors at ground floor level at first floor level the glazed area will have one set of double doors. This glazed section will extend 3.6 metres from the existing rear wall, the width will be 4.3 metres and the height will be 6.3 metres to the apex.

7.2.4 The proposed external materials will be timber feather-edged board to reflect a number of barns in the East Northamptonshire area. The proposed roof will be slate.

7.2.5 The Parish Council expressed concern with relation to the appearance of the dormer windows, wooden cladding and roof height which would not create a favourable viewpoint when entering the village from the north.

7.2.6 The design and access statement, supplied with this application states that using natural timber cladding would enhance the appearance of the 1970's bungalow. This appears at variance with the more traditional appearance of this small enclave of stone buildings, with the exception of Glebe Farm house which is stone but on a much larger scale.

7.2.7 The bungalow is not of architectural merit but the proposed design, layout and appearance of this proposal will be on a scale which would alter its character and form to an unacceptable degree. The proliferation and design of the proposed dormer windows and rooflights would result in them becoming, cumulatively, a dominant feature. In addition the proposed rear glazed roof section, is even higher and wider than, the proposed rear dormer window. This will result in the proposed roof design creating an unbalanced, top heavy appearance in terms of its scale and massing.

7.2.8 The Design and Access Statement supplied with this application and email from the Agent states that, the proposal seeks to reflect the style of a timber barn conversion. However the design of the windows and doors are on a domestic scale, which bears little resemblance to a barn conversion, other than the use of timber feather edged board cladding.

7.3 Visual Impact

7.3.1 The topography of the site slopes upwards to the existing bungalow which is built on a level section of the plot at the highest point on the plot.

7.3.2 The existing bungalow is currently visible from a number of viewpoints in the lower reaches of the village.

7.3.3 The proposal seeks to heighten the roof to allow additional living accommodation without increasing the existing footprint. The additional roof height of the proposal is 1.6 metres.

7.3.4 The existing bungalow is adjacent to a modern stone two storey dwelling which is set forward of the bungalow.

7.3.5 The topography of the land is such that the roofline of this two storey dwelling is currently just below the roof height of the existing bungalow.

7.3.6 The additional proposed roof height would be more dominant than the existing two storey dwelling within the street scene.

7.3.7 The existing bungalow is partially screened by a high conifer hedge, but a significant section of the front elevation is still visible from the street scene.

7.3.8 The visual impact will also be significant to the rear as the existing bungalow has low level boundary screening, to afford views over the open countryside to the estate buildings and lakes in the valley below.

7.3.9 It is therefore considered that the resultant dwelling would be far more prominent in both the street scene and open countryside given the levels and topography of the surrounding area.

7.4 Neighbouring impact

7.4.1 Adjacent neighbours who may be affected by this proposal are numbers 6 Main Street and Glebe Farm House. However objections were also received from the Old Rectory, Appletrees and Home Farm.

7.4.2 Number 6 Main Street is a large modern two storey stone dwelling with slate roof which is screened from the proposal site by shrubs and trees.

7.4.3 This dwelling is set forward of the proposal site. Boundary screening comprises of shrubs and trees, some of which are quite mature and close boarded fence.

7.4.4 Due to differing ground levels the top of the roof of number 6 Main Street, a two storey dwelling sited further down the hill, appears to be of similar height to the roof level of the bungalow in its current form. The proposal will mean that although no additional windows have been proposed in side elevation closest to this neighbour the profiles of the dormer apertures to the front and rear and rear extension will be visible. However, the distance between number 6 Main Street and the proposal site is 10 metres. It is considered that no overlooking should occur due to the alignment of the two dwellings and due to no habitable windows being proposed at first floor level.

7.4.5 Glebe Farmhouse is an impressive stone farmhouse which has a direct frontage onto main street and is sited diagonally opposite the driveway, which leads up to the proposal site. The distance between this neighbour and the proposed bungalow extension is in excess of 36 metres which is sufficient distance for no issues of overlooking to occur.

7.5 Other representations

7.5.1 Three letters of objection were received from other residents within the village of Blatherwycke. Two letters from the Old Rectory and Home Farm raised the same points of objection:-

- Number 5 Main Street is situated at the top of the village hill in line with other neighbouring properties.
- If the proposed extension were allowed, the new roof height would exceed the existing roof heights and would dominate the skyline, which would be further compounded by the proposed chimney pipe.
- Most of the village comprises of stone built dwellings, timber cladding would be out keeping with the rest of the village and would deteriorate with time and might become unsightly in time.
- There is scope to extend the bungalow at ground floor level and eliminate adverse impact on the surrounding area.

7.5.2 The resident at Appletrees commented:

- The wooden cladding would be totally out of character with the village which comprises of stone cottages in traditional style, even the houses built in the Orchard were constructed in stone in the 1980's.
- Other dwellings in the village have been modernised and have retained their original character.
- The proposal may cause additional highway safety issues as the access is near to a blind bend and the extension may cause additional traffic movement.

7.5.3 The Agent sent an email with an accompanying plan to indicate that height of the new roofline would not be a dominant feature in the landscape. However the photograph included does not show the bungalow in contrast to other neighbouring dwellings.

7.5.4 The Agent further states that the letters of objection can be whittled down to a small number of properties not directly affected by the proposal. Whilst it is true adjacent neighbours did not comment, anyone has the right to make a representation to a proposal if they so wish.

7.5.5 The Agent stresses that cladding is used a great deal in East Northamptonshire barns. However, it is officers' opinion that the cladding would be at variance with traditional dwellings in this hamlet and would be out of keeping with the locality.

8 Other issues

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

8.2 Access for Disabled – not applicable

8.3 Parking- The dwelling would retain adequate parking facilities as a result of this proposal.

9 Recommendation

9.1 That the application be REFUSED for the following reason.

Conditions/Reasons -

1.The proposed development by virtue of its design, height, proposed materials and massing is considered unacceptable. The proposed alterations and extension would therefore result in an unduly prominent dwelling detrimental to the character and appearance of the locality. The proposal is therefore contrary to Policy 13 of the North Northamptonshire Core Spatial Strategy and Policy 2 of the East Midlands Regional Plan.

Informatives

1.The drawings to which this application relates are L-01:L-02 and L-03 received by the Local Planning Authority on 19.01.10

Committee Report

Committee Date : 10 March 2010

Printed: 23 February 2010

Case Officer **Anna Lee**

EN/09/01749/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
2 November 2009	9 November 2009	4 January 2010	Irthlingborough	John Pyel

Applicant **Mr S A Rahman**

Agent **Richard Batchelor Architecture**

Location 33 High Street Irthlingborough Northamptonshire NN9 5TE

Proposal **Change of use to class A5 hot food takeaway and new shop front at ground floor level with first floor flat**

The application has been brought to Development Control Committee because Irthlingborough Town Council has objected on grounds of the number of empty shops within the town centre, the number of existing takeaways, litter problems and parking.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes to change the use of the existing dwelling house (C3 use) to a ground floor (A5) takeaway and to provide a residential flat above.

2.2 At the front of the premises, a new shop front and front entrance door has been proposed to replace the existing projecting bay window. The existing main entrance door would be retained to provide access to the first floor flat. In addition to retaining the existing pedestrian access gate, a new gated access is proposed to provide a separate entrance to the front of the shop.

2.3 The proposed customer service area measures some 4.3 x 4.0 metres in floor area and would be situated at the front of the building. The main kitchen/preparation area would be located towards the rear of the building. There is currently one bed-sit and one bedroom, a kitchen and bathroom at the first floor of the property.

2.4 The proposed opening hours are from 12:00 to 14:30 and from 17:00 to 23:00 throughout the week, including Sundays and Bank Holidays.

2.5 Since the application was received, Irthlingborough has been designated as a conservation area and re-advertisements were made in the local news and a site notice was re-displayed. All these consultations have now expired.

3 The Site and Surroundings

3.1 The application building is a two-storey 1920/30s style residential property. The building fronts onto the main High Street and has a long garden area to the rear. The property is currently vacant.

3.2 The site lies within the main town centre, but lies outside of the Defined Shopping Frontage/Primary Shopping Frontage, as defined in the Three Towns Preferred Options and East Northamptonshire Adopted Local Plan.

3.3 The building is adjoined to a garage selling vehicles to the northeast. Immediately opposite the site are: a hair salon, 'Eastern Spice Restaurant', news agents, toy shop and 'Fancy Dress' clothes shop.

