## APPLICATIONS FOR DETERMINATION

### PLANNING MANAGEMENT COMMITTEE

- **- 2 September 2015**

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Land Adjacent Skew Bridge Ski Slope

Rushden
1. Summary of Recommendation

1.1 That, subject to the completion of a satisfactory legal agreement, permission is GRANTED subject to conditions.

2. The Proposal

2.1 This application seeks permission to vary application ref: 14/01938/VAR which approved a full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access and an outline application for the erection of a hotel, crèche and leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop.

3. The Site and Surroundings

3.1 The site lies to the west of Rushden and is separated by the main built up areas by the A45. The site has had an extensive planning history since the first permission for sand and gravel extraction in 1953. The site had been in a poor, degraded condition for a number of years with a derelict dry ski slope, a fire damaged and derelict building and footings of another building formerly comprising a country club, accommodation and associated uses.
3.2 The site is considered brownfield and has since been cleared of any buildings. Earthworks have taken place with piles of soil created around the site. An existing access off the A45 will be utilised for the site which then runs parallel to the A45. The site does not currently offer any public rights of way and the site and the A45 act as physical barriers between Rushden town centre and the Nene Valley river corridor. There are no archaeological sites of interest identified within the site or listed buildings in close proximity to the site.

3.3 The site lies within the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI) and Skew Bridge Lakes Local Wildlife Site. The SSSI is also designated as a wetland of international importance under the Ramsar Convention and a Special Protection Area (SPA) as a site of European importance for bird conservation under the EC Birds Directive. The site also lies within the Nene Valley Improvement Area.

4. Policy Considerations
4.1 National Planning Policy Framework

4.2 North Northamptonshire Core Spatial Strategy

Policy 1 - Strengthening the Network of Settlements
Policy 5 - Green Infrastructure
Policy 6 - Infrastructure Delivery and Developer Contributions
Policy 8 - Delivering Economic Prosperity
Policy 9 - Distribution and Location of Development
Policy 11 - Distribution of jobs
Policy 12 - Distribution of retail development
Policy 13 - General Sustainable Development Principles
Policy 14 - Energy Efficiency and Sustainable Construction

4.3 North Northamptonshire Joint Core Strategy Pre-Submission Plan Jan 2015

Policy 1 - Presumption in Favour of Sustainable Development
Policy 3 - Landscape Character
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 10 - Provision of Infrastructure
Policy 11 - Network of Urban and Rural Areas
Policy 12 - Town Centres and Town Centre uses
Policy 15 - Well Connected Towns, Villages and Neighbourhoods
Policy 18 - HGV Parking
Policy 19 - the Delivery of Green Infrastructure Special Policy Areas
Policy 20 - Nene and isle Valleys
Policy 22 - Delivering Economic Prosperity
Policy 23 - Distribution of New Jobs
Policy 24 - Logistics
Policy 26 - Renewable Energy

4.4 East Northamptonshire Council Local Plan 1996
Policy EN8 - Protection of SSSI's, NNR's and LNR's

5. Relevant Planning History
5.1 12/00010/FUL - Rushden Lakes: Hybrid Planning Application comprising: Full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access. Outline: application for the erection of a hotel, crèche and
leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop. Approved 11th June 2014

5.2 14/01827/AMD - Non material amendment to allow the sub division of unit B8 and amalgamation of units B6 and B7 pursuant to planning permission 12/00010/FUL - 'Rushden Lakes: Hybrid Planning Application comprising: Full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access. Outline: application for the erection of a hotel, crèche and leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop' dated 11.06.14. Approved 27th October 2014.

5.3 14/01938/VAR - Variation of conditions 1, 5, 6, 8, 15, 38, 39, 42, 43, 44, 45, 46 and 47 as per section 2 of the submitted planning statement pursuant to planning permission 12/00010/FUL - 'Rushden Lakes: Hybrid Planning Application comprising: Full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access. Outline: application for the erection of a hotel, crèche and leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop' dated 20.12.2012. Approved 12.06.2015

6. Consultations and Representations
6.1 Bedford Borough Council: As the original scheme was determined to be in accordance with national policy and with no harmful impact, it is unlikely that this small increase in floorspace could be considered to be any more harmful. Bedford Borough Council therefore has no objection to the proposal.

6.2 Campaign for Dark Skies: CFDS is encouraged by the level of detail in the Lighting Design Statement (LDS dated May 15) and the commitment to minimise levels of light shining into the sky and across the SSSI’s.

CFDS recommends to ENC ensure that the LDS is adhered to with the additional conditions.

1) Up-lighting of feature trees is kept to the minimum and that an agreed curfew time is set. 2) Service yard lighting is full cut off and switched off when not required (as suggested in the LDS). 3) Waterside lighting is kept to a minimum and is dimmed out of hours (as suggested in the LDS). 4) Car park areas are lit with full cut-off lighting and dimmed out of hours (as suggested in the LDS)

Reasons: 1) To help ensure the development conforms to Paragraph 125 NPPF. 2) To help ensure the development conforms to Section 102 Clean Neighbourhoods and Environment Act.

Despite this development's location and size, CFDS suggests that if the LDS is adhered to with conditions there will be minimal waste light.

6.3 NCC Archaeologist: No comments to make.

6.4 Senior Tree and Landscape Officer: No objection.
6.5 **The Environment Agency:** We have reviewed the amended flood risk assessment (FRA) dated May 2015, Rev F4 and we have no objection to the application, as submitted. Please note that the appended conditions require updating to reflect the amended FRA.

6.6 **Environmental Protection Officer:** I have been asked to comment of this application to vary a number of conditions pursuant to planning permission EN/14/01938/VAR and EN/12/00010/FUL for the retail and leisure development on the old Skew Bridge site. From the submitted details the application is for minor material amendments. It is a little difficult to decipher exactly what is being changed but the only aspect that EP would comment on would be with respect to lighting and contamination. Looking at our records we were consulted under EN/15/00233/CND for the discharge of conditions 35 and 36 of EN/12/00010/FUL which covered contamination and landfill gas. From the submitted information no further investigation and/or remediation required and as such you were advised there would be no objection to this application. Therefore, I am unsure what is being applied for. With respect to condition 33 of EN/14/01938/VAR again details of the lighting design have been previously submitted under EN/15/00551/CND. I can see no significant difference in the reports submitted and as such my comments as per EN/15/00551/CND are still valid.

6.7 **Rushden Town Council:** No objection.

6.8 **Higham Ferrers Town Council:** No comment or objection.

6.9 **Iorchester Parish Council:** No objection.

6.10 **Irlhlingborough Town Council:** No objection.

6.11 **Kettering Borough Council:** Kettering Borough Council objects to the proposed variation of conditions as they would be contrary to the emerging joint core strategy policy 12 as the permission would exceed 26,747 sq. m net retail sales area and the proposals do not constitute a minor material amendment. The application should include retail impact within the Environmental Statement.

6.12 **Borough Council of Wellingborough:** Gives full support to the application.

6.13 **Highways England:** I refer to your letter dated 20 July 2015 regarding application 15/01127/VAR, which seeks further variation of conditions to the previous application 14/01938/VAR, granted variation of conditions on 12 June 2015 for the planning application reference 12/00010/FUL.

Highways England issued a no objection response to the development in December 2014. The proposed change to the consented development use class and size does not generate any significant increase in traffic - approximately 25 vehicles in the worst case weekday PM peak.

Condition 14 consists of parts (a) to (d), which include the statement that no development should take place until details of the highway works as shown in drawing VD13156/D100 rev A have been submitted and approved in writing. Drawing VD13156/D100 rev A has been approved, as confirmed in our letter of 16 January 2015. Given the above, Highways England has no objections to conditions 5, 8, 14, 41, 42 being updated to suit the revised plans, as detailed in Section 2 of the Planning Statement of May 2015, Annex 2.

We have no comments to make with regard to conditions 1, 6, 37, 38, 43, 44, 45, 46, 47, and 48 as they do not appear relevant to Highways England and the continued effective operation of the A45 as part of the strategic road network.
6.14 **NCC Highways:** In terms of the traffic increases, these do not give cause for concern for Northamptonshire Highways however we would like to ensure that Highways England have completed additional tests using the Paramics model previously employed to assess the improved skew bridge roundabout. If HE or the developer has not completed this work then we have no evidence to suggest that the roundabout design is acceptable. This is a matter for Highways England to confirm however.

6.15 **Natural England:** Internationally Designated Areas - No objection. SSSI, no objection and no conditions requested.

6.16 **Northampton County Council:** I am writing to convey this Council’s observations regarding the above consultation that was received by Northampton Borough Council on the 25th June 2015. The proposal was reported to the Council’s Planning Committee on Tuesday 28th July 2015. Northampton Borough Council objected to the original application for the development proposals and remain concerned regarding the potential impacts of the development on the viability and vitality of Northampton. It is, however, acknowledged that the principle of the development has now been established through the grant of planning permission by the Secretary of State in 2014 and the subsequent approval of an amended scheme in 2015.

It is not considered that the increase in retail floorspace proposed under this amended scheme which represents an overall increase of 3.6% retail gross floorspace would be likely to represent any significant increased impacts on the viability and vitality of Northampton to that already approved. The other amendments proposed including the addition of a slipway, increase in size of garage/store, alterations to Boathouse and Visitor Centre, parking and change in site levels are not considered to have any wider impacts that are considered to affect Northampton Borough.

In conclusion, whilst the Council remain concerned regarding the principal of the development as a whole and the potential impacts on the viability and vitality of Northampton there is no objection to the amended scheme as proposed.

6.17 **Police Liaison Officer:** I have been asked to comment on this application to vary a number of conditions pursuant to planning permission EN/14/01938/VAR and EN/12/00010/FUL for the retail and leisure development on the old Skew Bridge site. I believe from the submitted details the application is for minor material amendments only. It is a little difficult to decipher exactly what is being changed but in terms of designing out crime I cannot identify any revised documentation that may be relevant. If you feel that there should be an input from Northamptonshire police I would be obliged if you could please make further representation to me directly.

6.18 **The Wildlife Trust:** Thank you for sight of this application, 15/01127/VAR. It has proved hard to decipher the detail of the 15 separate Planning Conditions that the developer is seeking to vary this time around but they seem to be minor material changes, predominantly concerning the retail opportunity. We have reviewed the content as best we can and have no comments to make.

6.19 **Department of Communities and Local Government:** No comment to make on this application.

6.20 **Local Lead Flood Authority** – Thank you for sending us revised consultation on the above application. Having reviewed applicant’s submitted revised FRA, for the above variation of the condition 6, please see below our response on the above application: We refer to our previous letter ref. no. 15 / 01127 / VAR dated 14th July 2015 relating to our objection to the above application in the absence of an acceptable flood risk assessment (FRA).
We have now reviewed the revised FRA submitted by the applicant (prepared by Campbell Reith Hill LLP, document reference number LGgw 11229 – 120515 – FRA – F4 dated 17th July 2015), regarding the application and confirm that the requirements set out in paragraph 30 of the flood risk and coastal change chapter of the National Planning Policy Guidance (NPPG) have been satisfied. Accordingly, we are prepared to remove our objection on flood risk ground and therefore the condition 6 relating to the application can be varied accordingly.

7. Evaluation

7.1 Members will recall that following a public inquiry the Rushden Lakes scheme was originally granted planning permission by the Secretary of State in June 2014 comprising a mixed retail, recreation and leisure scheme. Planning permission was granted for:

"Full planning permission for: the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants, boathouse, together with proposals for access and outline planning permission for the erection of a hotel, crèche and leisure club with some matters reserved (appearance); plus removal of ski slope and associated levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop (application Ref. EN/12/00010/FUL dated 20 December 2011)."

7.2 Further to the issue of the Secretary of State’s decision, the applicant submitted an application to vary the application which Members approved under application 14/01938/VAR in June 2015 for:

"Variation of conditions 1, 5, 6, 8, 15, 38, 39, 42, 43, 44, 45, 46 and 47 as per section 2 of the submitted planning statement pursuant to planning permission 12/00010/FUL - ‘Rushden Lakes: Hybrid Planning Application comprising: Full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access. Outline: application for the erection of a hotel, creche and leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop’ dated 20.12.2012."

7.3 The minor material amendments permitted by application 14/01938/VAR included a reconfiguration and improvement to the elevation treatment of the three retail terraces as well as a change in the proposed retail floorspace. A limited number of additional restaurants were proposed as well as additional works to the lake edge.

7.4 The applicant confirms in their Planning Statement that the current application now seeks to amend the following:

- A reconfiguration within Terrace A, increasing the number of units from 15 to 16 and the insertion of mezzanine floorspace. The area of the proposed mezzanine is 836sqm;
- A reconfiguration of the units within Terrace B, reducing the number of units from 8 to 6. Overall the floorspace increases by 714sqm;
- An extension to Terrace C and increase in size of Unit C1. The overall number of units remains the same and the overall floorspace increases by 498sqm;
- Changes to the elevations of the three retail terraces to reflect the reconfigurations described above as well as the increase in parapet heights from 12m to 12.15m.
- Plant removal from Terrace B roof to rear elevation of units B1 - B3;
- Pontoon added to the slipway at Skew Bridge Ski Lake and development of
landscaping design to boardwalk and central avenue. Increase in the size of the garage/store to the rear of Terrace C. Internal layout changes to the Boathouse and Visitor Centre. Revision of proposed tree locations;

- Proposed sub-stations relocated;
- An increase of 5 car parking spaces and 12 cycle spaces, relocation of cycle parking spaces. Bus stop relocation to site entrance and drive-thru delivery drop off relocation; and
- An increase in site levels across the site by a maximum of 450mm.

7.5 As a result of these amendments there would be an increase in the total Class A1 gross floorspace (including the external sales and display sales area associated with the garden centre) proposed in the approved application (14/01938/VAR) from 42,701sqm gross to 44,498sqm gross. This represents an increase over the permitted A1 floorspace (43,289sqm gross) set out in condition 8a of application 14/019358/VAR of 1,209sqm (2.8%).

7.6 It is also necessary to vary conditions 1, 5, 6, 14, 37, 38 and 41 to 48 of the application. These conditions relate to approved drawings, floorspace restrictions, unit sizes, Flood Risk Assessments, highway matters and use class restrictions. In addition, conditions that have been discharged no longer need to be repeated on any permission to vary the consented scheme.

7.7 For ease of reference the supporting Planning Statement from the applicant has provided a table indicating the changes in floorspace as follows:

<table>
<thead>
<tr>
<th>Rushden Lakes Areas Schedule</th>
<th>Approved 2015 Scheme (Sq. m GIA – except where stated)</th>
<th>Proposed May 2015 Scheme (Sq. m GIA – except where stated)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garden Centre Building</td>
<td>6,886</td>
<td>6,634</td>
</tr>
<tr>
<td>Garden Centre External Covered Planting Area</td>
<td>1,716 external area</td>
<td>1,716 external area</td>
</tr>
<tr>
<td>Terrace A</td>
<td>4,513</td>
<td>4,514 ground 836 mezzanine Total 5,350</td>
</tr>
<tr>
<td>Terrace B</td>
<td>13,920</td>
<td>14,634</td>
</tr>
<tr>
<td>Terrace C</td>
<td>15,666</td>
<td>16,164</td>
</tr>
<tr>
<td>Total Class A1 retail floorspace GIA</td>
<td>40,985</td>
<td>42,782</td>
</tr>
<tr>
<td>Total Class A1 retail floorspace GIA + external covered and uncovered planting areas</td>
<td>42,701</td>
<td>44,498</td>
</tr>
<tr>
<td>Lakeside Restaurants x 2,7</td>
<td>3 x 325</td>
<td>3 x 325</td>
</tr>
<tr>
<td></td>
<td>4 x 149</td>
<td>4 x 149</td>
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<tr>
<td></td>
<td>Total – 1,571</td>
<td>Total – 1,571</td>
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<tr>
<td>New Restaurant</td>
<td>593</td>
<td>593</td>
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<tr>
<td></td>
<td>Overall Restaurant total – 2,164</td>
<td>Overall Restaurant total – 2,164</td>
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<tr>
<td>Drive Thru Restaurant</td>
<td>186</td>
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<td>Visitor centre</td>
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<tr>
<td>Boathouse</td>
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<tr>
<td>Hotel</td>
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<tr>
<td>Leisure/health club</td>
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<tr>
<td>Crèche</td>
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<td>Site Management Building</td>
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<tr>
<td>Garage/store</td>
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<tr>
<td>Boat store</td>
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<td>84</td>
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<tr>
<td>Total</td>
<td>51,374</td>
<td>53,204</td>
</tr>
<tr>
<td>Total % change</td>
<td>-</td>
<td>+3.6%</td>
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</table>
7.8 Flexible Options for Planning Permissions

7.9 The application seeks to amend the scheme under section 73 of the Town and Country Planning Act 1990 (as amended) which allows an applicant to vary or remove conditions associated with a planning permission as a minor material amendment to the previously approved scheme. There is no statutory definition of a minor material amendment but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. In assessing this application, a legal view was taken as to whether section 73 could be used for the amendments. The legal view was positive.