3.4 The site is primarily surrounded by commercial uses and to the southwest of the site are a footpath link and an area of public open space, formally known as 'The Spinney Field Rest Gardens'. A stone wall measuring some 2.3 metres forms the boundary to the footpath and public space.

4 Policy Considerations

4.1 National Planning Policy Guidance:

PPS1– Sustainable Development

PPS4 – Planning for Sustainable Economic Growth

PPG13 – Transport

PPG15 – Planning and the Historic Environment

PPG24 – Planning and Noise

4.2 Regional Spatial Strategy 8: East Midlands Regional Plan, March 2009

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 22 – Regional Priorities for Town Centres and Retail Development

Policy 45 – Regional Approach to Traffic Growth Reduction

Policy 48 – Regional Car Parking Standards

4.3 North Northamptonshire Core Spatial Strategy, June 2008:

Policy 1 – Strengthening the Network of Settlements

Policy 9 – Distribution & Location of Development

Policy 12 – Distribution of Retail Development

Policy 13 – General Sustainable Development Principles

4.4 Supplementary Planning Guidance:

Parking SPG, March 2003

Planning Out Crime in Northamptonshire, Feb 2004

4.5 East Northamptonshire Adopted Local Plan, 1996

S5 – Non-shopping Uses along the Defined Shopping Frontage

4.6 Supplementary Planning Document:

Design SPD, March 2009

4.7 Other Documents:

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

Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough

5 Relevant Planning History

5.1 Applications were refused for a change of use from A1/A2 to A5 use to provide buffet business at No.50A High Street under references EN/08/00820/FUL and EN/07/02060/FUL. These applications were refused on 11.06.2008 and 21.12.2007 respectively on ground of loss of a retail unit within the defined shopping frontage. An appeal was submitted against one of these applications reference EN/07/02060/FUL and the application was allowed at appeal on 12.11.2008 (copy of Inspector's decision notice is appended to this report).

5.2 EN/07/02367/FUL – The proposal was for a change of use from (A1) shop premise to fish and chip takeaway, at No.27 High Street. The application was refused on grounds of loss of retail unit along the defined shopping frontage and failure to demonstrate that the development would not result in harm to neighbour amenity. This application was refused on 03.06.2008.

5.3 EN/06/00463/FUL – This application was for a change of use from A1 to form a restaurant with hot food take-away (A5) at No.43 High Street. The application was granted because it was not considered that a loss of a retail unit would be harmful to the vitality and viability of the town centre. Consideration was given to the fact that the cumulative effect of vacant properties within the town centre would be undesirable and the existing A5 uses are generally well spread out with the town centre and not clustered in one particular area. The application was granted on 28.04.2006.

6 Consultations and Representations

6.1 Neighbours: Six letters received from No.3 High Street (Golden Harvest), No.46 High Street, No.69 High Street, 14 Highfield Road, 43 Highfield Road, 3 Spinney Road, and the reasons for objections/comments are summarised below:

- Too many fast food premises already within the town centre.
- The town needs a variety of shops to attract others into the town.
- The development would not increase the vitality of the town.
- The development would not add to the improvement of the town centre.
- The hours of operation are not appropriate for a mixed commercial area, with several residential properties located close to the site.
- Lack of on-street parking available.
- Highway safety.
- The development would affect the setting of a listed building No.46 High Street.
- The property was solely a residential until it was sold recently and has not had any commercial use.
- “The town centre already has several empty commercial properties. The conversion of a residential property to a part commercial property when so many commercial properties remain empty is not acceptable.”
- ‘Nuisance behaviour’.

6.2 Irthlingborough Town Council: objection, “Inappropriate to convert house to shop, given the number of empty shops already. The town does not need any more takeaways. It will cause additional litter problems, particularly in the Rest Gardens very close by. There are a number of parking issues.”

6.3 Site Notice posted: no other representation received.

6.4 Local Highway Authority: “I note that the existing highway having limited on street parking, where Traffic Regulation Orders remain in force to restrict the available parking in the area. Any customers of the proposed hot food takeaway would therefore be limited to the current parking facility serving all of the residents and customers in the area. Please not that should any enforcement measures be necessary, they can be taken by the appropriate authority.” Overall, no objection on highway related issues.

6.5 Environmental Health (Commercial): no objection.

6.6 Environmental Protection: no objection subject to condition, “I can see no obvious environmental issues in relation to this proposal. However, I would suggest that the residential premise is tied to the business in order that no complaints of noise or odour are received from any future occupiers”.

7 Evaluation

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

7.2 Principle of Development

7.2.1 Former national planning policy PPS6 (now replaced by PPS4) states that a sequential approach to site selection in relation to commercial uses should be utilised and the same approach is suggested by PPS4. The national planning guidance suggests that in the first instance such development which provides a service to the public, particularly retail should be concentrated within town centres. In accordance with this advice the proposed development, which provides a service to the public, is proposed within the town centre.

7.2.2 Impact of the development on the vitality and viability of the town centre

7.2.3 PPS4 emphasise the importance of encouraging new uses for vacant or derelict buildings (EC2 (i)), encourages the strengthening of declining centres by promoting diversification of uses (EC3 (iii)), makes provision for retail units to change their use whilst retaining opportunities for vital local services (E3 (iv)) and support a diverse range of uses and that these are distributed throughout the centre.

7.2.4 A number of local residents/businesses have commented that the local area needs more variety of shops to attract others into the town. A retail survey was carried out by the Council in August 2009 and this survey indicated that there was a low level of A1 retail units (28.8%) within the town centre. Irthlingborough's role is identified as providing 'a secondary focal point' and 'to complement the expansion' of the main Growth Towns (i.e. Corby, Kettering and Wellingborough) in the North Northamptonshire Core Spatial Strategy (Policy 1). Therefore, whilst a mixture of retail shops may be encouraged in order to provide a wider range of services for the local residents, these would be difficult to insist on policy grounds given the overall development strategy for the town.

7.2.5 Policy 22 of the East Midlands Regional Strategy and PPS4 stresses the importance of maintaining the vitality and viability of town centres and The Three Towns Preferred Options continue this emphasis. Saved Adopted Local Plan Policy S5 suggests that the defined shopping areas should be maintained with appropriate uses in order to preserve their vitality and states that planning permission would only be granted for a change of use of an A1 unit providing the proposal would restore the integrity of a previously sub-divided unit or would result in positive benefit to the vitality and viability of the town centre. Whilst this policy sets the presumption against the loss of retail uses within the defined shopping frontage, the development proposed in this application would not result in the loss of an existing A1 unit, as the premise was last in use as a dwellinghouse, and therefore would not harm the vitality and viability of the town centre to this effect.

7.2.6 Comments were received to say that there are already a number of empty units within the town centre. The retail survey of August 2009 found that 13.6% of the units with the town centre were vacant (a total of 9 units). The building relating to this application, whilst not falling within the defined shopping frontage, lies within the town centre. It is understood that the building has been vacant since early 2009, and the proposal, by bringing a vacant building back to use would help to deliver a positive benefit to the town centre. In addition, the development would contribute towards the commercial function of the town centre.

7.2.7 Concerns were raised to say that there would be too many takeaways within the town centre. The retail survey conducted in August 2009 found 6 takeaways and 3 restaurants within the town centre, a total of 13.7% of A5 and A3 uses. The location and type of takeaway/restaurant found within the town centre in a ground survey conducted by Officers in February 2010 are listed below:

Northern side of High Street:

No.1, Indian Cuisine
No.5a, Kebab Shop
No.6a, Jumbo Chinese/English Food Takeaway
No.6, Mayflower Chinese Restaurant
No.22, Jenny's Restaurant
Nos.60-56, Eastern Spice Restaurant

Southern side of High Street:

No.5, Golden Harvest
No.25, Café@25
No.69, Chinese Food Takeaway
No.71, Kebabs, Pizza, Burgers, Fish and Chips

7.2.8 The cumulative effect of vacant property within the town centre can decrease the vitality and viability of the area and is therefore undesirable. Whilst it is recognised that the same can result from the cumulative effect of A3 and A5 uses, it is considered that with the exception of the four takeaways/restaurants located on the northeast end of the town centre (opposite the roundabout monument) the remaining A3/A5 uses are reasonably distributed within the rest of the town centre.