7.10 The effect of determining an application under section 73 is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The new decision notice should also repeat all those conditions from the original permission, unless they have been discharged. However, a section 73 application cannot be used to vary the time limit for the implementation of a development and must remain unchanged. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation, as is the case with this application.

7.11 The site was the subject of an Environmental Impact Assessment (EIA) and an Environmental Statement was submitted with the original application. In assessing the proposed amendments it is necessary to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Notwithstanding whether changes to the original Environmental Statement are required or not, an Environmental Statement must be submitted with a section 73 application for development which the local planning authority considers to be Environmental Impact Assessment development. An Environmental Statement has been submitted with this application.

7.12 Planning Assessment

7.13 As stated previously, there is no statutory definition of a material minor amendment. Therefore, the main issue is whether the development would result in a development which is substantially different from that as approved and the potential retail impact as a result of the changes.

7.14 In considering this proposal, it is important to note that while the approval of this application would result in a new permission being issued, it would sit alongside, and not replace, the extant permission that was approved by the Secretary of State in June 2014 and the approval under application 14/01938/VAR. This represents a fall-back position to which significant weight can be attached.

7.15 Retail Impact Assessment

7.16 As the development proposes an increase in floorspace, a supplementary Retail Impact Assessment (RIA) was undertaken. The RIA was considered by White, Young, Green as Retail Planning Consultants who concluded that,

"We consider that the retail policies of the development plan have been somewhat superseded by national planning policy. Accordingly, whilst the Rushden Lakes proposal is to some degree in conflict with Core Spatial Strategy Policy 12, we note that the Inspector finds (at paragraph 8.22 of his report) that the policy is out of date because it does not reflect the up to date national policy position set out in the NPPF. Accordingly, we do not consider that any failure to comply with development plan policy should be determinative to the application proposal given the very
significant weight that should be attributed to the proposal’s compliance with national retail planning policy.

Accordingly, we do not find any reason to refuse planning permission for the proposal which has been justified by Supplementary Retail Assessment on retail planning policy grounds."

7.17 As a result, Officers are satisfied that the proposed changes to the approved scheme are acceptable in terms of retail planning policy.

7.18 **The North Northamptonshire Joint Core Strategy Pre-Submission Plan Jan 2015**

7.19 Kettering Borough Council has objected to the proposal as, in their opinion, it fails to accord with policy 12 d) of the emerging core strategy which states that,

Adapting and diversifying Wellingborough and Rushden town centres to operate successfully alongside the permitted out of centre retail and leisure development at Rushden Lakes, which will provide up to 26,747 sq. m net retail sales area serving growing communities in the southern area.

7.20 The amount of retail floorspace (net sales area) was originally 26, 747 sq. m when the original application was allowed at appeal. This was increased to 28, 209 sq. m when application 14/01938/VAR was approved. The emerging core strategy has already been updated through focused changes to reflect this and should planning permission be granted for the additional floorspace, it will be updated again.

7.21 **Design**

7.22 The applicant has provided an Addendum to the Design Statement which describes the changes to the layout of the site as well as the external appearance to some of the proposed buildings. The architects confirm that,

*The terraces remain in the same location with some minor re-articulation. The rear elevation of terrace A has been adjusted and the footprints of terrace B and C have increased by a small amount. The number of units within terraces A and B has been amended. Terrace A now includes 16 units and terrace B includes 6 units. The garage/ store to the rear of Terrace C has now been enlarged to accommodate the requirements of the Wildlife Trust and their maintenance equipment. The main landscape change is the refinement of the boardwalk area where the surface finishes have been further articulated.*

*The heights of the retail terraces above finished floor level have increased by 150mm. It is proposed to remove plant from the roof of units B1, B2 and B3 in terrace B and to fix discreetly on plant gantries on the south elevation. This gives improved architectural consistency with terrace A. It is proposed to rearrange the shopfronts of some units to respond to the minor alterations to the terrace internal layouts but the overall architectural impression remains unchanged with the same materials palette. The central section of the terrace B elevation has been raised so the parapet and canopy are the same height as the end M&S unit. This helps to break up the roof line and create added architectural interest. This is further enhanced with the addition of vertical metallic fins which compliment the metallic cladding panels employed elsewhere within the retail terraces.*

7.23 It is considered that the proposed amendments as set out within the Addendum to the Design Statement have provided an opportunity to improve the quality of built environment and choice of materials at the site.
7.24 Suggested Conditions

7.25 As a result of the changes to the development, the conditions need to reflect the amended drawings submitted in support of the application. As stated earlier, a section 73 application requires a new permission to be issued and the original permission remains unaltered and intact. Conditions from the original permission should be transferred to the section 73 permission unless they have been discharged. However, the new permission should also reflect the changes to the drawing numbers.

7.26 As part of this submission, the applicant seeks to amend condition 46 in order that floorspace allowances reflect the proposed changes and that additional items such as fiction books, stationery, cycling products, furniture, travel products etc. are permitted within Terrace A and the garden centre. These elements were considered acceptable by WYG when they considered the Retail Impact Assessment.

7.27 The application also seeks to amend conditions 8 and 41 - 45 to reflect the floorspace changes, the introduction of a mezzanine floor within Terrace A and renumbering of units.

7.28 A number of conditions pertaining to application 14/01938/VAR and 12/00010/FUL have also been discharged. As a result, and as required by section 73, there is no requirement to reapply those conditions. However, in order to ensure that details within the conditions are adhered to, they can be reapplied as compliance conditions as opposed to pre-commencement or pre-occupation conditions which allows greater flexibility for the applicant to commence works.

7.29 Therefore, the following conditions will become compliance conditions: 21 (bail bridge), 28 (access and habitat management plan), 29 (reptile mitigation), 34 (contamination), 39 (flood maintenance) and 40 (construction environmental management plan), 30 (ecological clerk of works), 31 (construction operations), 33 (lighting), 35 (contamination) and 48 (energy).

7.30 Flooding

7.31 The Environment Agency has reviewed the amended flood risk assessment (FRA) dated May 2015, Rev F4 and raise no objection to the application, as submitted. The Local Lead Flood Authority also remove their objection to the FRA.

7.32 Highways

7.33 Highways England issued a no objection response to the development in December 2014. The proposed change to the consented development use class and size does not generate any significant increase in traffic - approximately 25 vehicles in the worst case weekday PM peak. Highways England have no comments to make with regard to conditions 1, 6, 37, 38, 43, 44, 45, 46, 47, and 48 as they do not appear relevant to Highways England and the continued effective operation of the A45 as part of the strategic road network.

7.34 The County Council as Local Highway Authority state that in terms of the traffic increases, these do not give cause for concern for Northamptonshire Highways.

7.35 Environmental Impact Assessment
7.36 The original application was the subject of an Environmental Impact Assessment and was accompanied by an Environmental Statement. Natural England have assessed the proposal and do not raise any objection to the development. However, they do question whether an assessment under the Habitats Regulations has been carried out. An appropriate assessment under the Habitats Regulations was carried out under the original, extant permission and is therefore not required under this application to vary the permission.

8 Other Matters
8.1 None.

9 Recommendation
9.1 That, subject to the competition of a satisfactory legal agreement the application be APPROVED subject to the following conditions:

Conditions/Reasons -

1. Application for approval of details of the appearance (hereinafter called the "reserved matters") in relation to the part of the site edged yellow on Drawing 2654-70 Rev D, (hereinafter called "the outline development") must be made to the Local Planning Authority before 11th June 2017.

2. The outline development shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.

3. The development of the site (other than the outline development) for which detailed permission is hereby granted shall be begun before 11th June 2017.

4. The application for the approval of the reserved matters shall be submitted to the Local Planning Authority before 11th June 2017.

5. The development hereby permitted shall not be carried out except in accordance with the following approved drawings and plans:

2654 - 50 Rev E (Proposed Site Plan)
2654 - 51 Rev B (Garden Centre Elevations)
2654 - 52 Rev A (Garden Centre Section)
2654 - 53 Rev B (Retail Terrace A Elevations)
2654 - 54 Rev B (Retail Terrace B Elevations)
2654 - 55 Rev B (Retail Terrace C Elevations)
2654 - 56 Rev B (Retail Detail Elevations)
2654 - 59 Rev B (Retail Terrace C Elevation in Context)
2654 - 61 Rev A (Drive-thru Plan, Elevations, Section)
2654 - 62 Rev B (Visitor Centre Floor Plan)
2654 - 63 Rev B (Visitor Centre Elevations)
2654 - 64 Rev C (Boathouse Floor Plans)
2654 - 65 Rev B (Boathouse Elevations)
2654 - 67 Rev C (Management Building, Plans, Elevations, Section)
2654 - 70 Rev D (Parts Subject to Outline Application)
2654 - 71 Rev B (Garden Centre Plan)
2654 - 72 Rev B (Retail Terrace A Plans)
2654 - 73 Rev B (Retail Terrace B Plans)
2654 - 74 Rev B (Retail Terrace C Plans)
2654 - 75 Rev A (Restaurant 1 - 3 Elevations, Section)
2654 - 76 Rev A (Restaurant 1 - 3 Plan)
2654 - 77 Rev A (Restaurant 4 - 7 Plan, Elevations, Section)
2654 - 78 (Restaurant 8 Plan, Elevations, Section)
6. All reserved matters and other schemes and details that are required to be submitted pursuant to the conditions attached to this planning permission shall accord substantially with the submitted:

Section 73 Environment Statement [May 2015];
Flood Risk Assessment Level 2 [May 2015];
Section 73 Transport Assessment [May 2015];

7. Development shall not commence until a delivery strategy and phasing plan have been submitted to and approved in writing by the Local Planning Authority for the development. The development shall be carried out in accordance with the approved delivery strategy and phasing plan.

8. The development floorspace shall not exceed:

(a) 44,498 square metres gross internal floorspace (inclusive of the external sales and display space associated with the garden centre) within Use Class A1 of the Town and Country Planning Use Classes Order
(b) 32,511 square metres net sales area (of which no more than 929 sq. m shall be used for the sale of convenience goods not including the sale of confectionary in one Unit only in Terrace A as identified on Plan 2654-50 Rev D)
(c) a 112 bed hotel, a crèche (181 square metres gross internal floorspace) and a Leisure Club (1,456 square metres gross internal floorspace)
(d) seven lakeside restaurants (3 no. being 325 square metres gross internal floorspace, 4 no. being 149 square metres gross internal floorspace), 1 no. restaurant (R8 - being 593 square metres gross internal floorspace) and a drive-thru restaurant/coffee shop (186 square metres gross internal floorspace)
(e) a lakeside visitor centre (being 321 square metres gross internal floorspace) and a boathouse (being 289 square metres gross internal floorspace).
(f) 12.15 metres in height from finished floor level to parapet level (and 14m including rooftop plant enclosure).

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

10. No infiltration of surface water into the ground shall be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and vehicle manoeuvring areas shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained or other approved pollution prevention device, e.g. porous paving. Roof water shall not pass through the interceptor(s).
12. No development shall take place until a detailed surface water drainage scheme for the site, including phasing, based on the submitted drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Any attenuation required shall include an allowance for climate change. The scheme shall subsequently be implemented for each phase of the site in accordance with the approved details and accompanying phasing plan. The scheme shall also include:

(a) Demonstration that the NPPF and CIRIA hierarchy of drainage has been followed
(b) Detailed surface water design drawings and supporting calculations
(c) Consideration of overland flood flows
(d) Overland floodwater should be routed away from vulnerable areas.

13. No development shall take place in any phase of the development under condition 7 until a detailed scheme for the ownership and maintenance of the surface water drainage assets, for the lifetime of the development, relating to that phase has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

14. No development hereby permitted shall take place until details of the following schemes have been submitted to and approved in writing by the Local Planning Authority in consultation with Northamptonshire County Council (acting as Local Highway Authority) and the Highways Agency:

(a) details of the form of the junctions/links at:
   (i) the eastern end of the link road (which links Crown Way and Northampton Road) at its junction with Northampton Road;
   (ii) the Northampton Road/Brindley Close junction; and
   (iii) the Northampton Road exit from the A45 Skewbridge roundabout
(b) details of a publicly adoptable pedestrian/cycle bridge over the A45 dual carriageway connecting the A5001 Northampton Road, Rushden with the new adoptable site access road as shown on drawing VD13156/D100 - S6/S278 Highway Works - A45/Northampton Road Improvements and Proposed Development Access General Arrangement
(c) details of the improvements to the A45/Northampton Road/Crown Way junction (Skew bridge) as shown on drawing VD13156/D100 Rev J - S6/S278 Highway Works - A45/Northampton Road Improvements and Proposed Development Access General Arrangement
(d) details of improvements to the footways of the A5001 Northampton Road and the U35247 Crown Way, Rushden to form a shared use footway/cycle track with appropriate dropped crossings between the proposed Toucan crossing on Northampton Road and the East Northamptonshire Greenway access off Crown Way, Rushden and no part of the development hereby permitted shall be brought into use until the schemes listed at (a) to (d) have been completed in accordance with the approved plans. The works shall be retained as approved thereafter.

15. The development hereby permitted shall be operated at all times in accordance with the submitted Draft Framework Travel Plan forming part of the Transportation Assessment.

16. No unit shall be occupied until a Travel Plan for that unit has been submitted to and approved in writing by the Local Planning Authority in accordance with the Draft Framework Travel Plan forming part of the Transportation Assessment. The unit shall thereafter be operated in accordance with the approved travel plan and agreed actions under condition 18.
17. The development shall not be occupied until the expiry of 3 months from the date on which notice has been given in writing to the Local Planning Authority and Northamptonshire County Council (as Local Highway Authority) of the appointment of a Travel Plan Manager.

18. An annual Travel Plan review, identifying performance against the objectives of the Draft Framework Travel Plan and Travel Plans approved under condition 16, shall be submitted in writing to the Local Planning Authority every year for 5 years, beginning 12 months from first retail occupation, to be approved in writing. Any agreed actions shall be implemented by the Travel Plan Manager.

19. If the last Travel Plan review under condition 18 identifies that the targets in the approved Draft Framework Travel Plan are not being achieved, the Travel Plan review period under condition 18 shall be extended by a further 12 months, during which the Travel Plan Manager will work with the Local Planning Authority to agree measures that will secure improved performance against those targets and the timescale for implementing and monitoring them. The agreed measures shall be implemented by the Travel Plan Manager thereafter.

20. No development shall take place until a landscaping scheme for the site (including boundary treatment) has been submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall be implemented in accordance with the approved details in the first planting season following the occupation of the development. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species (or as otherwise agreed in writing by the Local Planning Authority). The submitted landscaping scheme shall include details of how the landscaping will be phased to reflect the phasing of development under condition 7).

21. The repair works to the "Bailey Bridge" shall be as per drawing Figure 5, Access Management Plan (Campbell Reith LLP, received 5th March 2015) and Bailey Bridge Repair Works document (McLaren, Ref SAF-69 04/14 Rev-B) approved under application 15/00427/CND. The repair works shall be completed before any part of the development hereby permitted is brought into use.

22. An easement of 3 metres should be provided either side of the pipeline as shown on the Gas Main Survey Drawing 17469 dated August 2012. At no time shall any non demountable buildings or structures be erected within this corridor.

23. No development shall take place until a scheme and timetable for the provision of 12 fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The provision of fire hydrants shall be made in accordance with the approved scheme and timetable and retained thereafter.

24. No ground clearance works, tree felling, or vegetation removal shall take place during the main bird breeding season (April - June inclusive). If any such works are scheduled for March, July or August, a suitably qualified ecologist must carry out a comprehensive search of the affected area for nesting birds before the works commence. If active nests are found, ground clearance, tree felling or vegetation clearance around the nest (including a buffer area determined by the ecologist), shall not be permitted until the breeding attempt has ended as confirmed by the ecologist in writing to the Local Planning Authority.

25. No ground clearance works shall be undertaken within 100 metres of the heronry in the SSSI shown on plan GIS034A Ecological Constraints Drawing between the period January - June each year. If any such works are scheduled for July and August a
suitably qualified ecologist must carry out a comprehensive search of the affected area for nesting herons before the works commence. If active nests are found, ground clearance, tree felling or vegetation clearance within 100 metres of the heronry shall not be permitted until the breeding attempt has ended as confirmed by the ecologist in writing.

26. The Skew Bridge Lake contained in the application site shall not be used by motorised craft at anytime except for safety boats. Within the Skew Bridge Lake, boating shall be limited to the area shaded green shown on plan GIS034A Ecological Constraints Drawing between the 1st November and 31st March in any year.

27. No watercraft shall be permitted in a 30 metre watercraft exclusion zone around the western island on Skew Bridge Lake shown on plan GIS034A Ecological Constraints Drawing either during the construction phase or the ongoing operational phase of the development, to avoid disturbance to places of rest and shelter used by otters. No boating activity shall be permitted on Delta Lake, to avoid disturbance of the bird interest of the SSSI/SPA/Ramsar site.

28. The Access and Habitat Management Plan shall be carried out as per the Management Plan Rev F8, Campbell Reith Hill LLP dated December 2014 as approved under application 15/01168/CND. The approved Plan shall be implemented before any part of the development becomes operational and implemented and maintained thereafter in accordance with the approved details.

29. The Reptile Mitigation Measures shall be carried out as per Method Statement for Reptile Mitigation Measures (Campbell Reith Hill LLP, Project No: 11229 dated January 2015).

30. A clerk of works with appropriate ecological qualifications and experience (as agreed with the Local Planning Authority) shall be appointed to ensure development is undertaken in compliance with the Construction and Environment Management Plan and Access and Habitat Management Plan. The clerk of works shall be in attendance at the site during all working hours during which construction is being carried out.

31. The List of Construction Operations shall be as per the Construction and Environment Management Method Statement as per Construction Environmental Management Plan (Campbell Reith: Project No: 11229 dated March 2015). Such construction operations shall not be undertaken during the October to March (inclusive) period without prior agreement in writing by the Local Planning Authority (in consultation with Natural England) of suitable methodologies and mitigation to minimise disturbance to the wintering bird interest of the SSSI/SPA/Ramsar site and the subsequent implementation of agreed measures.

32. From the commencement of development there will be an annual monitoring survey in the area covered by the Access and Habitat Management Plan for reptiles, bats, otters, wintering and breeding birds which will continue on an annual basis until 5 years after the completion of all the development hereby permitted. The results of the monitoring survey shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Natural England. Should the monitoring survey show any significant decline in the populations on any of the above species due to the development then an additional management action plan to rectify the position shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The approved additional management action plan shall be implemented in full from the date of approval.

33. All external lighting shall be as per drawings 1602236-HL-EX-XX-DR-E-630-0001 Rev A and VD13156/SK103 and documents Outdoor Lighting Report (MMA Lighting dated 8 December 2014), Lighting Design Strategy (Hoare LEA dated March 2015) and...
Luminaire Datasheets (Hoare LEA dated February 2015) approved under application 15/01172/CND. The approved scheme shall be installed, maintained and operated in accordance with the approved details. There shall be no other external lighting at the development other than as so approved.

34. The detailed scheme for investigating and recording of contamination of land shall be carried out as per Land Quality Statement (Parts 1 - 27) prepared by Campbell Reith approved under application 15/01173/CND. The remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.

35. The detailed scheme for landfill gas shall be carried out as per Remediation Strategy by Campbell Reith approved under application 15/01173/CND. No part of the development shall be brought into use until the approved scheme has been implemented and it shall be maintained thereafter.

36. No occupation shall take place until a waste management strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details (including accompanying layout and design plans) of the following:

(a) responsible person (including contact details);
(b) description of the development (proposed buildings, site area, curtilage, future use, and occupancy);
(c) estimation of the type and quantity of wastes anticipated to be produced during occupation of the development;
(d) identification of appropriate neighbourhood waste management design features (internal and/or external) and facilities;
(e) how adequate space and access provisions for waste management facilities and facilities will be provided and maintained;
(f) neighbourhood waste management facility capacity;
(g) how the provision of facilities and design features
(h) complement and contribute towards existing waste management infrastructure network and sustainable waste management, and
(i) the provision made for ongoing facility management and maintenance, including the collection and use of recycled and composted materials.

The development shall be carried out in accordance with the approved strategy.

37. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Level 2 [May 2015] undertaken by Campbell Reith, including the following mitigation measures detailed within the FRA:

(a) Provision of compensatory flood storage as set out on Drawing No. 11229-C102-D7 (Proposed Flood Zones) and 11229-C103-D7 (Flood Mitigation Plan)
(b) Finished floor levels are set no lower than 39.51m above Ordnance Datum (AOD).

The mitigation measures for each phase of the development under condition 7 shall be fully implemented prior to occupation of such phase, and subsequently operated and maintained in accordance with the phasing arrangements set out within the FRA, or within any other period as may subsequently be approved, in writing, by the Local Planning Authority.
38. No development shall be carried out in the area of the site identified as predevelopment flood zones 2 and 3 as shown in the approved FRA until a scheme for the phasing of the floodplain compensation has been submitted to and approved in writing by the Local Planning Authority. The floodplain compensation scheme as shown on the FRA drawing 11229-C102-D7 (Proposed Flood Zones) and 11229-C103-D7 (Flood Mitigation Plan) shall be carried out in accordance with the approved phasing plan.

39. The detailed scheme for the maintenance of areas of floodplain compensation for the lifetime of the development shall be as per drawing C370 Rev D4, C371 Rev D4, C380 Rev D2 and 11229 Floodplain Maintenance Plan (Campbell Reith), Pre-Planning Assessment Report (Anglian Water dated Monday, 26 January 2015), Operations and Maintenance Requirements (Campbell Reith) and 11229 - Rushden Drainage Summary (Campbell Reith 12 June 2015) approved under application 15/01212/CND. The floodplain compensation shall be maintained in accordance with the approved details thereafter.

40. The Construction and Environment Management Method Statement shall be carried out as per the Construction Environmental Management Plan (Campbell Reith: Project No: 11229 dated February 2015) approved under application 15/01171/CND

41. The anchor unit 'B6' in Terrace B as identified on Plan 2654-50 Rev E shall not exceed a maximum floor area of 5,574 sq. m gross internal area (including mezzanine floor area).

42. The anchor unit 'C1' in Terrace C as identified on Plan 2654-50 Rev E shall not exceed a maximum floor area of 7, 768 sq. m gross internal area (including mezzanine floor area).

43. None of the units shown within Terraces A, B or C or the Garden Centre identified on Plan 2654-50 Rev E shall be amalgamated with other units (or subdivided to form separate units) except for unit B6 which can be subdivided into a maximum of three units, none of which to be less than 464sqm in size.

44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create a first floor level shall be constructed in the Garden Centre as shown on Plan 2654-50 Rev E. Within Terrace A any mezzanine or other form of internal floor to create a first floor level shall be no more than 836 square metres.

45. Excluding Unit B6 and Unit C1 in Terrace B and Terrace C as identified on Plan 2654-50 Rev E:

(a) no more than 7, 038 sq. m gross internal ground floor area shall be occupied by retailers whose operation is predominantly the sale of clothing and footwear (but not so as to restrict the sale of sports clothing and footwear)
(b) prior to the occupation of any retail unit notice must be given to the Local Planning Authority in writing identifying the retailer and the predominant nature of the goods proposed to be sold, and the total internal ground floor area which will, upon occupation, then be occupied by retailers whose operation is predominantly the sale of clothing and footwear (not including sports clothing and footwear)

46. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking and re-enacting that Order, the following shall apply

(a) The use of the Garden Centre and Retail Terrace A hereby approved shown on Plan No. 2654-50 Rev E shall only be used for the sale or provision of Core and
Non Core garden Centre goods and services including:
Core Garden Centre Goods and Services including:

(i) Good and services related to gardens and gardening;
(ii) Horticultural products, trees, plants, shrubs, house plants and flowers of any
type;
(iii) Garden equipment, tools and accessories;
(iv) Barbeques and their accessories;
(v) Outdoor garden furniture;
(vi) Sheds, garden buildings and outdoor garden play equipment;
(vii) Fencing, trellis and landscaping materials;
(viii) Conservatories;
(ix) Conservatory furniture, furnishing and accessories;
(x) Swimming pools and associated equipment;
(xi) Aquatics, water garden equipment and their accessories;
(xii) Books - including gardening, leisure, hobby, travel, sports and coffee table
books and other literature other than fiction;
(xiii) Soft furnishings;
(xiv) Restaurant, coffee shop and children's play area
(xiva) Clothing and footwear used primarily for gardening and outdoor leisure
pursuits

Non-Core Garden Centre Goods and Services including:

(xv) Pictures, frames and prints;
(xvi) Pets, pet accessories, pet care and advice;
(xvii) Hobbies, toys, crafts, fiction books and stationery;
(xviii) Baskets, wicker work and country crafts;
(xix) Christmas decorations, trees and gifts;
(xx) China, glass and gifts;
(xxi) Home table top items and kitchen accessories;
(xxii) Outdoor and country pursuits and equipment e.g. fishing, equestrian, hiking,
climbing, cycling etc.;
(xxiii) Camping equipment and supplies;
(xxvii) Mobile telephone, satellite navigation, mapping and guidance systems;
(xiv) Furniture;
(xxv) Travel goods & other carriers of personal effects;
(xxvi) Confectionary - no more than one unit not exceeding 212sqm;
(xxvii) Health & beauty products excluding prescription pharmaceuticals which are
not hereby permitted - no more than one unit not exceeding 212sqm;

No more than 1,755sqm gross internal ground floor area in Retail Terrace A may be
used for the sale of clothing and footwear outside the scope of paragraph (xiva);

(b) Within the Garden Centre hereby approved shown hatched in green on Plan No.
2654-50 rev E, the area identified as 'Covered Plan Sales' shall not be used other
than as the plant and external sales and display area for the Garden Centre. No
more than 50% of the internal sales floorspace of the Garden Centre building shall
be used for the sale of Non-Core Garden Centre Goods and Services.

47. No building works shall start on any building until a scheme detailing measures to be
incorporated into that building so as to achieve at least the Building Research
Establishment (BREEAM) rating "very good" as set out in the Sustainable Design
and Energy Statement May 2015 shall be submitted to and approved by the Local Planning
Authority in writing. A post construction BREEAM assessment/report shall be submitted
to and approved in writing by the Local Planning Authority, no later than 6 months after
first occupation of each building, as constructed, to confirm the performance of that
building against the BREEAM "very good" rating (including any necessary measures to
ensure that each building secures BREEAM "very good" rating). The buildings shall be operated in accordance with the approved details thereafter.

48. The Low Zero Carbon Implementation Strategy shall be carried out as per Section 73 Energy Statement (Issue E. dated 23/03/2015, 1413_Rushden Lakes approved under application 15/01174/CND. The development shall be implemented and operated in accordance with the approved strategy.

Reason for Decision

In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187. Regard has been had to the 12 core planning principles in the NPPF and the more specific policies. In addition, the Development Plan and other material considerations have been taken into account as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.
Former Recycling Centre Car Park and Council Depot

Rushden
Committee Report

Case Officer Rosalind Hair 15/01327/FUL

Date received 15 July 2015 Date valid 17 July 2015 Overall Expiry 11 September 2015 Ward Rushden Hayden Parish Rushden

Applicant Lidl UK GmbH
Agent Bilfinger GVA - Miss Stephanie Eastwood
Location Former Recycling Centre Car Park And Council Depot Newton Road Rushden Northamptonshire

Proposal Provision of an area of staff car parking and associated point of access

This application is brought before the Planning Management Committee at the request of the Ward Cllr.

1. Summary of Recommendation:
1.1 That planning permission be GRANTED subject to conditions and a legal agreement to secure a parking order as detailed in this report.

2. The Site and Proposal:
2.1 The application relates to a Lidl supermarket which is being constructed between Newton Road, Rectory Road and Wheatcroft Gardens in Rushden. The application relates specifically to the north eastern part of the Lidl site; an area originally identified for landscaping. There are residential properties to the north and south and an athletics club to the east.

2.2 The proposal is for a staff parking area with 6 no. vehicle parking spaces to be accessed via Wheatcroft Gardens; a residential cul-de-sac. Access for customer parking would remain as originally permitted off Newton Road. The proposed plans detail a pedestrian footpath leading south from the proposed car park and this would be bounded by a retaining wall with railings to its west side.

2.3 The application has been amended during its course to include security gates at the access point.

2.4 The site appears to have been cleared and levelled. There is currently security fencing along the boundary with Wheatcroft Gardens, however it is understood that an acoustic fence is to be the permanent boundary treatment once the construction works have ceased.

3. Policy Considerations:
3.1 National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

3.2 North Northamptonshire Core Spatial Strategy (NCCSS):
Policy 13 - General Sustainable Development Principles
3.3 Emerging Policy:
North Northamptonshire Joint Core Strategy 2011-2031 Pre-submission Plan (as amended by focussed changes)

3.4 Supplementary Planning Documents:
Parking (NCC)
Planning Out Crime in Northamptonshire (NCC)
North Northamptonshire Biodiversity SPD (NNJPU)

4. Relevant Planning History:
4.1 14/01014/FUL - Construction of a new Lidl foodstore and formation of new access, car parking spaces and associated landscaping (permitted).

4.2 15/01503/ADV - Projecting illuminated signage boxes above the store entrance and two free standing totems with illuminated signage (pending consideration).

5. Consultations and Representations:
5.1 Neighbours:
5.1.1 Objections have been received on behalf of 8 households. Concerns can be summarised as:
- Would lead to parking issues in Wheatcroft Gardens
- Restricted access/on road parking will prevent emergency vehicle access/large vehicle access
- This option always been the intention/reason for demolition of the wall
- Potential for creation of through route turning a quiet, safe residential area into a busy and congested street
- Ample access from Newton Road/access from Wheatcroft Gardens unnecessary
- Planning should insist on re-instatement of wall
- Wheatcroft Gardens already negatively affected by Lidl
- Justification of more public parking spaces is flimsy and transparent
- Congestion, pollution, noise and disturbance for residents
- Loss of residential amenity
- Who is going to take responsibility for devaluation of property and quality of life?
- Privacy and security concerns
- Shoppers will use the footpath as a cut through; a sign will not be sufficient to prevent this
- Highway safety concerns/road access difficult and dangerous
- Staff parking could be allocated in main car park
- Boundaries don't match original application
- Ongoing boundary dispute therefore application should not be determined until dispute has been resolved; Council should not appear to take sides
- More than 6 spaces could be provided/more spaces will be created in future
- Question the Transport Statement and evidence
- Will breach acoustic fence

5.2 Town Council:
5.2.1 Object most strongly for the following reasons:
- Wheatcroft Gardens is a quiet residential cul-de-sac and should remain so. The attractive brick wall has been removed and now residents are expected to put up with an access with considerably more traffic movements on a narrow road.
- Will create a precedent for shoppers to use this access and result in parking issues and nuisance for residents
- Junction into Wheatcroft Gardens not easy to navigate and proposal will exacerbate problem
- Create a rat run and compromise 'secured by design' principles
- Any additional parking should be accessed from the Lidl site and not a narrow residential street.