7.2.9 Overall, it is considered that the change of use of 33 High Street to a takeaway in this instance would not adversely affect the viability or vitality of the town centre. These uses furthermore, as discussed above, are generally well spread out with the town centre and not clustered in one particular area. In particular, with the exception of Eastern Spice restaurant on the opposite side of the road and Café@25 located four shop units away to the east, all the other takeaways are located at a reasonable distance away. Therefore, it is not considered that the proposed development would present a problem in terms of the vitality and viability of the town centre.

7.2.10 It is proposed that the takeaway would open for two and a half hours during the day and for six hours in the evenings. This will help to ensure that there is a balance of active frontages during the day and in the evening, which in effect, would also contribute to the vitality of the town centre.

7.2.11 Whilst the Council has refused applications for takeaways in the past (as listed in Section 5), these were refused because of a loss of retail unit. The building relating to this application is not a retail unit. Furthermore, consideration would have to be given to the recent appeal decision dated 12.11.2008 for EN/07/02060/FUL, which post dates the Council's other refusals for takeaways (EN/08/00820/FUL and EN/07/02367/FUL). In this application, the Inspector took into consideration that because only one takeaway was recorded in the defined shopping area the proposal would not result in an unacceptable concentration of A5 uses within the defined shopping frontage.

7.3 Visual Impact/Impact on the Conservation Area

7.3.1 At the front of the premises, a new shop front and front entrance door has been proposed to replace the existing projecting bay window. The existing main entrance door would be retained to provide access to the first floor flat. In addition to retaining the existing pedestrian access gate, a new gated access is proposed to provide a separate entrance to the front of the shop.

7.3.2 No significant visual harm is considered to result from the proposed front building alterations and no significant visual harm is considered to result from the proposed new gated access, which involves creating a 1.0 metre gap in the existing brick wall.

7.3.3 Overall, subject then to the use of appropriate external materials in the development, it

is considered that no harm would result in the character and appearance of the conservation area and a condition to require the submission of details of materials is recommended before commencement of development.

7.4 Impact on Listed Building(s)

7.4.1 The listed building closest to the site are No.46 High Street and Nos.62 and 64 High Street. It is considered that the proposed development would not adversely affect the setting of these buildings, as the development would be sufficiently positioned away.

7.5 Neighbouring Amenity

7.5.1 In an email received from the agent on 21st February 2010, the agent confirmed that with the exception of an 'extract weather louvre' proposed on the south eastern rear end of the building, no external extraction system are proposed.

7.5.2 The application building is attached to a commercial garage to the east and therefore no harm is considered to result on this neighbouring building.

7.5.3 Environmental Protection is satisfied that no harm would result from the proposed extraction/ventilation system in terms of noise, smell and odour on the surrounding residential properties on the opposite side of High Street. Whilst these neighbouring buildings are located within 10 metres of the site, given the number and mixture of commercial uses within the town centre it is considered that no more harm would result from the proposed development on these residential properties than the existing surrounding commercial uses.

7.5.4 To the south and southwest of the site, the residential properties closest to the proposed ventilation system are located over 25.0 metres away. Again, Environmental Protection is satisfied that no undue harm in terms of noise, smell and odour would result on these surrounding neighbouring occupiers.

7.5.5 Overall, the impact on neighbouring amenities is considered insufficient to justify the refusal of planning permission on this application.

7.5.6 Whilst Environmental Protection has no objections to the proposed development, they have suggested a condition to require that the residential flat be occupied by a person/party associated with the business. This condition has been suggested in order to prevent nuisance to the future occupiers of the flat, by reason of noise and disturbance as a result of the people visiting the takeaway and use of the food preparation area. This is also given that the existing building is unlikely to have adequate sound insulation, due to the age of the building.

7.5.7 The proposed opening hours for the takeaway are from 12:00 to 14:30 and from 17:00 to 23:00 throughout the week, including Sundays and Bank Holidays. These opening hours are considered to be acceptable, taking into consideration the location of the proposal, within a town centre and surrounded by mixed use development. However, in order to prevent the business from operating outside of these hours and to safeguard to the amenities of the occupiers of the flat above and the general amenity of the local area, it is recommended that these opening hours be conditioned.

7.6 Highway Impact

7.6.1 Neighbours have raised concerns that lack of available on-street parking and harm to highway safety.

7.6.2 National planning guidance contained in PPG13, Parking SPG, Manual for Streets and the East Midlands Regional Plan, advises of the need to consider the availability of alternative on-street parking, the distance of the site to the town centre and its range of amenities and public transport facilities. Paragraph 51 of PPG13, in particular, advises that Local Planning Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example

where there are significant implications for road safety.

7.6.3 The existing residential property does not benefit from any off-road parking and there is no room to provide off road parking on the site. Parking bays, however, are found directly in front of the site and further along High Street. In this application, it is considered that additional parking for the takeaway would be difficult to justify. This is given that the site falls within the town centre, is served by existing public transport services and the availability of parking within the nearby car parks.

7.6.4 In particular, the proposed takeaway would be mostly open in the evenings and generate parking demand at a time when competition for parking spaces is likely to be at the least.

7.6.5 Overall, the impact of the development on local parking is considered insufficient to justify a refusal of planning permission on this application and there are no other highway issues relevant highway issues. The Local Highway Authority, furthermore, have not objected to this application and has advised that should any enforcement measures be necessary, they can be taken by the appropriate authority.

7.7 Litter and Other Environmental Impact

7.7.1 A litter bin is proposed within the front courtyard of the premises and litter bins are also available close to the site along the High Street; it is considered that this application is unlikely to raise a significant issue.

7.7.2 The issue of noise, smell and odour has been considered by the Environmental Protection Officer. Whilst no external extraction system has been proposed for the development, Environmental Protection is satisfied that there would be no adverse harm to the local environment by means of noise, smell or odour and has advised that external extraction systems of a relatively small scale/un-intrusive nature and with low levels of noise emission can be available should one be required for the takeaway in the future.

7.7.3 On the basis of this information, it is considered that an external extraction system can be incorporated into the building in the future without having an adverse effect on the conservation area or local amenity. However, a condition is recommended on this application to advise that this application does not give consent to an external extraction system and should the applicant wish to install an external system in the future, this would require a separate application. This is in the interest of preserving the character and appearance of the conservation area, residential amenity and general local amenity.

7.7.4 There is room to store waste within the existing rear garden/courtyard of the property. For waste collection, this will be from the main High Street and this application is unlikely to raise any more issues than the previous use of the property.

7.7.5 Overall, there are no other environmental issues from this proposal.

7.8 Crime and Disorder

7.8.1 In terms of crime and disorder, some local residents have raised concerns. However, there is sufficient natural surveillance of the building from the main High Street, where the building is also well lit. The rear part of the building would also be sufficiently overlooked by the public open space and surrounding properties. For the reasons given, it is considered that the application would be difficult to refuse on grounds of crime and disorder.

8 Other issues

8.1 Access for Disabled - The internal floor level of the building is at a similar level with the pavement and therefore this application does not raise any significant issues, which cannot be controlled through Building Regulations.

APPENDIX 1 : Inspector's decision notice to Appeal EN/07/02060/FUL

9 Recommendation

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

Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Before commencement of the development hereby permitted, full details of the external materials to be used for the front building alterations and full details of the design and materials for the gated access shall be submitted to and be approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory elevational appearance for the development and to ensure the development does not detract from the character and appearance of the conservation area.
3. The premises shall not be open to employees, customers or any other visiting member of the public except between the hours of 12:00 to 14:30 Monday to Sundays and between the hours of 17:00 to 23:00 Monday to Sundays.
Reason: In the interest of neighbouring amenity and local amenity.
4. The first floor flat hereby permitted shall be limited to a person solely or mainly employed in the ground floor takeaway hereby approved.
Reason: In the interest of residential amenity.
5. In accordance with the email submitted by the agent on 21st February 2010, this application does not confer consent to an external extraction system, and should such a system be required in the future a separate application would need to be submitted to the Local Planning Authority for determination.
Reason: To clarify the terms of this consent, in the interest of residential amenity, local amenity and the character and appearance of the conservation area.

Informatives

1. The drawings to which this decision relates are as follows:
Plan received by the Local Planning Authority on 2nd November 2009, drawing number: 3309-1.

Information received by the Local Planning Authority received on 2nd November 2009: Conservation Area Impact and Justification Statement, Ventilation and Extraction Statement, Filtration Information, and Design and Access Statement.
2. In recommending approval to this application, the relevant planning guidance and policies were identified as: PPS1, PPS4, PPG13, PPG15, PPG24; Policies 1, 2, 3, 22, 45, 48 of the East Midlands Regional Plan 2009; Policies 1, 9, 12, 13 of the North Northamptonshire Core Spatial Strategy 2008; Policy S5 of the East Northamptonshire District Local Plan; Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for

Planning Authorities, Working Draft July 2008; and Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development/impact on the town centre; visual impact; impact on the conservation area; impact on neighbouring amenities/amenity of the area; highway impact; litter; crime and disorder; and access for the disabled.

The application has been approved as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national and regional planning policies.
2. The proposal is not considered harmful to the vitality and viability of the town centre.
3. The proposal would have no significant visual impacts.
4. The development would have no significant effect on the conservation area.
5. The development would have no adverse effect on nearby listed buildings.
6. The proposal would have no significant impact on the amenities of neighbouring occupiers or the amenity of the surrounding area.
7. The proposal would not have an unacceptable impact on the local highway.
8. The proposal would not harm the local environment.
9. The proposal would have no significant crime and disorder issues.

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

Committee Report

Committee Date : 10 March 2010

Printed: 23 February 2010

Case Officer **Susan Scott**

EN/10/00109/LBC

Date received	Date valid	Overall Expiry	Ward	Parish
22 January 2010	22 January 2010	19 March 2010	Oundle	Oundle

Applicant **Wilson Dyer Gough - Mr Neal**

Agent **Donald Insall Associates**

Location **15 West Street Oundle Peterborough Northamptonshire PE8 4EJ**

Proposal **Removal of late 19th century shop front to enable repair of street elevation and rebuilding with new sash window and stonework to match window to east of front door. Introduction of relieving stone arch above front door and projecting stone cills at the foot of three existing windows**

The application has been brought to Committee at the request of a Ward Member because of the potential loss of the Victorian shop frontage.

All consultation responses which have been received at the time of writing this report have been included; any further responses received shall be added to the Committee update sheet. The expiry date for site notice is 04.03.2010.

1 Summary of Recommendation

1.1 The application be REFUSED.

2 The Proposal

2.1 The application proposes the removal a late 19th century shop front to enable repair of the street elevation and rebuilding with a new sash window and stonework to match the window to the east of the front door.

2.2 The application includes the introduction of a relieving stone arch above the front door and projecting stone cills at the foot of three existing windows.

3 The Site and Surroundings

3.1 The site comprises a two storey terraced building situated in a predominantly commercial area within the historic core of Oundle. While residential use has been permitted, a 19th century shop front remains in situ and did not form part of the change of use. The building is Grade II listed and falls within the Conservation Area for Oundle.

3.2 The building is constructed from dressed limestone with a Collyweston slate roof. Windows, doors and the existing shop front are all of timber construction.

4 Policy Considerations

4.1 Planning Policy Guidance Notes/Statements
PPS1 – Delivering Sustainable Development
PPG15 – Planning and the historic environment

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

4.3 East Northamptonshire District Local Plan
No saved policies relevant to this application

4.4 Rural North, Oundle and Thrapston Plan (emerging document)
Policy 9 – Buildings of Local Architectural or Historic Interest

5 Relevant Planning History

5.1 EN/03/01474/FUL - Change of use from existing retail area to residential use – Permitted 30.01.2004

5.2 EN/84/01106/FUL - Use of part of building as retail shop – Permitted 05.09.1984

5.3 EN/06/01037/LBC – Re-build part of front elevation including insertion of new window – Refused 10.07.2006. An appeal against this refusal was dismissed on 25.05.2007 under reference APP/G2815/E/06/2031029.

5.4 EN/08/00141/LBE – Listed Building Enforcement Notice which took effect on 22.07.2009. The requirements of the Notice are as follows:

(a) Remove the plastic sheeting and timber boarding from the external face of the shop-front and similarly, the stud and plasterboard lining to the internal face.

(b) On completion of step (a) above, repair the existing shop-front as necessary, to restore it to the condition and appearance it was before the works had taken place, and make good any internal decorations that are comprised by the removal of the stud and plasterboard lining.

5.5 An appeal against the Listed Building Enforcement Notice is currently in progress under reference APP/G2815/F/09/2109246 by means of an Informal Hearing to be held at the Council Offices on 17.03.2010.

6 Consultations and Representations

6.1 Neighbours: One objection to date. The change to a domestic frontage will alter the whole perspective and ambience of the trading aspect of West Street.

6.2 Senior Conservation Officer – Objection as the historic shop front is an important part of the special character of the listed building which also positively contributes to the character and appearance of the Oundle Conservation Area.

7 Evaluation

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

7.2 Effect on the special architectural or historical interest of this listed building:

7.2.1 The site comprises a two storey terraced building which has held a commercial use at ground floor level. The listing description specifically acknowledges the Victorian shop front which appears to have been constructed during the late 19th Century. While the property history set out above suggests that the building may have been used for a residential purpose between the installation of the shop front and its conversion back to commercial use around 1984, the shop front has remained in place throughout the varying uses contributing to the character and appearance of the commercially dominated streetscene.

7.2.2 West Street forms the main route through the town and provides a local centre of varying services and commercial uses. The character of the town has been largely preserved in its present form over the years still boasting many original and historic features including a number of shop fronts. It is important to retain this character for the sake of both local distinctiveness and to preserve the history and heritage of both the building itself and

the surrounding area. Indeed, PPG15, paragraph C52 encourages the retention of historic shop fronts stating “Wherever shop fronts of merit survive they should be retained”. The timber shop front incorporates attractive and distinctive detailing reflecting the historic period and character of the building. Its removal would have a significant adverse impact on the history and character along with the streetscene as a whole.

7.2.3 The Design and Access Statement submitted with the application refers to the quality of the existing shop front as a fairly commonplace concept when it was introduced c.1895. Section C5 of PPG 15 states: “Subsequent additions to historic buildings, including minor accretions such as conservatories, porches, balconies, verandas, door dressings, bargeboards or chimneys, do not necessarily detract from the quality of a building. They are often of interest in their own right as part of the building’s organic history. Generally, later features of interest should not be removed merely to restore a building to an earlier form.” Therefore, whilst the feature may not be part of the original fabric of the building, it is nevertheless one of historic importance.

7.2.4 Two further addresses in West Street are referred to in the Design and Access Statement, numbers 64 and 74, both listed and both having permission granted for the removal of shop frontages in recent years. The situation at number 74 (EN/08/01072/FUL) was very different as the shop frontage removed consisted of two sections of plate glass installed in the 1960s. Although permission was granted for the removal of the shop frontage at number 64 West Street (EN/98/00503/LBC) no precedent should be set given that a building is on the statutory list. Each application should be considered on its individual merits and the proposed works would have an adverse impact upon the special interest of the building and the character and appearance of the Oundle Conservation Area.

7.2.5 The structural engineers report forming part of the application demonstrates that the proposal is not the only option and that the structural issues can be addressed while retaining the shop front. This can be achieved by replacing the timber beam and inserting two props underneath to reduce its span. The Council have, in the past, commissioned a structural engineer who has confirmed this is the case.

7.2.6 The current application is almost identical in to that refused in 2006 under reference EN/06/01037/LBC. The Inspector’s report dismissing the subsequent appeal referred to the exposure of the occupants of the house to passing traffic, noise and vibration (attached). It was the Inspector’s opinion that consideration should be given to a more imaginative approach to provide improved living conditions while preserving the shop front. Environmental issues are referred to in the Design and Access Statement which forms part of this application. It should be noted that many listed properties in nearby North Street have retained their original shop frontages following a change to residential use. These properties are located in a narrow street where vehicle movements are in an alternating one way direction controlled by traffic lights. The proximity of the moving traffic to these properties is comparable to that of 15 West Street.

7.2.7 The proposed works would have an adverse impact on the history, appearance and fundamental features of the listed building resulting in a significant loss to the historic fabric and are therefore contrary to both national and local policy. While removal of the shop front may be necessary in order to carry out structural repair works, the frontage can be returned upon completion retaining the character and appearance of the building and its setting within the conservation area.

8 Other Issues

8.1 Crime and Disorder – It is considered that there are no crime and disorder issues relevant to this application

8.2 Access for the Disabled - No disabled issues are considered relevant to the determination of this application

8.3 The original listing description of 15 West Street, Oundle refers to a "carriageway through west end full height to eaves (entrance to Turner's Yard). Although not part of this application this area referred to in the listing is shown on drawing number OWS 2, received on 22.01.2010, as a garage on both the existing and proposed floor plans. This matter is currently the subject of legal action by Northamptonshire County Council. This is brought to the attention of Members as Northamptonshire County Council Highways will be making comment on the proposal.