5.3 Environmental Protection Team (ENC): No objection.
5.4 Highway Authority:
5.4.1 Initial Comments: The justification for the additional car parking proposed is not clear. I would note that the current application site includes a level of parking which is already in excess of the maximum standards detailed within the car parking SPG for A1 retail uses, and as such I would suggest that the applicant provides a car parking accumulation calculation to demonstrate the need for parking levels above the SPG.

5.4.2 With regards to the details of the proposed access, due to the pedestrian gated access into the store for staff from the car park there is a realistic potential for staff walking to the site to also approach the site from this location, as such pedestrian movements to, from and across the proposed access are a possibility and appropriate pedestrian visibility splays would therefore be necessary to ensure pedestrian safety.

5.4.3 Highway Authority Full Response (following receipt of amended plan and additional information): Further to the additional information submitted and the update to the proposed layout to provide a gated access I would make the following comments:
1. The information submitted does not provide an evidence based response to the query over the need for the additional parking, which will result in a level of overall parking in excess of maximum standards. As such I would request that you satisfy yourselves with regards to the overall parking levels proposed and the potential impacts upon local amenity.
2. With regards to the details of the proposed access, due to the pedestrian gated access into the store for staff from the car park I remain of the view that there is a realistic potential for staff walking to the site to also approach the site from this location, whilst there also remains scope for other road users to be present within a highway verge. As such I would request that the LHA requirements for pedestrian visibility splays are imposed, (i.e. splays measuring 2.0m x 2.0m to be provided from either side of the access).
3. If the site access is to be gated, this should be set back a minimum of 5.5m from the highway boundary to allow a user to pull clear of the access before the gate is operated.
4. I am aware that there are concerns that staff may select to park on street within Wheatcroft Gardens in the event of the proposed spaces being full, with the potential to obstruct movements on Wheatcroft Gardens itself. I would suggest that the applicant therefore provides an undertaking that parking on Wheatcroft Gardens is monitored as part of the site Travel Plan, with a sum secured for introducing parking controls on the southern side of Wheatcroft Gardens. The costs of the traffic order and lining would be £3,500, to be called down only in the event that parking on Wheatcroft Gardens causes local safety or amenity issues, otherwise the monies to be returned five years after first occupation.

5.5 Northamptonshire Police:
5.5.1 Initial Response: We strongly advise that refusal is considered if the application continues in its present form. In our opinion designing out crime has not been fully considered and therefore the application does not comply with the North Northamptonshire Core Spatial Strategy or follow the guidance within the NPPG para 10 and 11.

5.5.2 Concerns were initially expressed with regards to surveillance over staff/customer car parking at the pre application consultation response of 9th May 2014 when considering the original development layout. It was explained that 'Lidl's business model is underpinned by a number of fundamental principles which influence site layout. In this case, it was not possible, as a result of those principles, to locate the building towards the Rectory Road' as recommended. This response was reluctantly accepted. However, this latest proposal is not acceptable.

5.5.3 I bring to your attention the following points;
- The car park is not secure.
- This car park will have insufficient natural surveillance.
- Long term parking, 8-10 hr staff parking, if segregated can be identified by offenders and targeted due to lack of movement and activity.
5.5.4 If a specific staff car park is deemed necessary then it should be accessed from the main site access off Newton Road, not have any through route to Wheatcroft Gardens, be fully secure and be lit during the hours of darkness and when the store is trading. This application does not comply with the North Northamptonshire Core Spatial Strategy, adopted June 2008, which states - Policy 13 (b), 'Seek to Design out antisocial behaviour, crime and reduce the fear of crime by applying the principles of the Secured By Design scheme'. Nor does it follow the NPPF objective para 40 of providing a safe and secure facility. The NPPF seeks to promote more sustainable development by requiring an approach that is based on stated objectives for the future of the area, creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life is one which can ensure security is a material planning consideration.

5.5.5 Police Revised Comment (following receipt of amended plans): I have looked at the amended plan and read their transport consultants response. I do feel that the introduction of secure gates to the car park will help alleviate most of my concerns. I do however think that this staff facility is unnecessary and there will be ample car parking for customers, some using other outlets and staff. I also wonder if the staff will actually be bothered to open the gates, and close them, to park in what I consider to be a more remote vulnerable location. I would like to raise the following points;

- Is it possible to condition that these proposed gates are secured shut at all times other than for the movement of staff vehicles to enter/exit the car park? Is it enforceable?
- The fencing/gates specification will need to be agreed.
- Will Highways be happy for vehicles to stop on the highway whilst the occupants of the vehicle deals with the gates? If so could the gates be automatic?
- Is there an opportunity to have CCTV coverage of this parking area and its approach?
- I welcome the opportunity to, and feel it important for both safety and security issues to extend the external lighting to this area and it should be agreed in writing by the LPA in consultation with the police.

5.5.6 Police Further Advice: Just a point, the staff parking area is not secured from the public, it can be accessed from the public car park and then persons could go about without being clearly observed. So there would be a need for external CCTV. However, I believe you could not enforce this. So if Lidl are prepared at minimum to install dummy cameras that would have some benefit.

6. Evaluation:

6.1 The proposal is for the creation of a staff parking area to serve a supermarket. As such NNCS Policy 13 (General Sustainable Development Principles) is particularly relevant.

6.2 Policy NNCS 13 lists a range of requirements with which developments should comply, including the following which are of particular relevance:

'Development should':
- Seek to design out antisocial behaviour, crime and reduce the fear of crime by applying the principles of the 'Secured by Design' scheme (criterion b);
- Have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards (criterion d);
- Be of a high standard of design, architecture and landscaping, respect and enhance the character of its surroundings and be in accordance with the environmental character of the area (criterion h);
- Not result in an unacceptable impact on the amenities of neighbouring properties or the
wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking (criterion I);
- Not have an adverse impact on the highway network and not prejudice highway safety (criterion n);

6.3 Consideration should also be given to relevant policies in the NPPF and the Emerging Joint Core Strategy (2011-2031).

6.4 Design, Layout and Impact on the Character of the Area:
6.4.1 The proposal (as amended) is for a hard surfaced parking area with landscaping to the perimeters. Security gates and fencing would be positioned along the northern boundary fronting Wheatcroft Gardens. Subject to the approval of details of the fencing and gates, it is not considered that the proposed development would have any significant adverse impact on the visual amenity of the area.

6.4.2 Residents have expressed concern that the introduction of the access and parking area would alter the quiet nature of the cul-de-sac, resulting in a detrimental change to its character. Whilst there would undoubtedly be some impact, the anticipated use of the parking area would not result in a level of traffic/pedestrian movements which would be uncommon in a residential area and the refusal of the application could not reasonably be sustained on the grounds of impact on the character of the area. Impact on amenity is discussed later in the report.

6.5 Highway Safety and Parking:
6.5.1 Local residents are concerned about Highway safety including through increased use of the access from Robinson Road and through obstruction from parked vehicles which may be encouraged to park on Wheatcroft Gardens (for example if the staff parking area were full).

6.5.2 The amended plan submitted does not comply with Highway standards as the gates would not be positioned sufficiently far back from the point of access to allow a vehicle to stand clear of the highway whilst the gates are operated. Nevertheless, this issue could be satisfactorily dealt with by a planning condition to agree a revised gate position (set in 5.5 metres from the Highway boundary). The Highway Officer also recommends that pedestrian visibility splays should be provided at the access to take account of any staff or other road users in the verge. Again this can be satisfactorily secured by planning condition.

6.5.3 There are concerns that the proposal would encourage on street parking in Wheatcroft Gardens. For example, staff finding the car park full may leave their car on Wheatcroft Gardens and access the shop via the proposed parking area. On street parking is likely to result in access difficulties within the cul-de-sac. To deal with this issue, the Highway Authority recommend the applicant provides an undertaking that parking on Wheatcroft Gardens is monitored as part of the site Travel Plan, with a sum secured for introducing parking controls on the southern side of Wheatcroft Gardens. The costs of the traffic order and lining would be £3,500, to be called down only in the event that parking on Wheatcroft Gardens causes local safety or amenity issues, otherwise the monies to be returned five years after first occupation. This could be secured by section 106 agreement or unilateral undertaking and it is considered that the obligation would meet with the relevant tests as it would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The Highway Officer has advised that 'any traffic order would have to be consulted upon with local residents to ensure its acceptability.'

6.5.4 Subject to conditions and a legal agreement to cover the issues detailed above, it is not considered that the proposal would adversely affect Highway safety.
6.5.5 Lidl has challenged the need for a pedestrian visibility splay condition and a legal agreement to secure the parking order. They consider a condition to agree a parking management plan would suffice. Officers will continue to liaise with the Highway Authority on these points and any changes to the recommendation will be reported as necessary.

6.6 Crime and Security:
6.6.1 Northamptonshire Police raised concerns about the proposal as originally submitted. In particular they advised that the car park would not be secure, would have inadequate natural surveillance and that long term parking if segregated can be identified by offenders and targeted due to lack of movement and activity. They also considered that the area would be used by some as a ‘cut through’ and potentially as an escape route for fleeing offenders on foot and that out of store hours the area could be a major gathering area for anti-social behaviour.

6.6.2 In response to this, the applicant was requested to amend the proposal so that the parking area would be accessed via the main car park instead of Wheatcroft Gardens. Lidl have advised that this would not be possible because:
- *the strip of land adjacent to the delivery bay would be insufficient to accommodate a satisfactory access to the staff car park;*
- *there is a level change and embankment in this part of the site; and*
- *it could result in potential problems for delivery vehicles manoeuvring to use the loading bay.*

6.6.3 As an alternative, Lidl have amended the proposal to include security gates and fencing to the boundary with Wheatcroft Gardens, Northamptonshire Police have been re-consulted and have commented: ‘I do feel that the introduction of secure gates to the car park will help alleviate most of my concerns. I do however think that this staff facility is unnecessary and there will be ample car parking for customers, some using other outlets and staff. I also wonder if the staff will actually be bothered to open the gates, and close them, to park in what I consider to be a more remote vulnerable location.’

6.6.4 The police request that details of lighting, fencing and gates are agreed and conditions are recommended to cover these issues. It is recommended that the condition to agree security gates, stipulates automatic operation and that the gates remain locked (when not in use) with key fob entry. This would prevent the gates from being left open which would discourage unauthorised parking and improve site security.

6.6.5 The police question whether there would be the opportunity to install CCTV to cover the parking area and its approach, however on this point Lidl’s agent has advised; ‘Lidl has a standard specification for CCTV internal to the foodstore but they do not usually install external CCTV due to issues surrounding data protection. On the basis that the car park would be secured from members of the public at all times, except when staff enter or exit the site, and lit in hours of darkness when the store is open to the public we see no need for CCTV cameras to be installed on this part of the site. Notwithstanding our view that there would be no need for CCTV, if considered necessary, it may be possible for us to investigate whether an imitation CCTV camera could be installed in this area of the site to act as a deterrent.’

6.6.6 In response, Northamptonshire Police advise that there would be some benefit in installing a dummy camera and therefore a condition is recommended to secure this.

6.6.7 Whilst it would have been preferable if the parking area could have been accessed via the existing car park, rather than via Wheatcroft Gardens, on balance it is considered that the amendment to include security gates, coupled with the recommended conditions to cover issues of lighting, fence/gate specification, dummy CCTV camera and use restrictions would be sufficient to ensure the proposal would not pose an unacceptable crime and security risk.

6.7 Impact on Neighbouring Amenity:
6.7.1 Residents of Wheatcroft Gardens have raised concern about the impact of the proposal on residential amenity. Whilst there would undoubtedly be additional vehicle and pedestrian movements in Wheatcroft Gardens and associated additional noise, pollution, congestion etc. as a consequence, given the scale of the development, it is not considered that there would be significant adverse effects on residential amenity, such that the refusal of the application could be justified.

6.7.2 The proposal would involve an opening in the anticipated acoustic fence and this has been discussed with the Council’s Environmental Protection Team, who advise that the acoustic fence appears to have been proposed by Lidl (following the demolition of a wall) rather than being a stipulation of the Local Planning Authority. Comments from the Environmental Health Officer on previous application 14/01014/FUL (for the supermarket) indicate the principle issue of concern (in respect to noise) was the provision of plant. As a scheme for the control of noise and vibration resulting from plant is still to be agreed pursuant to condition 3 of 14/01014/FUL, the reduction in the length of the acoustic fence would not be considered a significant issue, as this will be taken into account when noise mitigation measures are agreed. The Environmental Health Team confirm they have no objection to this application.

6.8 Need for Additional Parking:
6.8.1 The Highway Authority has questioned the need for the proposed parking area, on the basis that the consented parking for the supermarket already exceeds Highway standards. A response has been received from the agent making the following point: ‘The level of car parking proposed for the original application was above the Northamptonshire parking standards but this was accepted by the LPA on the basis that:
- the Lidl foodstore site comprised partly of a public car park used by visitors to the town centre;
- that local members of the public and businesses were concerned about the loss of car parking on the edge of the town centre; and
- it was confirmed by Lidl that the main car park would be made available for general public use until the point that this meant that shoppers were unable to park to visit the store…

...The proposed staff car parking would simply result in increased availability in the main car park for shoppers and the general public so that they could visit the town centre or other nearby uses before Lidl would have to investigate means to ensure availability of spaces in the car park for its customers...’

6.8.2 Whilst in principle, additional spaces could be accepted using this rationale, it is not considered that any convincing need for the spaces has been demonstrated and whilst officers do not consider this justifies the refusal of the application in the circumstances, it does not weigh in favour of the application.

7. Other issues:
7.1 Emerging Policy – Some weight should be given to the emerging Joint Core Strategy 2011-2031 which has been submitted for examination. In this case the emerging policies are considered to support the conclusions of this report.

7.2 Devaluation of Property – Devaluation of property as raised by objectors is not a material planning consideration and therefore cannot be given any weight in determining this application.

7.3 Land Ownership – Following receipt of comments disputing land ownership, the applicant was asked to confirm and provide evidence of their ownership of the application site. They have advised: ‘It appears that all of the land within the red-line application boundary is under the ownership of Lidl or is within the adopted Highway.’ A title plan has also been provided to support this claim. Land ownership is not a material planning issue and in any case, the grant of planning permission would not alter rights of ownership. For these
reasons it would not be reasonable or necessary to delay a decision on this planning application because of an ongoing boundary dispute.

7.4 Removal of Boundary Wall adjacent Wheatcroft Gardens – This application must be assessed on its own merits and whether or not the wall was removed to facilitate this proposal (as suggested by residents) is not relevant to the determination of this application.

7.5 Future development – Residents are concerned that if the application is permitted, additional parking spaces will be created in the future. The application has been considered and justified on the basis that there will be 6 parking spaces and therefore it is reasonable for a condition to be added to ensure the scheme is laid out as shown on the plans and retained as such in perpetuity. This would ensure that planning permission would need to be sought to create additional parking spaces (see recommended condition 2). Condition 3 (landscaping) would also assist in ensuring that the agreed landscaping deters parking outside the identified parking bays.

8. Conclusion/Recommendation:
8.1 Whilst there has not been any convincing evidence submitted to demonstrate a compelling need for the proposed parking area, this alone is not considered a sustainable reason for refusal. Following the amendment of the application to include security gates at the point of access and subject to the conditions as recommended and a legal agreement to secure a parking order if monitoring proves necessary, it is considered that on balance, the proposal would not give rise to significant crime and security issues, have a significant adverse impact on visual or residential amenity nor compromise Highway safety, the proposal therefore complies with NNCSS Policy 13 and no material considerations indicate that the provisions of the development plan should not prevail. The application is therefore recommended for approval.

9. Conditions/Reasons –

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition of this consent, the access, parking and turning area shall be laid out as indicated on the approved plan (PL-10B) and thereafter shall be retained in the approved form in perpetuity. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument amending or re-enacting that order, no additional parking provision shall be created which would be served from the vehicular access hereby permitted without the prior written permission of the Local Planning Authority. Reason: In the interests of residential amenity and Highway safety.

3. Prior to the first use of the parking area hereby permitted, soft landscaping details shall be submitted by the applicant for approval by the Local Planning Authority in writing. The details shall include such planting as is necessary to ensure that landscaped areas could not practically be used as additional/overflow vehicle parking areas. The agreed landscaping shall be implemented in the first available planting season following the completion of the parking area or the first use of the parking area (whichever is the sooner) and all planted material shall be maintained and replaced as necessary for a period of 5 years from the date of planting. Reason: In the interests of visual and residential amenity and Highway safety.

4. Prior to the first use of the parking area hereby permitted, details of security gates and boundary treatment for the northern boundary of the site shall be submitted to the Local Planning Authority for approval in writing. The gates shall be automated and shall remain locked at all times (other than when they are being operated to allow a car to pass into/out
of the access). Details of a key fob locking system and automation mechanism shall be included in the details submitted for approval. The agreed gate/boundary treatments shall be erected prior to the first use of the parking area hereby permitted and thereafter shall be permanently retained in satisfactory working order. Reason: In the interests of crime prevention and highway safety.

5. The parking area hereby permitted shall only be used for staff parking. No public/customer parking shall be permitted. Reason: In the interests of highway safety and residential amenity.

6. Prior to the first use of the parking area hereby permitted, an external lighting scheme shall be submitted to the Local Planning Authority for approval. The agreed lighting shall be installed prior to the first use of the parking area and shall thereafter be permanently retained in working order. Reason: In the interests of crime prevention.

7. Prior to the first use of the parking area hereby permitted, details of a scheme to install a dummy CCTV camera shall be submitted to the Local Planning Authority for approval in writing. The dummy camera shall be installed as agreed prior to the first use of the car park and shall thereafter be permanently retained. Reason: In the interests of crime prevention.

8. Notwithstanding the submitted details, revised details of the access onto Wheatcroft Gardens shall be submitted to the Local Planning Authority for approval prior to the commencement of development. The revised details shall show the security gates set in 5.5m from the Highway boundary and the development shall be carried out strictly in accordance with the agreed details and retained as such in perpetuity. Reason: In the interests of Highway safety so that a vehicle can stand clear of the highway whilst the gates are operated.

9. Prior to the first use of the access hereby permitted, pedestrian visibility splays of at least 2m x 2m shall be provided on each side of the vehicular access. These measurements are taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level. Reason: In the interests of Highway safety.

Informatives

1. This decision has been taken in accordance with 186 and 187 of the National Planning Policy Framework. The applicant has been given the opportunity to amend the application to address concerns.
110 Higham Road, Rushden
Committee Report

Committee Date: 2 September 2015

Case Officer: Anna Lee

Date received: 16 October 2014
Date valid: 29 January 2015
Overall Expiry: 26 March 2015
Ward: Rushden Spencer
Parish: Rushden

Applicant: Mrs J Jegatheeswaran

Location: 110 Higham Road Rushden Northamptonshire NN10 6DF

Proposal: Installation of two extractor fans (condenser units) on ground floor to side of building (retrospective)

The application has been brought to Committee because of its planning history. The application relates to another application which was considered by Development Control Committee (now Planning Management Committee) on 18.12.2013.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 Retrospective planning permission was granted by Committee on 06.11.2013 for the installation of two condenser units on the flat-roof of the single-storey rear part of the building under ref: 13/00301/FUL. The current application seeks to relocate the two condenser units so that they are positioned on the ground behind the existing close boarded fence, along the side passage between the application building and Prospect Avenue. The application is retrospective in that the condensers have already been moved to the proposed location, but they have not been brought into use in association with the shop and have been turned-off since June 2014.

3 The Site and Surroundings

3.1 The application relates to a property situated on the corner of Higham Road and Prospect Avenue. The property is used as a shop (convenience store) at the ground floor and has ancillary residential accommodation at the rear and at the first floor. The site fronts onto a main road in Rushden and the area is primarily residential in character.

4 Policy Considerations

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

4.2 North Northamptonshire Core Spatial Strategy (NNCSS), 2008:
- Policy 1 - Strengthening the Network of Settlements
- Policy 13 - General Sustainable Development Principles

4.3 North Northamptonshire Joint Core Strategy 2011-2031 Pre-submission Plan, Jan 2015 (and as amended by North Northamptonshire Joint Core Strategy 2011-31 Addendum of Focused Changes to the Pre-submission Plan agreed by the North Northamptonshire Joint Committee June 2015):
- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 3 - Landscape Character
- Policy 8 - Place Shaping Principles
4.4 Other Documents:
Planning Out Crime in Northamptonshire SPG, 2003

5 Planning History Relevant to the Proposal

5.1 Two condenser units were installed at the rear of the premises in late 2012 without planning permission and the Council issued an enforcement notice in July 2013. A retrospective application was submitted for the condensers under reference 13/00301/FUL and was approved by Committee subject to a condition (condition 2) which requires the submission of details to mitigate noise from the units. These details were to be submitted to the Council for approval within four weeks of the date of permission (14.01.2014) and the mitigation measures were to be provided within four weeks of the date of approval of the details. As no such details were received, the Council issued a Breach of Condition Notice in June 2014 and the applicant has submitted the current application following the relocation of the units to the side of the building.

5.2 There has been a delay in bringing the matter to Committee for consideration, as the applicant was requested to provide a noise assessment which takes into account the new position of the units. In addition, re-consultations were carried out with local residents, the Council’s Environmental Protection Officer and other consultees.

6 Other Planning History for the Site

6.1 Applications were submitted for a change of use of the ground floor of the building from a shop (Class A1) to a hot food takeaway (Class A5) under ref: 10/01481/FUL &11/01109/FUL. 10/01481/FUL was refused by Committee due to concerns about crime and disorder; would encourage unhealthy eating and impact on local parking. An appeal was submitted and was dismissed as the Inspector considered that the proposed takeaway use would result in harm to the living conditions of the neighbouring residents and was not satisfied that a suitable ventilation system could be provided, due to nature of the food to be cooked and the residential character of the area.

6.2 Following the Inspectors decision, another application was submitted for the same proposal under 11/01109/FUL where the applicant provided further extraction details and an odour assessment in support of the application. This second application was refused and dismissed at appeal, as notwithstanding the information provided by the appellant, the Inspector held the view that the proposal would have an unacceptable detrimental effect on the amenities of local residents. The Inspector considered that there was no empirical evidence to establish whether or not odours emitted would not be insignificant; the numbers of customers would be greater than when used as a shop; and there would be increase in pedestrian activity and noise in the evenings and late at night.

7 Consultations and Representations

7.1 Neighbours: 11 Letters of objection have been received from local residents and the concerns are summarised below:
- Loss of amenity for adjacent/surrounding residential occupiers due to noise, vibration and smell during the day and in the evenings;
- Lights flickering when the condensers power up;
- There has been no attempt to gain noise readings from neighbouring gardens/properties, "Neither report included measurements from the rear of no. 108 Higham Road, or other houses on that side of the road";
- It is difficult to tell whether the extraction units would be used for food preparation;
- A relevant noise assessment has not been provided;
- "The commercial part of the property was being let separately to the residential areas. The condensers are located directly under a window to the residential property (110 Higham Road) and will have a direct impact on the future occupiers who have no control over their use";
- The condensers should be enclosed with acoustic enclosures prior to use;
- Remediation/mitigation measures have not been included with the submission;
- A condition should be imposed restricting the noise level of the units;
- The applicant's noise report is considered 'flawed' -
  - there are significant errors and omissions;
  - the background sound levels have been demonstrated previously as being flawed;
  - "the report refers to 101 Higham Road as a property that is chosen as a receiver location on the basis of the assessment, however, it actually uses 103 Higham Road as a receiver location;
  - the report is based upon the old British Standard which was superseded last year;
  - "the report refers to the second compressor being turned off between 10pm and 7am... it's unusual for a fridge to be turned off overnight because most chilled goods need to have the temperature maintained at or below 8°C all the time";
  - The creation of a 'closed fitting enclosure' would protect the amenity of the neighbours and would also benefit the occupants of the dwelling attached to the shop, but it will not have any impact on the noise emanating from the second compressor which is located under the lounge window of the property and will have a negative impact on any family occupying the dwelling attached to the shop;
  - A 'barrier' constructed with a three-sided enclosure and even by providing a roof cover does not provide the required attenuation and the two doors to the enclosure would need to be tightly fitted and would rely on the occupiers to keep the doors closed;
  - Attenuation would have a detrimental impact on the quality of the living accommodation of the existing occupiers at 110 Higham Road, as it would lead to a loss of light and will make the ground floor window ineffective for ventilation purposes;
  - Compressor Unit 2 should be put on a 'time-clock' so that it automatically turns off over night, rather than relying on the last person working in the shop to switch it off;
  - The acoustic barrier option should consist of "perforated timber or perforated steel sheet, encapsulated mineral wool and a layer of 18mm plywood, and not a close boarded fence".

7.2 Two letters have been received from one of the Rushden Ward Members and the contents are summarised below:
- Concerns raised about the effect of the proposal on the residential amenities of the adjacent occupiers at 108 Higham Road and other occupiers at Prospect Avenue;
- Residents have commissioned a consultant to review the noise assessment submitted by the applicant and the following issues were found to be a concern:
  - The latest measurements were taken to the rear of the development site which is further removed from the primary noise source of traffic on Higham Road;
  - There were no dates of when the tests were done;
  - Daytime acoustic readings were carried out rather than at 18:04 and 19:40 hours, "given that both condensers operate until 22:00 hours, using these times is significant as it will affect nearby residents during the later evening when their children go to bed";
  - The background sound levels in Prospect Avenue outside 101 Higham Road at night have been incorrectly reported;
  - The applicant's noise assessment is flawed and incorrect and Table 6 of the report should be discounted;
  - The readings were taken from the quieter unit and the noisier unit was not used in the assessment; the quieter unit is 5dBA quieter;
  - One of the condensers is faulty;
  - Incorrect references/data from a previous report have been used in the assessment;
  - "The levels which both units operate during day time hours is marginal significance and complaints are likely, as set out in BS4142:1997. The night time periods of assessment indicate the rating level of the units is significantly above the level of complaints likely as set out in the standard";
  - "If the louder of the two units (s/n 2454196) operates over night the assessment results would be in the region of 5db higher than the values shown in Table 2";
- The applicant's report recommends two options for mitigation: Enclosures would need to be provided "These enclosures would require solid acoustic panels with attenuated
ventilation apertures, designed to reduce noise levels from the units by at least 18dBa - acoustic louvered would not be suitable". The provision of an 'acoustic barrier' would not provide sufficient attenuation and should not be considered as an appropriate mitigation treatment;
- The applicant's report is based on one of the units being switched off at night time and this would require a timer and this should be conditioned;
- The report produced by the consultant commissioned by residents shows that both condensers need acoustic enclosures.

7.3 Rushden Town Council: Objection raised for the following reasons:
- The site is in a residential area and extractor fans will have a detrimental effect on the quality of life for neighbouring residents;
- The acoustic report submitted was prepared in 2013 and we feel that an up to date report should have been commissioned and submitted with the application;
- Members request that an independent report be carried out by East Northamptonshire Council, as the units have been moved since the last report was issued.

7.4 Council's Environmental Protection Officer: No objection raised to the relocation of the units and recommends that a condition be imposed to require the submission of a scheme for the control of noise and vibration for the two condenser units and that these details be submitted to the Local Planning Authority for approval prior to the re-operation of the premises (see report below for the Officer's full comments and recommendations).

8 Evaluation
8.1 The following issues are relevant to the determination of this application:

8.2 Principle of Development

8.2.1 The National Planning Policy Framework (NPPF) 2012 states that planning should seek to proactively drive and support sustainable economic development. The application proposes the provision of two condenser units to be used in association with the existing retail unit located inside the built up part of the town. The principle of the development is acceptable subject to there being no significant visual impact from the proposal and no adverse impact on residential amenity and highway safety. Each of these matters are discussed in turn below:

8.3 Visual Impact

8.3.1 The condenser units by being positioned at the side of the property behind the existing 1.8 metre high close boarded fence would be adequately concealed and would not be visible in the street scene. Planning permission was previously granted for the condensers to be positioned on the flat-roof of the single storey rear part of the building (under ref: 13/00301/FUL). In comparison with the previous location, the new position of the condensers would have less visual impact on the surrounding area and therefore should be supported in visual terms.

8.4 Residential Amenity and the Submitted Noise Assessment

Background

8.4.1 The applicant has relocated the condensers from the roof of the building to the ground hoping that less or no mitigation would be required. The two condensers are to be used for some refrigeration units (chillers) at the shop, where one would operate 24 hours a day (Unit 1) and the other (Unit 2) would only operate during certain hours of the day (between 7:00am and 22:00pm). The application was accompanied by a noise assessment and this was the same assessment as the one submitted for the previous application (ref: 13/00301/FUL). The applicant was requested to provide a new/updated assessment which takes into account the new position of the condensers. The new assessment was carried out taking into
consideration the nearest noise sensitive locations no.112 Higham Road (located 15 metres away on the opposite site of the road on Prospect Avenue), no.1 Prospect Avenue (over 20 metres to the east) and no.101 Higham Road (approximately 40 metres to the west). This report outlined that mitigation would be required for one of the units (Unit 1) and mitigation could be in the form of the provision of a purpose built acoustic cover (i.e. enclosed cabinet) or the construction of a ‘noise barrier’ around the two units (i.e. fixed fencing enclosure).

8.4.2 A number of concerns were raised by the Ward Member, residents and their consultant to the noise report prepared by the applicant’s consultant, including the sound levels used in the assessment. The report was referred back to the applicant’s consultant and changes were made in response to the concerns raised. The report now outlines that mitigation would be required for both of the units.

The Council’s Environmental Protection Officer’s Recommendations

8.4.3 The most recent version of the report outlines that the condenser unit operating 24 hours a day (Unit 1) requires a sound reduction of 16dB to protect the nearest noise sensitive property and the unit operating between 7:00am to 22:00pm (Unit 2) requires a sound reduction to a lesser extent of 5dB. Whilst Unit 1 requires a higher level of mitigation of 16db, Members should note that this unit is the quieter of the two units and more mitigation is required because this unit would operate overnight when the background noise levels are lower. For Unit 2, as this operates during the day (when background noise levels are higher), a lesser sound reduction of 5dB would be sufficient. To help put this into perspective for Members, a sound reduction of 5dB (or more) in essence is inaudible as it would be similar to the existing background noise level and as such the recommended sound reductions (to be provided by mitigation) would protect the nearest noise sensitive properties.