APPENDIX 1: Appeal decision dated 25.05.2007 APP/G2815/E/06/2031029

9 Recommendation

9.1 That the application be REFUSED for the following reason(s):

Conditions/Reasons -

1. The proposed development, by nature of its impact on the historic fabric of the building, namely the removal of a historic shop front would have an adverse impact on the character and appearance of a listed building; as such the proposal is considered contrary to PPG15, Policy 13 - General Sustainable Development Principles of the North Northamptonshire Core Spatial Strategy and Policy 9 - Buildings of Local Architectural or Historic Interest of the Rural North, Oundle and Thrapston Plan.

Informatives

1. The drawings to which this decision relates are as follows:
Drawing Nos.
OWS01
OWS02
OWS03
OWS 04
Received by the Local Planning Authority on 22.01.2010

Committee Report

Committee Date : 10 March 2010

Printed: 26 February 2010

Case Officer **Mr Rhys Bradshaw**

EN/09/01947/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
8 December 2009	8 December 2009	2 February 2010	Oundle	Benefield

Applicant **Benefield Wheatsheaf Ltd**

Agent **Sywell Land Ltd - Mr N Paske**

Location The Wheatsheaf Coaching Inn Main Street Upper Benefield Peterborough Northamptonshire PE8 5AN

Proposal **Temporary permission for erection of marquee to rear of premises**

This application is reported to the Development Control Committee at the request of a Local Member.

1 Summary of Recommendation

1.1 The application be GRANTED subject to conditions.

2 The Proposal

2.1 This application proposed the erection of a marquee to the rear of an existing hotel and public house to provide additional floor space for weddings to support the hotel and restaurant use.

2.2 The marquee projects some 24m from the rear of the pub to a width of 9m and stands some 4m to the ridge.

2.3 The marquee has a floor space some 216sqm and can accommodate up to 120 guests.

2.3 The applicant is seeking a temporary planning permission for three years, whereby the marquee would be removed during the winter months.

3 The Site and Surroundings

3.1 The application site is situated on the southern side of Main Street (A427) and forms part of the wider pub/hotel site. The area in question is currently laid to lawn and used as a garden area for patrons.

3.2 The site is situated in the Conservation Area and is bounded by the A427 to the north, open countryside to the east and south and residential properties to the west and north. To the north, the nearest dwelling to the marquee is some 35m away on the opposite side of Main Street. To the west there is a distance of some 40m between the marquee and the nearest dwelling.

4 Policy Considerations

4.1 National Planning Policy Guidance

PPS1– Sustainable Development

PPS4 – Planning for Sustainable Economic Growth

PPG15 – Planning and the Historic Environment

PPG24- Noise

4.2 East Midlands Regional Plan
Policy 2 – Promoting Better Design
Policy 18 Regional Priorities for the Economy.

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

4.4 Rural North, Oundle and Thrapston Plan:

The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination on 8 July 2009 the Inspector found the document sound. However, as yet the Council has not adopted the Plan as a Development Plan Document as such the Council is still treating the document as emerging policy.

5 Relevant Planning History

5.1 EN/09/00856/FUL - Erection of marquee to rear of premises to host functions associated with the hotel and restaurant business. Temporary planning permission. REFUSED 29 July 2009 for the following reasons:

- By reason of its scale and siting, it is considered that the proposed marquee will represent an alien feature within the Conservation Area to the detriment of its character. The proposal is therefore contrary to Policy 13 of the North Northamptonshire Core Spatial Strategy and the advice contained within PPG15 – Planning and the Historic Environment.
- The applicant has failed to demonstrate that the proposed development would not have a detrimental impact on the residential amenities of adjacent occupiers in terms of levels of noise arising from the use of the proposed marquee. The proposal is therefore contrary to the guidance contained within PPG24 Noise.

5.2 EN/04/02260/RWL - Extension to provide fifteen guest bedrooms. APPROVED and development has commenced.

6 Consultations and Representations

6.1 Neighbours: 5 objection letters have been received and can be summarised by the following comments:

- Objection on the grounds of noise and disturbance.
- The Wheatsheaf started holding weddings in marquees in 2005. Noise from discos has been a constant problem since this time.
- Noise has been monitored by Environmental Health and an abatement notice was served in April 2008. This prohibits the playing of live or amplified music on the land and in any temporary structures erected on the land so it is not audible at the boundary. Since this date the Wheatsheaf has continued to hold events in marquees in breach of the abatement notice and Environmental Health are currently taking enforcement action.
- Comparisons to Wadenhoe Manor, where a breach of condition occurred. The Wheatsheaf is not a suitable location for discos, being much closer to residential housing and having a substantially smaller garden.
- There are a number of errors on the application form –
 - 1.The site can be seen from a public road or footpath.
 - 2.The D&A states that allotments are opposite the Wheatsheaf and fails to mention that there is development immediately to the north. (43-49 Main St)
 - 3.The application states that development has not started, whereas the marquee has been erected on numerous occasions.
 - 4.The application fails to mention the abatement notice.
 - 5.The Acoustic Report states that 43 Main St is approximately 40m from the marquee – this is incorrect, it will start about 25m from the façade.
- Visual impact
- The reduction in length of 3m is minimal. The majority of the marquee still extends in

view beyond the existing buildings of the Wheatsheaf and is therefore highly visible to anyone approaching the village from the east or south.

- It is very unsightly and detracts from the appearance of the village.
- The trees provide little screening.
- The proposed changes in size and colour will do little to mitigate that this is still a large and unsightly PVC structure.
- Upper Benefield is a quiet village located in the countryside. It is not the sort of location in which you would expect an events and conference centre holding in excess of 30 discos in marquees per year.
- The acoustic report is based on computer models rather than actual readings and suggests that measures could be taken to mitigate the noise levels outside bedrooms to 43dB(A). This is nearly twice the background level of 24dB(A) and is unacceptable. I do not believe we will be able to sleep
- WHO Guidance emphasises the effect on vulnerable subgroups such as children. In numbers 43-47 Main St there are 6 children under the age of 14 who will be more susceptible to the adverse effects of noise levels over 30dB(A). All of these houses have bedrooms at the front of the house facing The Wheatsheaf.
- Events over the last 5 years have stopped my daughter sleeping on numerous occasions and I have had to move her to the spare room at the back of the house. On some occasions, it has been so loud that she has been unable to sleep in the spare room, which is double glazed.
- Section 6.3 of the acoustic report states that with the mitigation measures proposed, the outdoor living levels will be in the region of 55dB. The WHO Guidelines for Community Noise state that 55dB in outdoor living areas will cause serious annoyance.
- 43 Main Street is grade II listed and has mullion windows, which are not double glazed and will not provide the same level of attenuation.
- On occasions, the noise has been so loud that the glass in our windows has “buzzed” from vibrations and on one occasion the glass has cracked.
- On some nights the noise can be heard at the other end of the village and in Lower Benefield.
- Why should I have to go in person to ask them to turn the music down?
- Impact on the amenity of a listed building, reducing the enjoyment of the house and garden.
- Doors will not be kept shut given the heat generated inside the marquee.
- The acoustic lining will not provide sufficient mitigation.
- The Wheatsheaf cannot be relied upon to enforce mitigation measures.
- The pub is not a local facility as it is often closed to residents of the village.
- I am not aware that the pub provides employment to anyone actually living in the village. On most days there is only one car in the car park. The staff brought in to do weddings are casual workers.
- The venue is incompatible with the nature of the village.
- The licensee is clearly in breach of several of the conditions under which the license was issued in 2005.
- Environmental Health is currently taking enforcement action in respect of events held in September and October 2009.

6.2 Benefield Parish Council: No objection subject to acoustic insulation, restricted noise levels, cut off at specified time and a limit on the number of events.

6.3 NCC Highways: No objection.

6.4 ENC Environmental Services:

6.4.1 This is a similar application to one that was refused earlier in the year, one of the grounds for refusal was noise. It is extremely difficult to control noise from these types of structure as noise radiates in all directions with a negligible reduction in volume through the walls of the marquee. Furthermore, a noise abatement notice has been served on The Benefield Wheatsheaf to control noise from loud music. The notice is specifically aimed at controlling noise from temporary structures such as that proposed. It was served in response

to complaints made about the playing of loud music usually associated with weddings.