8.4.4 With regards to the method of mitigation, the Council’s Environmental Protection Officer makes the following comments: "To this end the acoustic consultant has suggested a couple of measures. One is the installation of a purpose built acoustic enclosure to Unit 1. Alternatively the erection of a robust close boarded fence forming an acoustic barrier. A design has been proposed in the report. The fence would form part of the boundary fence which from the report extends to 1.8 metres high at present. The fence would be returned around the condensers extending roughly the length of the single storey extension. The close boarded fence would need to be 2.0 metres high on all three sides with doors to allow access to the rear of the property. These doors would need to be tight fitting and kept closed at all times to protect the integrity of the barrier."

8.4.5 The Council’s Environmental Protection Officer considers that either of the above mitigation proposals would be sufficient to prevent a loss of amenity and noise nuisance on the nearest neighbouring residential properties. A reasonable way forward would be to place a condition on the planning permission to agree the noise mitigation measure(s) prior to the re-operation of the shop and the following condition is recommended:

Prior to the re-operation of the premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the details so approved. The equipment shall be maintained in a condition so that it does not exceed background noise levels (as agreed with the Local Planning Authority) whenever it is in operation. After the installation of the approved plant no new/additional plant or ducting system shall be brought into use without the prior written consent of the Local Planning Authority.
Reason: To protect the residential amenity of the locality.

8.4.6 Overall, subject to the condition recommended by the Environment Protection Officer, there would be no significant noise issues from this proposal and the condensers would not lead to harm to the residential amenity of the surrounding occupiers.
8.4.7 Discussions have been undertaken with the applicant/owner of no.110 Higham Road regarding the means of mitigation that they would provide. The applicant/owner has carried out some research on the matter and has indicated at this stage that they would be looking to provide a purpose built acoustic cover (cabinet) to enclose both of the units. Until full details of such mitigation has been submitted to the Council for consideration, the above condition is recommended.

Response to Other Issues Raised by Residents and Ward Member to the Submitted Noise Assessment

8.4.8 Effect on 108 Higham Road – The condensers would be positioned away from the neighbouring property/rear garden and would be concealed away by the single storey rear extension and main building of 110 Higham Road. As the rear part of 110 Higham Road in effect forms a sound barrier to the adjacent property, causing any sound to dissipate through the application building, this neighbouring property was not included as one of the nearest noise sensitive receptors. The condition recommended to require the provision of noise mitigation would further ensure that the residential amenity of the adjacent occupiers would not be adversely impacted upon.

8.4.9 Effect on 110 Higham Road - The condensers are located beneath the habitable room window of the application building. The owner has confirmed that the whole premise is rented out to the same tenant. As the whole of the building is in the same ownership/tenancy, it would be extremely difficult to refuse the application on grounds of harm to the residential amenity of the existing/future occupiers at 110 Higham Road. Furthermore, in comparison with the previously permitted scheme, where the condensers were located in front of the first floor bedroom windows, the relocation of the condensers to the side of the building (in front of what is a lounge and kitchen/diner window), should improve the noise environment for the existing/future occupiers.

8.4.10 Faulty Unit - One of the units is faulty at present. However, the noise assessment was carried out on the assumption that the unit is functional/in full operation. There are no noise issues at present with the shop closed and the condensers turned-off. The recommended condition would ensure that the faulty unit would be returned to working condition and would not lead to undue noise issues for the surrounding occupiers, as the recommended condition states: "The equipment shall be maintained in a condition so that it does not exceed background noise levels (as agreed with the Local Planning Authority) whenever it is in operation".

8.4.11 Need for An Automatic Timer - The applicant has indicated that one of the condenser units (Unit 2) would be turned-off overnight (as the drink chiller does not require constant refrigeration); however, an automatic timer to ensure the turning off of this condenser unit would not be necessary. This is because the required level of mitigation takes into account the worst scenario i.e. in the event that both units would be left turned-on overnight and the subsequently submitted (and agreed) mitigation would ensure that noise emitting from both units would be mitigated.

8.4.12 Need for Conditioning Sound Levels (Precise dB Levels) – This would not be necessary as the noise mitigation measures are designed to achieve a level of noise reduction (dB) below background and background levels vary during the different times of the day/night. Again, the wording in the currently recommended condition would be sufficient for managing the level of noise.

8.4.13 Use of Old British Standards - It is not uncommon to refer to the Old British Standard, as some of the data used in the submitted report was taken from the previous report (and hence using the old standard). However, the applicant’s consultant has also taken into account the new standards in compiling the new report. Therefore, no significant issues have been identified.
8.4.14 Incorrect Data and Readings - The Council’s Environmental Protection Officer is satisfied that suitable data and readings have been used in the submitted noise assessment. The submitted report takes into account data contained in the previous noise report (submitted for 13/00301/FUL) and the applicant’s consultant has also collected some additional data for the new report.

8.4.15 Requirement for An Independent Report - Whilst the Town Council has requested that East Northamptonshire Council carries out an independent report, this is considered unnecessary as the Council’s Environmental Protection Officer has already assessed the noise report submitted by the applicant’s consultant. Furthermore, the provision of two condenser units in this instance is a relatively straight forward matter.

8.5 Highway Impact

8.5.1 The condensers are located on private land and are concealed and positioned away from the adjacent public footpath to Prospect Avenue. Therefore, no significant highway issues have been identified.

9 Other issues
9.1 None.

Recommendation

That planning permission be granted subject to the following conditions:

Conditions/Reasons -

1. Prior to the re-operation of the premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the details so approved. The equipment shall be maintained in a condition so that it does not exceed background noise levels (as agreed with the Local Planning Authority) whenever it is in operation. After the installation of the approved plant no new/additional plant or ducting system shall be brought into use without the prior written consent of the Local Planning Authority.
Reason: To protect the residential amenity of the locality.

2. Except where expressly stated by other conditions on this planning permission, the development shall be carried out strictly in accordance with the following approved plans:
   Drawing numbers: L01 and L02 received by the Local Planning Authority on 2 March 2015.
   Reason: In order to clarify the terms of this planning permission and to ensure that the development is carried out as permitted.

Informatives

1. In reaching this decision the Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187. The applicant was given the opportunity to provide additional information in support of the application.

2. This decision relates to the following additional information:
   - Report No. ENR/3.15/C0192/A prepared by David Ball Acoustic Services dated 20 July 2015, received by the Local Planning Authority on 20 July 2015; and
   - Other representations received during the course of the application.
Committee Report

Committee Date: 2 September 2015

Case Officer Anna Lee

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<tr>
<th>Date received</th>
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<th>Overall Expiry</th>
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<td>16 October 2014</td>
<td>29 January 2015</td>
<td>26 March 2015</td>
<td>Rushden Spencer</td>
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Applicant Mrs J Jegatheeswaran

Location 110 Higham Road Rushden Northamptonshire NN10 6DF

Proposal Variation of condition 2 - alternative colour for shutters pursuant to planning permission of 13/01359/FUL dated 4.12.13 - Installation of external shutters (retrospective)

The application has been brought to Committee because of its planning history, as it seeks the removal of a planning condition imposed by Development Control Committee (now Planning Management Committee).

1 Summary of Recommendation

1.1 That the variation be GRANTED.

2 The Proposal

2.1 Retrospective planning permission was granted by Committee on 06.11.2013 for the installation of external roller-shutters under ref: 13/01359/FUL. However, Members requested that the existing blue coloured shutters be replaced with an alternative colour and the following condition was imposed (as condition 2):

Notwithstanding the current colour of the shutters an alternative colour for the shutters shall be submitted to the Local Planning Authority within 28 days of the date of this decision notice for the written approval of the Local Planning Authority. The colour of the external shutters and associated fittings and fixtures shall then be changed to comply with the agreed revised colour within three months of the date of this colour being approved and shall thereafter be retained as such.

Reason: In the interests of the visual amenity of the site and surroundings.

2.2 The application seeks to remove the condition to allow the shutters and associated fittings to be retained in the existing colour.

2.3 The owners of the premises have considered replacing the colour of the shutters, however, they have encountered the following difficulties:
- "An alternative colour is difficult as few colours will cover the blue";
- "The shutters are metal and need either stripping or priming for metal paint and this is expensive";
- "The approximate cost to change the colour is £3,000. This is only a corner shop and we have already spent lots of money on the planning application, i.e. noise assessments".
3 The Site and Surroundings
3.1 The application relates to a property situated on the corner of Higham Road and Prospect Avenue. The property is used as a shop at the ground floor and has ancillary residential accommodation at the rear and at the first floor. The site fronts onto a main road in Rushden and the area is primarily residential in character.

4 Policy Considerations

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

4.2 North Northamptonshire Core Spatial Strategy (NNCSS), 2008:
Policy 1 - Strengthening the Network of Settlements
Policy 13 - General Sustainable Development Principles

4.3 North Northamptonshire Joint Core Strategy 2011-2031 Pre-submission Plan, Jan 2015 (and as amended by North Northamptonshire Joint Core Strategy 2011-31 Addendum of Focused Changes to the Pre-submission Plan agreed by the North Northamptonshire Joint Committee June 2015):
Policy 1 - Presumption in Favour of Sustainable Development
Policy 3 - Landscape Character
Policy 8 - Place Shaping Principles

4.4 Other Documents:
Shop Front Design SPD, 2011
Planning Out Crime in Northamptonshire SPG, 2003

5 Planning History Relevant to the Proposal
5.1 According to the Council’s planning records, the roller-shutters were in situ in late 2012. An enforcement notice was issued in August 2013 and this required the removal of the shutters. A retrospective application for planning permission was subsequently submitted under ref: 13/01359/FUL and was granted approval by Development Control Committee on 06.11.2013 subject to a condition (condition 2) requiring that an alternative colour be used for the shutters and that these details be submitted to the Council within 28 days of the decision and that the alternative colour be provided within three months of the date of the approval of the colour. The Council served another enforcement notice on the owner in July 2014 as the details required by condition 2 of 13/01359/FUL had not been submitted. The applicant has submitted the current application in response to the latter enforcement notice, to request that condition 2 be removed, so that the roller-shutters could be retained in the existing colour.

5.2 This application has been brought to Committee together with another application proposing the relocation of two condenser units ref: 14/01966/FUL. See 14/01966/FUL for other planning history for the site.

6 Consultations and Representations
6.1 Neighbours: Five letters of objection have been received from local residents and the concerns are summarised as follows:
- Whilst similar colours are used on other shops in the High Street, the colour of the existing shutters is not suitable for a residential area;
- The colour is not in-keeping with the local area and has a detrimental effect on the street scene.

6.2 One letter received from Ward Member:
- "110 Higham Road/Prospect Avenue are situated in a purely residential area and it is the only shop on this road. The shop front is an eyesore spoiling the surrounding street scene, due to the illegal pictures on the front of the glass when the shutters are open and the present colour of the shop shutters. In East Northamptonshire guidelines 5.4, it states that security features and devices should be integrated into the shop design and this is clearly not the case";
"The East Northamptonshire guidelines on shop fronts states that the colour should reflect the street scene and at the November 2013 Council meeting, the Planning Committee instructed that the shutter colours should change. Therefore, we believe that this decision by the Council in 2013 should stand because of the guideline on shop fronts".

6.3 Rushden Town Council: Reiterates their objections to the original application: "The alternative colour is not acceptable, although this colour may be currently used on shutters in the High Street, 110 Higham Road is in a residential area and therefore shutters should be in keeping with the surrounding area. The current colour is garish and overbearing and shutters should be repainted in a more subtle colour to complement the surrounding residential properties".

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

7.2 Principle of Development

7.2.1 Policy 17 of the National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and take into account the different roles and character of different areas. Policy 13(h) of the adopted North Northamptonshire Core Spatial Strategy (NNCSS) 2008 requires development to be of a high standard of design and respect and enhance the character of its surroundings. Since granting the initial planning application, the NNCSS is being replaced by the emerging Joint Core Strategy and Policies 3 and 8 of the emerging Joint Core Strategy seek to 'enhance landscape character' and 'local character' by responding to the site's context. Therefore, each proposal should be assessed against local character and the site's context.

7.2.2 The Council's adopted Shop Front Design SPD (paragraph 5.1) recognises that security features such as shutters are highly visible and can have a significant impact on the appearance of the building and the street scene. The contents of the SPD were noted during the determination of the original application, where it was considered that as the proposal relates to a single retail unit, positioned back from the highway, there is not a cumulative 'deadening' impact from the installation of roller-shutters in this location. As the principle of the installation of external metal shutters on the existing premises was established by the initial planning permission, all that can be considered in the current application is the colour of the shutters.

7.2.3 With regards to colour, paragraph 5.4 of the SPD states "Where necessary, security features and devices should be integrated into the shop front design from the outset, in order to reduce their visual impact." The SPD does not state that the colour of the shop front needs to reflect the street scene or prescribe the colour that should be used for shop fronts and shutters.

7.3 Visual impact

7.3.1 The visual impact of the shutters, including its colour, were previously considered by your officers to be acceptable; as commented in the previous committee report: "The proposed shutters occupy the majority of the shop front and side elevations although areas of brickwork remain on both elevations. The shutters are contained within frames and form part of the overall shopfront. Whilst the shutters are solid, the overall visual impact is acceptable. As the shop is set back with hardstanding to the front the impact is lessened. Furthermore, the shutters do not have a significant deadening impact as the property is within a predominantly residential area and the building is set back."

7.3.2 Blue is a colour commonly found on shop fronts and signage. Whilst the application building is located in an area surrounded by residential properties, Members should note that the building faces onto a main road inside the built up area leading into Rushden town centre (the A5028) and the shutters are installed on an existing retail unit positioned back from the road and away from a number of the surrounding residential properties.

7.3.3 Comments have been received from Rushden Town Council to say that the colour of the shutters is garish and bright. What Members have to consider is whether the visual impact resulting from the colour of the shutters is to a degree that is considered to be 'harmful' and that would warrant a
refusal of planning permission. On this matter, your officers are of the view that the colour of the shutters is not harmful or detrimental to visual amenity to an extent that would justify a refusal of the application.

7.4 Residential Amenity

7.4.1 The proposal, by nature, would not have an undue adverse impact on the residential amenities of the surrounding occupiers. The shutters are sufficiently positioned away from the surrounding residential properties.

7.5 Highway Impact

7.5.1 The shutters are attached to the shop front and positioned back from the public highway. Therefore, no significant highway issues have been identified.

8 Other issues
8.1 None.

9 Recommendation
9.1 That the variation be GRANTED subject to the following condition:

Conditions/Reasons -

1. The works hereby permitted relate to the following: A4 Site Location Plan and photographs received by the Local Planning Authority on 20th August 2013 for the original application reference 13/01359/FUL showing the shutters down and the shopfront with the shutters raised.
   Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

Informatives

1. In reaching this decision the Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187. The applicant was given the opportunity to provide additional information in support of the application.
Land Off Mitchell Road Corby
This application is brought before Planning Management Committee because it proposes a major development.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes to vary condition 4 of planning permission 14/00749/VAR which granted planning permission for the development of a warehouse with ancillary offices, car parking, service yards, gatehouse, fuelling island and lorry wash. A mezzanine floor was also approved as a later addition. Condition 4 states:

"The premises as a whole including the mezzanine floors shall not be used other than for the storage and distribution of non-food items and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Reason: To clarify the scope of this permission ensuring consistency with the Transport Assessment as the alternative of food storage and distribution floorspace may have an adverse impact contrary to Policy 13(n) of the North Northamptonshire Core Spatial Strategy".

The applicant wishes to store some food and drink items ancillary to the main use of the building. The building would be used for the storage and distribution of office supplies but this would also include some items for vending machines, including food and drink such as tea and coffee. It is stated within the application details that these would make up less than 3% of the products.
3 The Site and Surroundings
3.1 The site lies to the north of Mitchell Road, and is south of Gretton Brook Road. The power station lies just to the west. Rockingham Motor Speedway lies to the east.

3.2 The site is 10.05 hectares in size. The building has 46,825sq.m of B8 floorspace and an additional 2428sq.m of ancillary offices. The building occupies approximately 43% of the site area (the remainder is used for car parks, yards, roads and green areas).