6.4.2 Since the earlier application we have been in discussion with the applicant and they have submitted an acoustic report in support of this planning application. Acoustic Associates who produced this report have indicated that an acceptable noise environment can be achieved and maintained if certain measures are taken to mitigate noise. This includes the installation of an acoustic lining to the interior of the marquee, possibly keeping entry and exit points (plus windows) closed when music is being played and the use of a noise limiter.

6.4.3 To support their recommendations, the applicant has submitted the results from noise modelling software, which is industry practise. However, it is recognised models can introduce up to 3-4dB error in their predictions. To put this into context this is a doubling in the sound power level from the noise source but in real terms may only be a perceptible change in noise heard dependent upon the sensitivity of the individual.

6.4.4 The acoustic model produced by Acoustic Associates has demonstrated that a reasonable noise environment may be achieved at nearby premises, based on World Health Organisation (WHO) guidelines. It must be remembered WHO guidelines are usually applied to anonymous, continuous noise sources such as traffic. It may not be appropriate to consider noise from loud music within this context. However, the outside noise levels they predict after mitigation, although below or at WHO guidelines, can be expected to be a maximum of 17 – 19dB(A) above the low background levels of 24 – 26dB(A). This is obviously a significant increase in the ambient outside noise levels and can roughly be equated to between two and four times as loud. Whilst BS4142 has not been used to carry out this assessment, we must consider paragraph 9, which states that a difference of around +10dB or more indicates complaints are likely.

6.4.5 Research carried out by Arup Acoustics in 1997 has also been referred to in support of the application. This study involved the assessment of the effectiveness of a specially treated marquee to attenuate sound. This indicated that through an area of continuous wall of the marquee, away from openings, that an overall transmission loss of 25/26dB can be achieved. On a non-continuous side, with a door, an overall transmission loss of 19/22dB was found. These results were achieved under test conditions.

6.4.6 The applicant has assumed the sound from the marquee can be reduced by a total of 25/26dB and this figure has been used in their model, based on figures from the Arup report. However, at the lower frequencies, sound tends to travel further without diminishing as quickly as it would at higher frequencies. Therefore, sound reduction is much less at these lower frequencies, which include the bass beat sound levels. It is worrying they have predicted that sound will only be reduced by 8 and 15dB at 63 and 125Hz respectively.

6.4.7 The applicant has submitted three different potential strategies that would bring noise levels within WHO guidance, based on the outputs from the noise model. As mentioned earlier these cover a number of different combinations of door/window positioning, whether open or closed and setting a noise limiter between 92 and 95dB(A). Whilst it appears from the outputs of the noise models it is theoretically possible to achieve reasonable levels of noise outdoors and indoors we have concerns these levels cannot be achieved in practise, particularly at the lower frequencies.

6.4.8 Therefore, we have made enquires with the owner of a marquee already fitted with this lining and taken the opportunity of inspecting the marquee and carrying out a basic acoustic survey. Our results indicate that only a sound reduction index of between 16 and 17dB(A) can be achieved through a continuous wall section. This is obviously significantly less than used in the acoustic model. Furthermore, whilst we were taking measurements another acoustic consultant was on site taking measurements. From discussions with them on the day their results suggest the lining system only offers a reduction of 16dB(A) across a continuous wall. Obviously along a discontinuous wall we could expect less than this.

6.4.9 From discussions with the applicant, the marquee supplier and their acoustic advisors it appears a secondary acoustic lining may be used as well. Technical data from the supplier of this lining indicates that a single figure weighted sound reduction index of 14dB(A) can be achieved through the use of this lining. We have asked for confirmation of the exact lining system proposed and the predicted sound reduction that can be expected from the use of both linings, but this information has not been forthcoming.

6.4.10 Whilst we had hoped to be in a position to support the planning application, although with some reservations, this is no longer the situation. We have concerns that the sound reduction will be significantly less than predicted and in our opinion would not reduce noise to an acceptable level, particularly in respect of lower frequency noise such as a bass beat. There is likely to be a considerable loss of amenity to local residents from this development. This is likely to be worse in the summer when it is assumed that maximum use of the marquee will occur. It is not unreasonable to expect people to have windows and doors open during the summer months and wish to sit outside in their gardens making any additional noise sources more noticeable. Therefore, we object to this planning application on the grounds that complaints of noise nuisance are considered likely if the proposed development goes ahead. As this is an application for temporary permission it could be considered limiting any permission to a 6 month timescale, during which the applicant would be required to submit substantial testing when the marquee is in use.

6.5 ENC Senior Conservation Officer: No objection

6.6 Northants Police Crime Prevention Design Advisor: No objection

7 Evaluation

7.1 The main considerations in the determination of this proposal are the principle of development, its visual impact both on the existing building and the wider conservation area, viability of the business and the possible impacts on neighbouring amenities arising from noise.

7.2 Principle

7.2.1 The principle of an extension to an existing business is supported by both national guidance in the form of the newly adopted PPS4 and policies within the North Northamptonshire Core Spatial Strategy, which seek to support the rural economy. The applicant has submitted confidential financial information to demonstrate that the marquee as a wedding venue would aid the viability of the business.

7.3 Design and Visual Impact

7.3.1 The marquee is situated behind the two and a half storey pub building, which fronts the highway and is constructed of stone with a tiled roof. Standing some 4m to the ridge, the marquee will not be highly visible in the street scene.

7.3.2 Officers previously had concerns regarding the impact of the marquee on the character of the Conservation Area, given that the site is highly visible in the open countryside, on the approach from Lower Benefield along the A427 to the south, where the Wheatsheaf stands in an elevated position in the landscape. Whilst this formed a reason for refusal, the revised plans now show a marquee that has been reduced in length by 3m and would stand solely on the lawn area to the rear of the host building rather than extending across the car park. This adjustment, together with an agreement that the marquee is removed during the winter months, when natural screening is at its most sparse, has rendered the proposal acceptable to the Council's Senior Conservation Officer.

7.4 Viability

7.4.1 The viability of this rural public house is also considered to be an important issue. Neighbours have commented that access for local residents is often restricted. Whilst this may be so, this is still a rural business offering a degree of service and local employment.

The applicant has provided confidential financial information to demonstrate a need for such a structure to support the pub/hotel business. In reconciling the issue of viability and the visual impact of the proposal, it is considered that a more temporary structure would be acceptable, whereby the marquee is removed for a period of time when at its most visible. This could not be agreed under the previous application but negotiations have secured an agreement that the marquee will only be erected from March to November.

7.4.2 If approved, the temporary permission would last three years. Officers do not envisage a second application being submitted for a further temporary consent at the end of this period and it is widely held that the ongoing renewal of such a permission would not be desirable because of the longer term impacts on the character of the conservation area. The pre-commencement conditions pursuant to the outstanding planning permission for the approved two storey extension (EN/04/02260/RWL) have been discharged and the foundations laid. According to the applicant, it is envisaged that this extension will be constructed at the end of the three years should the business sustain an acceptable level of viability.

7.5 Neighbouring amenity

7.5.1 Adjacent occupiers have expressed concerns regarding noise and disturbance from events which have taken place in the marquee to date. Officers agree that, in the past, noise emanating from a marquee on this site was at an unacceptable level and this is currently being investigated by the Council's Environmental Protection team. Previously, the necessary noise reports to demonstrate that the marquee can be used to host functions without causing noise nuisance to adjacent residential occupiers had not been submitted and this formed a second reason for refusal. In the process of submitting the application considered here, these reports have been commissioned by the applicant and submitted concurrently with the application. These reports have been considered by the Council's Environmental Protection Officers and it is considered that, as proposed, the measures may not adequately mitigate against noise emanating from the marquee.

7.5.2 The option of a temporary consent for 6 months has been suggested by Environmental Services to allow for further testing; in effect, a trial run. Given the business case submitted in support of the application, this would be a reasonable way forward and the applicant has agreed to this approach. A range of conditions have been provided by the Council's Environmental Services department to ensure strict control during this period.

8 Other issues

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

8.2 Access for Disabled – this application does not raise any significant issues

9 Conclusion

9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS4, PPG15, PPG24, Policies 2 and 18 of the East Midlands Regional Plan and North Northamptonshire Core Spatial Strategy 2008 policy 13. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the visual impact on the existing building and the wider conservation area, the viability of the business and the possible impacts on neighbouring amenities arising from noise. The application has been recommended for approval as:

- The principle of the development is acceptable and is consistent with the development plan.
- The siting of the development is acceptable and the development would not harm the visual amenity or character of the area.
- Ongoing testing during the temporary period of consent would ensure that the marquee would not have a significant impact on the amenities of neighbouring occupiers.