3.3 Approximately 5% of the site lies within the district of East Northamptonshire, the remainder lies within the borough of Corby. The same application was submitted to Corby. Only approximately 1% of the warehouse space falls within the district of East Northamptonshire.

4 Policy Considerations
4.1 National Planning Policy Framework
    National Planning Practice Guidance

4.2 North Northamptonshire Core Spatial Strategy
    Policy 6 - Developer Contributions
    Policy 8 - Delivering Economic Prosperity
    Policy 9 - Distribution and Location of Development
    Policy 11 - Distribution of Jobs
    Policy 13 - General Sustainable Development Principles

4.3 Emerging North Northamptonshire Joint Core Strategy
    Policy 1 - Presumption in Favour of Sustainable Development
    Policy 8 - North Northamptonshire Place Shaping Principles
    Policy 9 - Sustainable Buildings and Allowable Solutions
    Policy 18 - HGV Parking
    Policy 22 - Delivering Economic Prosperity
    Policy 23 - Distribution of New Jobs

4.4 Other documents

A number of policies only relevant to Corby are relevant to the determination of the proposal. However, the case officer at Corby Borough Council will make an assessment based on these policies.

5 Relevant Planning History
5.1 The site has been used for the excavation of ironstone, and was occupied by rail sidings, slurry and effluent ponds. This was suitably mitigated to allow for the warehouse construction which currently occupies the site.

5.2 06/00228/DPA and 06/01573/FUL granted planning permission for the present warehouse. A variation of condition 5 of this planning permission was agreed by both Corby Borough Council and East Northamptonshire Council (08/01042/VAR). This related to public art.

5.3 14/00749/VAR Variation of condition 3 to increase mezzanine floorspace pursuant to application 08/01042/VAR: 'Development of B8 warehouse with ancillary offices, car parking, service yards, gatehouse, fuelling island and lorry wash - Variation of condition 5 attached to planning approval EN/06/01573/FUL by deletion of words public art' dated 1 August 2008. PERMITTED.
6 Consultations and Representations
6.1 Neighbours: No comments received.
6.2 Deene Parish Council: No comments received.
6.3 Council's Environmental Protection Officer: No comments received.
6.4 Local Highway Authority: No objection.
6.5 Site notice posted: 27 March 2015 on a lamp post to the front of the site.

7 Evaluation
7.1 Whilst it is legitimate for other issues to be revisited as a result of such an application, planning circumstances have not materially changed since the permission was last updated in 2014. Consequently no new issues arise other than those the subject of the planning condition the applicants seek to change. The key issue raised by the proposal is solely the impact in highway terms of allowing the changes to planning condition 4.

7.2 Impact on highway safety

7.2.1 In the previous approval 14/00749/VAR, Northamptonshire Highways had no objection subject to conditions regarding occupation by a non-food B8 use. This was because a food distributor would have a far higher traffic generation than the non-food operator for which permission was then sought. In the knowledge that the goods proposed were to be non-food, Northamptonshire Highways then stated:

"... the risk is that if permission was granted without any form of understanding of the implications, it would be possible for the developer to switch to a more dynamic warehouse operation with the attendant increase in traffic volumes. In order to protect the local highway network from such an increase, I feel it would be appropriate, should you be minded to grant consent, to impose a planning condition which limits the operational use to one similar to (or even exactly the same as) that being applied for. For example limiting the warehouse to this applicant's industry, or specifying uses which are not allowed, such as food warehousing."

7.2.2 Condition 4 was imposed but was drafted in such a way (unintended) that it inhibits the present occupier (Staples). They are not a food distributor but minor elements of their range does include food and drink (as would be expected for an office supplier - products sold include vending products and beverages).

7.2.3 Highways have been consulted regarding the proposal to vary the condition to allow for the change of goods stored and distributed and they have no objection. As such the proposal would not result in a detrimental impact on highway safety.

8 Other matters
8.1 As the granting of a Section 73 application has the effect of granting a fresh planning permission, it is necessary to refer to all the conditions of the original planning permission. Therefore, all of the conditions that were imposed on 14/00749/VAR are recommended to be re-imposed, with various changes where necessary.

9 Recommendation
9.1 That permission be GRANTED subject to the following conditions:

Conditions/Reasons -

1. This permission shall take effect from the date of planning permission reference 14/00749/VAR
Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The scheme shall be implemented in accordance with the following approved plans:
   a. 3636V-102-P2 (site plan)
   b. 3536V-200-T2 (general internal arrangements)
   c. 3636V-210-T2 (ground floor office plan)
Reason: For clarity and to ensure the scheme is implemented as approved.

3. The site hereby approved for development of a distribution park shall contain no more than 59,251 sq. metres of floor space, including mezzanine floors.
Reason: The highway assessment is based upon the above figure.

4. The premises as a whole including the mezzanine floors shall not be used other than for the storage and distribution of non-food items, except for beverages, condiments, and food items ancillary to the distribution of office supplies and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: To clarify the scope of this permission ensuring consistency with the Transport Assessment as the alternative of food storage and distribution floorspace may have an adverse impact contrary to Policy 13(n) of the North Northamptonshire Core Spatial Strategy.

5. There shall be no outside storage of plant, machinery, raw materials or finished products other than in external storage areas that will have been approved by the local planning authority.
Reason: To minimise intrusion in the interests of visual amenity.

6. The existing hard and soft landscaping scheme (as previously approved and shown on approved plan MIT/1/C/1) shall be retained unless otherwise agreed in writing with the local planning authority. Any trees or plants that within a period of three years from the date of this permission, are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the local planning authority gives its written consent to any variation.
Reason: In the interests of visual amenity.

7. The approved landscape management plan (Document MIT/1/M/1, 12 June 2008) shall be implemented concurrently with site occupation.
Reason: In the interests of visual amenity.

8. The existing lighting scheme (as previously approved and shown on 'Kingfisher' drawing D10695) shall be retained unless otherwise agreed in writing with the local planning authority.
Reason: In the interests of visual amenity and to ensure that overspill light does not harm the ecology area on the south site of Mitchell Road (outside the site).

9. Within 6 months the date of this permission, or such other period as may have been previously agreed in writing with the Local Planning Authority, revisions to the approved framework Travel Plan dated July 2006 (as first submitted with implemented planning application 06/00228/dpa) shall be submitted to and approved in writing with the Local Planning Authority. It shall be implemented in full in accordance with an approved delivery plan, or as otherwise may be agreed in writing with the Local Planning Authority.
The approved Travel Plan shall continue to be implemented as long as any part of the development is occupied.
Reason: In the interests of promoting sustainable travel patterns and to accord with Policy 13 of The North Northamptonshire Core Spatial Strategy.

Informatives

1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187. Officers were concerned with the suggested wording as put forward in the application details. However, after negotiations, the approved wording for condition 4 was agreed. This led to a delay in the determination of the application but an extension of time was agreed with the applicant's agent.

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

2. Please note that an application is required to formally discharge any pre-commencement conditions which are attached to this permission. This could take up to 8 weeks to receive a response and would incur a fee. Please note that applications to discharge conditions can be refused and that further information can be requested. Therefore it is very important that you read the requirements of each condition carefully to ensure that the correct information is submitted with your application. Further information can be found at www.east-northamptonshire.gov.uk

3. The site is contaminated land that has been remediated to a level suitable for the present use as detailed in the Delta Simons Validation and Closure report received on 24 June 2008. Any site excavation should have regard to work carried out under previous remediation schemes as identified in that report. Further development may require additional investigation and remediation.

4. This permission revises previous permission 14/00749/VAR only by the alteration to condition 4 to allow for the storage and distribution of food goods being an ancillary and minor part of this non-food B8 warehouse use. Acceptable examples of stored and distributed products include catering products such as coffee, tea, soft drinks and snacks stored and distributed in minor quantities as part of an office products range. Unacceptable examples include food and drink products sold and distributed in the manner of a food supermarket supplier with sales and volumes that are more than ancillary.

5. The revised Travel Plan required by condition 9 is already a requirement of the legal agreement associated with implemented permission 06/00228/dpa. The need for re-submission arises from initial building occupation and the need for an update, and not necessarily the implementation of the additional floorspace enabled by the present permission.
24 Saffron Road

Higham Ferrers
This application is brought before Planning Management Committee because of an objection received from Higham Ferrers Town Council.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal
2.1 The application proposes the demolition of a commercial building and the erection of two semi-detached dwellings. The building's last three uses were as a warehouse and offices for a car upholsterer, a flooring company and a furniture and gift shop. The property has been vacant for some time, although the application details don't state how long.

2.2 The proposed dwellings would be two and a half storeys in height and would accommodate three bedrooms and would each have a single parking space.

3 The Site and Surroundings
3.1 The site is within the centre of Higham Ferrers close to local amenities including a local supermarket, a cash machine, a school, a doctor's surgery and a public house. There is also residential development surrounding the site.

4 Policy Considerations

4.1 National Planning Policy Framework
National Planning Practice Guidance

4.2 North Northamptonshire Core Spatial Strategy
Policy 1 - Strengthening the Network of Settlements
Policy 7 - Delivering Housing
Policy 9 - Distribution and Location of Development
Policy 10 - Distribution of Housing
Policy 13 - General Sustainable Development Principles
Policy 14 - Energy Efficiency and Sustainable Construction
4.3 Emerging North Northamptonshire Joint Core Strategy
Policy 1 - Presumption in Favour of Sustainable Development
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 29 - Distribution of New Homes

4.4 Other documents
Parking SPG
Local Highway Authority Standing Advice for Local Planning Authorities
Domestic Waste Collection and Storage SPD

5 Relevant Planning History
5.1 68/0118//HFB Storage buildings. PERMITTED.
5.2 73/0017//HFB Extension to storage building. PERMITTED.
5.3 89/01204/FUL Change of use of offices to dwelling and formation of offices at first floor level. PERMITTED.

6 Consultations and Representations
6.1 Neighbours: Comments can be summarised as:
- Rear access is via a neighbours land;
- Loss of privacy;
- Concerns regarding construction traffic routes and noise and dust;
- Insufficient parking;
- Would like reassurance that any damage caused by demolition and rebuilding will be reimbursed by the applicant;
- Asbestos is present;
- Sewerage and drainage concerns;
- Site is not suitable for two dwellings.

6.2 Higham Ferrers Town Council: Objection for the following reasons:
- Overdevelopment of the site. The two properties are cramped and squeezed against both site boundaries of the site. The development is incongruous and does not fit with surrounding properties, particularly as it sits to the rear of old stone properties on College Street and abuts the Conservation Area. One property would be better for the site.
- The proposal would be contrary to policy HF.H1 in the emerging Neighbourhood Plan.
- There is insufficient off road parking for two properties.
- The rear access is across Town Council land for which no agreement has been made.
- There have been no pre-application discussions with the Town Council.
- If permission is granted conditions should be added for: archaeology; details of access and parking for site operatives and construction vehicles; and a Construction Management Plan.
- The access width is not the required width and there is not the normal required distance between the boundary bays and the wall.
- The rear windows should be appropriately glazed to prevent noise disturbance from Little Steps Day Nursery.
- Access to the rear of the properties would result in a loss of public car parking spaces adjacent to the site.

6.3 Council's Senior Environmental Protection Officer: Comments can be summarised as:
- There are no obvious sources of noise that would impact on the proposed development.
However, to ensure that there is no detrimental impact on neighbours or any loss of amenity during demolition and construction works conditions should be added to control dust, noise, hours of work, asbestos etc.

6.4 Council’s Senior Environmental Protection Officer (contamination): The building was erected on what was the garden of 24a Saffron Road. The building, to the best of our knowledge, has only been used for storage. The outside areas are in good order with no evidence of any tanks or spills. Therefore, no further information needs submitting in this respect.

6.5 Local Highway Authority: The proposal does not constitute an intensification of use of the access or parking area.

6.6 County Council Archaeologist: There is the possibility for remains of occupation or other activity to survive on the site, albeit in a truncated state due to later development. The proposed development would have a detrimental impact on any archaeological remains present. Therefore a condition should be added to any permission granted for the investigation and recording of any remains that are affected.

6.7 Site notice posted: 22 June 2015 adjacent to the site.

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

7.2 Principle of development

7.2.1 The site is located within the built up area of Higham Ferrers and is located on brownfield land. It is located adjacent to local services and as such the principle of developing the land for residential properties is considered acceptable and would comply with national and local planning policy.

7.2.2 The Town Council have commented that the proposal is contrary to policy HF.H1 of the Submission Version of the Higham Ferrers Neighbourhood Plan. This policy sets out that windfall or infill development would be supported subject to a number of criteria. The criteria which the Town Council state the proposal is contrary to relates to garden development and subdivision of plots. This criterion is not relevant to the proposal as it is for the demolition of a commercial building and is not for the development of garden land or the subdivision of a plot. The site is previously developed as defined in the National Planning Policy Framework.

7.2.3 The proposal complies with the rest of the criteria in this policy as it is within the built up area where it is closely surrounded by other buildings, it will not involve an outward extension of the built up area of Higham Ferrers, it would provide two additional three bedroom properties and it would be in keeping with the local vernacular, as set out in the paragraphs below.

7.2.4 Overall, the principle of development is considered acceptable.

7.3 Visual impact

7.3.1 The proposed dwellings would be set back from the road and situated behind an existing dwelling at No.24a Saffron Road. There is no strong character to the built form within this area of Higham Ferrers and there are other properties and buildings present to the rear of College Street with access from Saffron Road. Therefore the proposed dwellings would not be out of keeping with the character of the built form.

7.3.2 Neighbours and the Town Council have commented that the proposal would represent an overdevelopment of the plot. However, each property would have adequate garden
space, space for bin storage, space for a shed and one parking space each. Internally, each property would provide sufficient room for three bedrooms, two with en-suites, a family bathroom with bath, a downstairs toilet, a kitchen/dining room and a lounge. The proposal is therefore not considered to be an overdevelopment of the plot.

7.3.3 The Design and Access Statement states that the proposed dwellings have been designed around some newly constructed properties in the surrounding area. The properties that have been referred to are located on the opposite side of Saffron Road. It is considered that the proposed dwellings would reflect the design of these buildings and would therefore not be out of keeping with their surroundings. The only major difference being the replacement of dormer windows for roof lights. However, these are a feature which can be found at No.24a Saffron Road and so would not be out of keeping.

7.3.4 The Town Council are concerned that the site abuts the Conservation Area where there a significant number of older buildings. However, the proposed dwellings would not block any important views of the Conservation Area and their modern appearance would be in keeping with properties located off Saffron Road.

7.3.5 Overall, it is considered that the proposed development would not result in a detrimental visual impact on the character and appearance of the street scene or the surrounding area. Therefore the proposal would not be contrary to any national or local planning policies.

7.4 Impact on neighbouring amenity

7.4.1 The nearest properties to the proposal are no's 7 and 9 College Street and No 24a Saffron Road. No.7 College Street is located approximately 16 metres away from the proposal at the nearest point. This distance would be sufficient to prevent any undue harm caused to the occupiers of this property by overlooking, overshadowing or overbearing impact.

7.4.2 No.9 College Street is located to the north of the site. However, this building appears to be an outbuilding with a rear access off Saffron Road. There are no windows proposed to the north elevation of the proposed dwellings and therefore no overlooking would occur to this property. The proposed dwellings would be located on the footprint of the existing building, which would cause some overshadowing. However, given that the area that would be overshadowed is not used as amenity space it is considered that no undue harm would occur. For the same reasons it is considered that there would be no undue overbearing impact.

7.4.3 No.24a Saffron Road is located approximately 20 metres away from the proposal. This distance is considered sufficient to prevent any undue harm on the occupiers of this property.

7.4.5 All other properties would be located far enough away not to be impacted upon to any significant extent.

7.5 Impact on highway safety

7.5.1 The Town Council has raised concerns about the access being too narrow and there being insufficient space within the site for vehicles to manoeuvre. The Local Highway Authority has considered that there would be no intensification of use of the existing access or the parking area and as such the proposed layout is acceptable in this instance.