Recommendation

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

Conditions/Reasons -

1. This permission shall be limited to a 6 month period of time expiring on 10/09/2010, at which point a further consent would be required to retain the marquee in its current position and form. If during this time the applicant fails to demonstrate to the satisfaction of the Local Planning Authority that the marquee does not create a noise nuisance, further use of the marquee shall cease immediately.
Reason: In order to assess the impact of amplified music on the residential amenity of the occupiers of neighbouring dwellings
2. No amplified music shall be played outside the hours of 10.00 and 23.00 hours Monday to Saturday.
Reason: To safeguard the residential amenities of neighbouring occupiers.
3. A double door lobby system shall be installed at all access points to the marquee. Self closing mechanisms shall be installed on all doors. All doors to the marquee shall remain closed at all times, except to allow access, when music is being played.
Reason: To safeguard the residential amenities of neighbouring occupiers.
4. All noise equipment shall be located at the northern end of the marquee at a position to be agreed in writing with the Local Planning Authority.
Reason: To safeguard the residential amenities of neighbouring occupiers.
5. Amplified recorded music only shall be played inside the marquee. No live musical entertainment or karaoke shall take place.
Reason: To safeguard the residential amenities of neighbouring occupiers.
6. The noise climate at the surrounding residential properties shall be protected such that when measured one metre from the façade of any residential property the A weighted equivalent continuous noise level (LAeq) emanating from amplified music from The Benefield Wheatsheaf shall not exceed background levels when measured over any 5 minute period, LAeq,5min. No one third octave band when measured at one metre from the façade of any residential property shall be more than 5dB greater than its immediate neighbour.
Reason: To safeguard the residential amenities of neighbouring occupiers.
7. Prior to the first use of the marquee a double acoustic liner shall be installed that achieves a sound reduction index of at least 25dB across all facades and the roof. To ensure compliance with the above, every time the marquee is used for the playing of amplified music monitoring must be undertaken by persons competent in noise measurement to ensure compliance with this condition. Such monitoring results shall be submitted to the Council within 3 working days of the event. If the acoustic lining does not provide this level of sound reduction other means must be employed.
Reason: To safeguard the residential amenities of neighbouring occupiers.
8. The marquee shall not be adapted or altered in any way without the prior written approval of the Local Planning Authority.
Reason: To safeguard the residential amenities of neighbouring occupiers.
9. Prior to any use of the marquee the applicant shall submit for approval to the Local Planning Authority a noise management plan for the playing of amplified music. This plan shall include all the following:-
 - Robust policies and procedures applied to events in The Benefield Wheatsheaf
 - Fixed sound limiting and/or monitoring equipment.
 - Training procedures for managers and other staff associated with events in The Benefield Wheatsheaf

- An on going review process
 - Details of monitoring to be undertaken at the time of events
 - A detailed complaints monitoring system
 - Including direct contact details during events
 - Details of events booked for the marquee shall be provided to the Local Planning Authority as soon as practicable but no later than seven days prior to the event
- Reason: To safeguard the residential amenities of neighbouring occupiers.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS4, PPG15, PPG24, Policies 2 and 18 of the East Midlands Regional Plan and North Northamptonshire Core Spatial Strategy 2008 policy 13. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the visual impact on the existing building and the wider conservation area, the viability of the business and the possible impacts on neighbouring amenities arising from noise. The application has been approved as:
 - The principle of the development is acceptable and is consistent with the development plan.
 - The siting of the development is acceptable and the development would not harm the visual amenity or character of the area.
 - On going testing during the temporary period of consent would ensure that the marquee would not have a significant impact on the amenities of neighbouring occupiers.
2. The drawings to which this decision relates are as follows:
 - Drawing No.s
 - SL100/5A
 - SL100/15
 - SL100/20A
 - SL100/10
 - LC 1Received by the Local Planning Authority on 08.12.2009

Committee Report

Committee Date : 10 March 2010

Printed: 23 February 2010

Case Officer **Mr Rhys Bradshaw**

EN/09/00936/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
17 June 2009	19 June 2009	14 August 2009	Lower Nene	Ashton

Applicant **OHL Ltd**

Agent **David Jackson**

Location Potting Sheds Ashton Wold Ashton Northamptonshire

Proposal **Creation of five new two bedroom residential dwellings for holiday units to compliment Phase 1 Approved under 07/01174/FUL**

This application is brought back before the Planning Committee for determination after Members resolved to defer determination to allow the applicant to submit additional information in relation to the need and viability of the proposed new build holiday let units.

1 Introduction

1.1 The Officers' report to committee of 30/09/2009 is appended to this report.

2. Additional Information

2.1 The applicant has submitted information in an attempt to identify the need for the additional holiday let units at Ashton Wold and the financial viability of such accommodation.

2.2 The applicant's analysis of the need for additional accommodation concentrates specifically on the requirement for lets with fewer bedrooms. All five units proposed under this application have 2 bedrooms.

2.3 Two letters of support have been submitted, one from the Estate Office of OHL Ltd and the other from the operator of the Chequered Skipper public house in Ashton. The Estate Office confirms it has received requests for one and two bedroom holiday accommodation in the past whilst also confirming that the estate has no such accommodation at present. The operator of the Chequered Skipper is also of the opinion that there is a need for this type of accommodation to support their own wedding/tourism and meeting package. This letter of support states that there are nearly 30 functions booked so far this year.

2.4 A statement on the viability of the proposed holiday let units uses figures drawn from the existing operations on site, identifying yields of some 6-9%.

2.5 The applicant has also submitted their own assessment of holiday accommodation in the Oundle/Ashton area; including Warmington, Wigsthorpe and Nassington. This survey identified 24 properties in this area offering holiday let accommodation, 8 of these offering 2 bedrooms. Whilst this information goes some way to highlighting the apparent lack of accommodation comprising smaller bedroom numbers in the Oundle area, it is just a list of accommodation that does not indicate occupancy rates.

2.6 It must also be highlighted that this supporting information does not include details of how frequently the applicant has had to turn visitors away from the existing facilities at Ashton Wold because of the lack of smaller units. This level of evidence was accepted in support of a similar application approved in Nassington (EN/09/00936/FUL). For Member's information, the existing lets on site include the following:

The Stable Block
Newmarket Rooms – 2 bedroom unit
Gold Cup Rooms – 3 bedroom unit
St. Ledger – 4 bedroom unit

Wildflower barn
3 bedroom unit

Applestore
3 bedrooms

Tansor Grange Farm
3 x 3 bedroom units
1 x 4 bedroom unit

Potting Sheds Phase 1
2 x 5 bedroom units
1 x 2 bedroom unit
1 x 3 bedroom unit
1 x 4 bedroom unit

Stamfordhovels
4 bedroom unit

3. Assessment of additional information

3.1 For the reasons given in section 7.2 of the appended report, Officers recommended that the application be refused in the absence of adequate justification of need.

3.2 Whilst advocating the reuse of existing buildings, The Good Practice Guide on Planning for Tourism advises that "there will be some occasions where development for tourism is sought at a location where it will be difficult to meet the objective of access by sustainable modes of transport. The choice of location may have been determined by a functional need...Developers and planners may find that in such cases there will be limited opportunities to make the development accessible by sustainable modes of transport or to reduce the number or proportion of visits made by car. For small-scale schemes, the traffic generated is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments. In all cases, planners will need to weigh up the other benefits of a tourism proposal against any disadvantages arising from its location." Annex A of the same document reiterates the advice in PPS7 that local planning authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives.

3.3 Since this application was last considered by the Development Control Committee, the Department for Communities and Local Government has published PPS4: Planning for Sustainable Economic Growth, which offers further guidance in respect of applications for economic development. Policy EC7 advises that local planning authorities should support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Policy EC10 states that local planning authorities should adopt a positive and constructive approach towards

applications for economic development and that planning applications that secure sustainable economic growth should be treated favourably. Policy EC12.1 (b) advises that local planning authorities should support small scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that it may be an acceptable location for development even though it may not be readily accessible by public transport.

3.4 East Northamptonshire Council has produced a Draft Tourism Strategy 2010-15 for consultation in December 2009, which identifies that "the district is also short of quality overnight accommodation, with only 33 accredited accommodation providers". This document also highlights that the opportunities to significantly increase provision are limited.

3.5 Taking into account new policy guidance, the location of the site in close proximity to other holiday let facilities and the longer term benefits for the local economy generated by additional tourism accommodation, on balance, the submitted evidence of need is considered sufficient enough to overcome a reason for refusal based on the principle of the development of new buildings in the open countryside.

4. Impact on the character of the Ashton Wold estate.

4.1 Notwithstanding the conclusions drawn above regarding the evidence of need and the principle of the proposed development, the assessment made in section 7.3 of the appended report is still relevant. No further information has been submitted to demonstrate that the proposed new-build holiday let units will have an acceptable impact on the rural character of the Ashton Wold Estate. Policy EC7 of PPS4 strengthens this view by advising that local planning authorities should support sustainable rural tourism that benefits rural businesses, communities and visitors and which utilise and enrich rather than harm the character of the countryside, its towns, villages, buildings and other features. In this regard, it is considered inappropriate to grant planning permission for a form of development that would result in a suburbanisation of the estate and harm its intrinsic quality and character, which is the very reason why tourists will be attracted to the site. As such, this reason for refusal remains.

5 Recommendation

5.1 That planning permission should be REFUSED for the following reason:

1. The proposed development, by reason of the increased density of buildings on site and the introduction of a linear form, will have a detrimental impact on the rural character of the Ashton Wold Estate. The proposal is therefore contrary to Policy 13(h) of the North Northamptonshire Core Spatial Strategy, Policy 2 of the East Midlands Regional Plan and Policy EC7 of PPS4.

APPENDIX : report to Planning Committee – 03/12/2008

This application is reported to the Development Control Committee because the proposed development exceeds the threshold in the scheme of delegation of 1 new dwelling in the open countryside.

1 Summary of Recommendation

1.1 The application be REFUSED

2 The Proposal

2.1 The application proposes the erection of 5 purpose built holiday let units. The units are designed to compliment an existing range of potting sheds, which are to be converted into five holiday let units under application reference EN/07/01174/FUL

2.2 The proposed units will have two bedrooms and will be sited to infill gaps in the existing range of sheds.

2.3 The application also proposes 10 parking spaces in addition to 10 provided under the previous application.

3 The Site and Surroundings

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

3.2 Within the estate are a group of dwellings and former farm buildings which have been converted to general residential use and lie in a group close to the main Ashton Wold Manor House. Some of these buildings originally formed staff accommodation for people employed at the main house.

3.3 There is a small communal parking area adjacent to the access road, this can accommodate approx 10 parked cars.

3.4 A stable block has recently been converted to provide holiday let accommodation. The accommodation for estate tenants.

3.5 The site includes a walled garden with a number of greenhouses and a swimming pool. The buildings and garden are generally in a poor condition and in semi derelict state and the garden overgrown. The area is generally well wooded and lies to the west of Ashton Wold House.

4 Policy Considerations

4.1 Planning Policy Guidance Notes/Statements

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS7 – Sustainable Development in Rural Areas

PPS9 - Nature conservation

4.2 Regional Spatial Strategy 8: East Midlands Regional Plan

Policy 2 Promoting Better Design

Policy 24 Regional Priorities for Rural Diversification

Policy 27 Regional Priorities for the Historic Environment

Policy 42 Regional Priorities for Tourism

4.3 North Northamptonshire Core Spatial Strategy

Policy 13 – General Sustainable Development Principles

4.4 East Northamptonshire District Local Plan

There are no saved policies relevant to this proposal.

4.5 Rural North Oundle and Thrapston Plan Submission Document

Policy 1 – Settlement Roles

(Please note that this document has not been adopted by members)

4.6 Supplementary Planning Guidance-

Good Practice Guide on Planning for Tourism

5 Relevant Planning History

5.1 EN/07/01174/FUL – Conversion of former potting sheds and walled garden into five holiday let units. APPROVED

6 Consultations and Representations

6.1 Neighbours – 3 letters of support have been received from residents of Ashton Wold.

6.2 Parish Council: No objection.

6.3 Warmington Parish Council: No objection

6.4 NCC Rights of Way: No objection

6.5 Natural England: No objection

6.6 Wildlife Trust: Comments – Application is close to designated wildlife site therefore care needs to be taken during construction operations and the subsequent use in order to protect the site and its wildlife from possible impacts.

6.7 ENC Conservation Officer - While I have no objection to this proposal, I did want to clarify the position of the landscaping element. The scheme for the re design of the walled garden was agreed as part of the last application (07/01174). Will this still stand if a new planning permission is determined as it will need to be amended to facilitate the changes in the site layout.

6.8 Northants Badger Group – No comments

6.9 NCC Highways – No objection subject to conditions to ensure the reconstruction of the vehicular access.

7 Evaluation

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

7.2 Principle of development:

7.2.1 PPS7 promotes more sustainable patterns of development in the countryside. PPS7 and policies in the Regional Plan generally support the development of tourism accommodation in the open countryside.

7.2.2 PPS7 advises however that wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements. The Good Practice Guide on Planning for Tourism also advocates this approach. Facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction or to allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside.

7.2.3 Whilst some of the recent applications at Ashton Wold, including the most recent proposal linked to the potting shed complex, involved the conversion of existing buildings, the application considered here is purely for new buildings. No evidence of need had been submitted in support of the application and the proposed units will not be linked to a particular countryside attraction.

7.3 Design and Layout

7.3.1 The design of the units themselves reflects the character and appearance of existing former potting sheds by following the simple lean-to form, utilising the high garden wall as the spine. The southern side of the wall facing the private gardens would be highly glazed to reflect the character of greenhouses within the walled garden, whilst the northern side would take on the appearance of brick built outbuildings with simple fenestration details and wooden entrance doors.

7.3.2 Notwithstanding this, it is considered that the intensification of the number of units from 5 to 10 and the proposed linear layout would have a detrimental impact on the character of the Ashton Wold estate. The infilling of the gaps between the existing sheds (to be converted) with new build units would create a more urban character in what is essentially a countryside setting by increasing the density of the built form and arranging buildings in a more formal layout. The resultant length of the range of holiday lets will extend to 122 metres. Surrounding buildings, which consist of former workers dwellings, outbuildings and converted holiday lets are collectively at a low density. This lower density manifests itself in a less formal arrangement of the buildings on site.

7.4 Neighbouring amenity:

7.4.1 The Gardener's Cottage and two other former workers dwellings are situated to the west and southwest of the walled garden and potting shed buildings. Given the single storey height of the proposed units and their orientation away from the existing dwellings, the impact on the occupiers of these buildings is considered minimal.

7.5 Parking

7.5.1 The existing access road is of sufficient width to allow the additional traffic associated with the proposed use. The access road is currently in need of repair as it is deeply potholed in part. This slows down the speed of traffic passing along its length. Whilst the Highway Authority has requested a condition to secure alterations to the access road, its repair is a management matter for the estate and it is not considered necessary to require the improvement or upgrading of the access road to serve the addition units proposed in this application. There is ample space for vehicles to pass and for on site turning and parking in connection with the proposed use. On site turning is provided and pedestrian visibility splays at the access of 2m by 2m are provided.

8 Other issues

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

8.2 Impact on trees – The Council's Arboricultural Officer has raised questions regarding the landscaping scheme. If this scheme were considered acceptable, the same landscaping condition as application reference EN/07/01174/FUL could be attached.

8.3 Access for the Disabled - No disabled issues are considered relevant to the determination of this application

9 Recommendation

9.1 That planning permission should be REFUSED for the following reasons:

Conditions/Reasons -

1. The proposed development, by reason of the increased density of buildings on site and the introduction of a linear form, will have an detrimental impact on the rural character of the Ashton Wold Estate. The proposal is therefore contrary to Policy 13(h) of the North Northamptonshire Core Spatial Strategy, and Policy 2 of the East Midlands Regional Plan.
2. In the absence of an adequate justification of need, the proposed development is considered contrary to PPS7 on the basis that the proposed tourist accommodation comprises new buildings in the open countryside.

Informatives

1. The drawings to which this decision relates area as follows: Drawing No.s 1, 2, 499/02/01, 499/02/02, 499/02/03, 499/02/04, 499/02/05, 499/02/06, 499/02/07, 499/02/08.
Received by the Local Planning Authority on 17th June 2009