7.5.2 Two parking spaces are proposed, and concern about a lack of parking provision has been raised by local residents and the Town Council. The Parking Supplementary
Planning Guidance states that for residential dwellings a maximum of 1.5 space per dwelling should be applied. It goes on to state that a lower provision than set out may be sought particularly in locations accessible by a means of transport other than the private car. Regard should be had to the availability of alternative means of transport and the availability and proximity of public car parking. Given that the site is located within the centre of Higham Ferrers where facilities are within walking distance, including public car parking, and there is a public transport link, the proposal for one space per dwelling is considered appropriate.

7.6 Environmental concerns

7.6.1 A number of environmental concerns have been raised regarding dust, noise, traffic movements and asbestos. All of these matters have been covered by the below recommended conditions.

7.6.2 The Council's Senior Environmental Protection Officer has no objection to the proposed dwellings being located close to a children's nursery and considers that the occupiers of the proposed dwellings would not be affected by noise nuisance. In addition the nursery is open during working hours.

7.7 Other matters

7.7.1 One local resident and the Town Council have raised objections on the grounds of rights of access and land ownership. These are not matters which are covered under planning legislation and are civil matters between the relevant parties. Therefore this is not relevant to the determination of this application.

8 Recommendation

8.1 That permission be GRANTED subject to the following conditions:

Conditions/Reasons -

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission. 
   Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Prior to the commencement of development, full details and samples of all proposed facing materials shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and thereafter retained in perpetuity.
   Reason: In the interests of visual amenity.

3. Any asbestos found on the site shall be removed in a safe manner and be disposed of at an appropriately permitted waste management facility.
   Reason: In the interests of health and safety.

4. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no time on Sundays or Bank Holidays.
   Reason: To ensure the protection of the local amenity throughout construction works.

5. During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise dust emission from the development site. The developer shall provide and use
suitably covered skips and enclosed chutes, or take other suitable measures in order to
minimise dust emission to the atmosphere when materials and waste are removed from
the development site.
Reason: To ensure the protection of the local amenity throughout construction works.

6. Precautions shall be taken to prevent the deposit of mud and other debris on adjacent
roads by vehicles travelling to and from the construction site. Any mud, refuse etc
deposited on the road as a result of the development must be removed immediately by
the operator/contractor.
Reason: In the interests of residential amenity, highway safety and visual amenity in
accordance with policy 13 and 16 of the North Northamptonshire Core Spatial Strategy
(2008).

7. No development shall take place within the site until the applicant, or their agents, or
successors in title, has secured the implementation of a programme of archaeological
work in accordance with a written scheme of investigation which has been submitted to
and approved in writing by the local planning authority.
Reason: To ensure that features of archaeological interest are properly examined and
recorded in accordance with paragraph 141 of the National Planning Policy Framework.

8. Prior to the commencement of the development hereby permitted, details of the
location, height, design and materials of all screen walls and fences shall be submitted to
and approved in writing by the local planning authority. The development shall thereafter
be carried out in accordance with the approved details, prior to the occupation of either
dwelling, and shall thereafter be retained in perpetuity.
Reason: In the interests of visual amenity and to ensure an adequate level of privacy for
neighbouring amenity.

9. The development hereby permitted shall be carried out in accordance with the
approved plans received by the local planning authority on 3 June 2015 and 25 June
2015, drawing numbers: 14-108-1 Existing site plan, floor plan and front elevation, 14-
108-02 Proposed floor plans, 14-108-03 Proposed elevations and section and 14-108-
04B Proposed site plan and proposed block plan.
Reason: To ensure that the development is carried out as permitted.

10. Prior to the commencement of the development hereby permitted, details of existing
ground levels (in relation to an existing datum point), proposed finished floor levels and
floor slab levels of the development and adjoining sites shall have been submitted to and
approved in writing by the local planning authority. The development shall thereafter be
carried out in accordance with the approved details.
Reason: To ensure that the precise height of the development can be considered in
relation to nearby properties.

Informatives

1. In reaching this decision this Council has implemented the requirement in the NPPF to
deliver sustainable development in a proactive and positive way in accordance with
paragraphs 186 and 187. The applicant was advised of concerns with the application
and was given the opportunity to address them. This was done quickly and as such a
recommendation for approval could be put forward.

A full report is available at www.east-northamptonshire.gov.uk
2. Please note that an application is required to formally discharge any pre-commencement conditions which are attached to this permission. This could take up to 8 weeks and would incur a fee. Further information can be found at www.east-northamptonshire.gov.uk. Please ensure that you read the requirement of each condition carefully, as failure to submit the correct information could lead to your application being refused, which may result in further delays.

3. The details pursuant to the above conditions are required prior to the commencement of development because they are critical to the material considerations of the scheme. The development would not be acceptable without these details being first approved.
Demolition of existing dwelling and construction of three two and a half storey dwellings and associated works (Revised scheme following approvals 08/01456/FUL and 11/01208/RWL)

This application is reported to the Development Control Committee as the Parish Council has objected and the application has been called in by the Ward Member.

1  Summary of Recommendation
1.1 The application be GRANTED subject to conditions.

2  The Proposal
2.1 This is an application for the replacement of an expired renewal of planning permission EN/11/01208/RWL, which expired on 30th September 2011.

2.2 The application proposes the erection of two semi-detached dwellings and one detached dwelling, each with two allocated parking spaces, accessed via a shared driveway to the front.

2.3 All three dwellings would be two and a half storeys in height with steeply pitched roofs to accommodate additional rooms in the roof void. The dwellings would be set back from the highway to allow enough room for a hard surfaced parking and turning area for each dwelling and soft landscaping.

3  The Site and Surroundings
3.1 The site is situated on the eastern side of Main Road and currently accommodates a 1970s detached bungalow.

3.2 This part of Main Street does not fall within the conservation area and is characterised by a mix of architectural styles from the existing large detached bungalow to traditional stone and Collyweston slate cottages. Two modern dwellings, have recently been constructed immediately to the north of the site.

4  Policy Considerations
4.1 National Planning Policy Framework
   Section 6 - Delivering a wide choice of high quality homes
   Section 7 - Requiring good design.

4.2 North Northamptonshire Core Spatial Strategy
   Policy 1 - Strengthening the Network of Settlements
   Policy 7 - Delivering Housing
   Policy 9 - Distribution and Location of Development
Policy 10 - Distribution of Housing  
Policy 13 - General Sustainable Development Principles  
Policy 14 - Energy Efficiency and Sustainable Construction  
Policy 15 - Sustainable Housing Provision  
Rural North, Oundle and Thrapston Plan  
Policy 1 - Settlement Roles  
Policy 2 - Windfall Development in Settlements  
Policy 6 - Residential Parking Standards  
Policy 8 - Housing Mix  
Emerging North Northamptonshire Joint Core Spatial Strategy Review  
Policy 3 - Landscape Character  

4.3 Supplementary Planning Guidance  

5 Relevant Planning History  
5.1 EN/08/01456/FUL - Erection of three dwellings. Permitted  
EN/11/01208/RVL - Renewal of permission for the erection of three dwellings. Permitted  

6 Consultations and Representations  
6.1 Neighbours - One comment received. - summarised as: we are objecting because of privacy issues as we will be overlooked in our garden on Westonville and also the bedroom windows will be on the same level so will be able to see in our bedrooms.  
6.2 Collyweston Parish Council - Objections - summarised as:  
- Revised proposals for one 6 bedroom house and two 5 bedroom dwellings would realistically need minimum parking provision of 3 spaces each for highway safety as any parking/loading on A43 would be extremely hazardous.  
- Revised proposals have seen removal of garages from scheme. This will mean drivers will have no turning space and would have to reverse onto the A43.  
- Shared access needs to be a minimum of 4.5m wide - does not appear to be wide enough.  
- Object to additional 200mm to ridge height.  
- PC notes improved proposals for building materials particularly the choice of imitation Collyweston slate for the roof.  

6.3 NCC Highways: summarised as - request further details of visibility splays and swept paths for vehicular turning. Conditions should be imposed to ensure:  
1. A minimum width of 4.5m, paved in a bound, hard surfaced material for the first 10m from the highway boundary.  
2. Vehicular visibility splays measuring 2.0m x 43.0m, (measured back from the carriageway channel towards the site and along the carriageway, measured from the centre line of the access).  
3. Pedestrian visibility splays measuring 2.0m x 2.0m (if turning space is available within the site) or 2.4m x 2.4m (if no turning space is available), measured back from the site boundary into the site and along the site boundary from either side of the access. No obstruction or growth exceeding 0.6m to be permitted within those splays.  
4. A maximum gradient of 1 in 15, with a positive means of drainage provided in the event that the access grades towards the public highway.  

6.4 Waste Management Team: No comments to make.  

6.5 Senior Conservation Officer: No comments received.  

6.6 The applicant's architect has responded to the Parish Council's objections these summarised as follows:  
- The proposed development is similar to the previously approved scheme with the previous integral garages now comprising bedroom accommodation. The buildings themselves are essentially of a similar scale and footprint and the building envelopes
are similar.
- It is not considered that an increase in the demand for car parking will arise as a consequence of the changes.
- There is adequate space within the site for vehicles to enter, turn and leave in forward gear.
- The access is in the same position as previously approved and is of the same width (4.5m).
- It is considered that the proposed parking layout will better facilitate turning within the site than the previously approved proposals.
- The height difference between the previously approved and proposed dwellings is modest and would not be perceptible; the dwellings will suitably integrate in scale terms with the adjoining developments.

7 Evaluation
7.1 Principle of development:
7.1.2 The principle of development for new dwellings has previously been considered acceptable. The changes in policy have not significantly altered officer's views on this proposal.

7.1.3 NPPF encourages the re-use of brownfield sites within existing settlements where good use can be made of land served by existing services. The plot the subject of this planning application fulfils this criterion by offering a sustainable location within the village. The site is therefore considered suitable for residential development.

7.1.4 Other than some minor amendments, this is the third application proposing the same scheme on this site. The original 2008 planning permission was renewed in 2011 - which has since expired.

7.2 The following considerations are relevant to the determination of this application

7.2.1 Visual impact on the host building and street scene
7.2.2 The street scene is characterised by a mix of architectural styles. The proposed dwellings, although not of a traditional style or scale, adequately reflect the more modern character of this side of Main Road whilst using materials of the local vernacular. Although relatively tall, the proposed units remain in proportion with the newly built properties to the north east.

7.2.3 Each dwelling displays lean-to porch canopies, chimneys and quoin details which are considered to add to and complement the character of the street scene. Formal lounges are to be provided at first floor level to accommodate large open-plan kitchen/dining living areas to the ground floor - as per the modern preference. Whilst this has resulted in larger than average double storey front windows, these are considered to add to the visual interest of the proposed buildings, providing contrast to the more traditionally proportioned dwellings in the immediate vicinity. The NPPF encourages LPAs not to impose architectural styles or particular tastes or stifle innovation. On balance this design could not be considered unacceptable.

7.2.4 Whilst the garden areas could be considered small for the size of the dwellings proposed, the proposal follows the character of the prevailing built form of other properties along this stretch of Main Road, which feature small rear gardens and larger than usual front gardens.

7.3 Impact on neighbouring amenity
7.3.1 Whilst the neighbour to the rear has expressed concerns regarding the possibility of overlooking, the back to back distances between the dwellings proposed and the existing dwellings on the lower part of Westonville, would be in excess of 30m at the closest point. This should be sufficient to prevent any loss of amenity. The proposed dwelling on plot 3 does project some 2.5m beyond the rear of the adjacent property at
89b Main Road. However a line taken at 45 degrees from the adjacent ground floor window would not be breached, as per the Residential Extensions and Alterations Design Guide, Oct 1998. The impact on neighbour amenity is therefore considered acceptable.

7.4 Highway matters:
7.4.1 The requirements of the highway authority can be accommodated in this scheme and the consent can be conditioned to comply with their standing advice. Whilst the Parish Council has concerns regarding the impact on the highway, subject to the imposition of conditions to ensure adequate visibility and vehicular turning provision the scheme would not be considered to have a detrimental impact on the highway or highway safety.

8. Other matters:
8.1 Sustainable construction - Details of general sustainable development principles, as detailed in Policy 14 of the North Northamptonshire Core Spatial Strategy, have been addressed in the submitted Design and Access Statement. Condition 2 of this consent will ensure that details of sustainable construction measures are submitted for approval.

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

8.3 Ecology - it is considered that there are no issues relating to biodiversity relevant to this application. No comments have been received pertaining to ecological issues.

8.4 Tree and landscaping - no comments have been received from the Tree Conservation Officer. Condition 4 will require a comprehensive landscaping scheme.

9. Conclusion
9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as the NPPF, the North Northamptonshire Core Spatial Strategy 2008 policies 7, 9, 10, 13 and 14, Policies 1, 2 and 6 of the Rural North Oundle and Thrapston Plan and policy 3 from the emerging North Northamptonshire Joint Core Spatial Strategy Review. The application has been recommended for approval as:

- The principle of the development is acceptable and is consistent with the development plan.
- The proposal represents an effective use of land within an existing settlement.
- The proposal would not have an unacceptable impact on the local highway.
- The development would not harm the visual amenity or character of the area.
- The proposal would not have a significant impact on the amenities of neighbouring occupiers.

10. Recommendation
10.1 It is recommended that the application be GRANTED subject to conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
   Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004

2. Notwithstanding the submitted details and before commencement of development hereby permitted, a sustainability strategy shall be submitted to and approved in writing by the local planning authority to demonstrate that the development would meet requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy. The development shall be implemented in accordance with the details so approved, unless otherwise agreed in writing by the local planning authority.
   Reason: To ensure that the development is sustainable in accordance with national government advice contained in the NPPF and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.
3. Before any work is commenced on the development hereby permitted, a sample of the proposed facing and roofing materials for the buildings shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved details.
   Reason: To achieve a satisfactory elevational appearance for the development.

4. Prior to the commencement of development, a comprehensive landscaping scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented in accordance with the approved details in the first planting season following the occupation of the development. Any trees that die or become diseased within a 5 year period of implementation shall be replaced on a like-for-like basis.
   Reason: To ensure a reasonable standard of development.

5. Notwithstanding the submitted details, further details of the vehicular access shall be submitted to and be approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details which shall demonstrate:
   A minimum width of 4.5m, paved in a bound, hard surfaced material for the first 10m from the highway boundary.
   Vehicular visibility splays measuring 2.0m x 43.0m, (measured back from the carriageway channel towards the site and along the carriageway, measured from the centre line of the access).
   Pedestrian visibility splays measuring 2.0m x 2.0m (if turning space is available within the site) or 2.4m x 2.4m (if no turning space is available), measured back from the site boundary into the site and along the site boundary from either side of the access. No obstruction or growth exceeding 0.6m to be permitted within those splays.
   A maximum gradient of 1 in 15, with a positive means of drainage provided in the event that the access grades towards the public highway.
   Reason: In the interest of highway safety.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), there shall be no development within Classes A, B, C, E of Part 1 of Schedule 2 to that Order without the prior written approval of the local planning authority.
   Reason: To prevent overdevelopment of the site.

8. The development hereby permitted shall be carried out strictly in accordance with the approved drawings
   PS 449 - A103 Rev. B
   PS 449 - A106 Rev. C
   PS 449 - A107 Rev. B
   received by the Local Planning Authority on 20.05.2015.
   PS 449 - A102
   PS 449 - A100D
   received by the Local Planning Authority on 17.06.2015.
   Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.
Informatives

1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187.

The application, as first submitted, did not sufficiently illustrate highway safety aspects as specified in NCC Highways Standing Advice. The Architect supplied further plans and the application has been conditioned to ensure highway safety. These provisions were acceptable to officers.