## APPLICATIONS FOR DETERMINATION

### PLANNING MANAGEMENT COMMITTEE - 13 September 2017

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Committee Report

Case Officer: Wayne Cattell

Date received: 17 May 2017
Date valid: 8 June 2017
Overall Expiry: 3 August 2017
Ward: Rushden
Parish: Rushden Pemberton

Applicant: Co-operative Group Food Ltd And Charles Wells Limited
Agent: Pegasus Planning Group Ltd - Ms K Priest
Location: The Viking Public House Grangeway Rushden Northamptonshire NN10 9JE

Proposal: Change of use from public house (Class A4) to convenience store (Class A1), with associated works to facilitate parking and delivery area. New shopfront entrance and formation of rear plant compound

This application has been brought before the Committee at the request of the local Ward Councillors.

1. Summary of Recommendation
1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal
2.1 This is an application to change the use of a public house to a retail unit to be operated by Co-operative Group Food Ltd together with the following related alterations:

- A new entrance to the building will be created including automatic doors.
- The existing windows will remain but the frames will be coloured grey.
- There will be various internal alterations to create the retail and non public areas.
- A number of door openings at the rear and side of the building will be bricked up.
- A new rear plant compound will be created.

3 The Site and Surroundings
3.1 The property is within a local centre on a housing estate in Rushden. It was built in the late 1970's and is not in a conservation area.

4 Policy Considerations
4.1 National Planning Policy Framework (NPPF)
4.2 Policies 1, 7, 8, 12 and 22 of the North Northamptonshire Joint Core Strategy (JCS).
4.3 The emerging Rushden Neighbourhood Plan.
4.4 Local Highway Authority standing advice.

5 Relevant Planning History
5.1 75/00293/FUL - Public house with flat - approved.
6 Consultations and Representations

6.1 NCC Highways - summary of final views - Site plan 152573 AL10C shows that the conditions we have previously recommended are met. We have no objection to this application.

6.2 ENC Environmental Protection - summary - No objections subject to conditions.

6.3 Rushden Town Council - Object for the following reasons:-

- The Viking Pub is a community asset and should remain a public house. It is used by many local residents as it is within easy access for approximately 3000 people who live within the Grangeway area. The next nearest public house is the Welcome and this is approximately 1 mile away. The Viking Pub is frequented by all age ranges and is the community hub of the Grangeway area.
- The change to a convenience store would have a detrimental effect on all the shops already trading on the Grangeway site. At present, McColls houses the Post Office and if they experienced a down turn in trade due to the proposed Co-op, we may well lose not only a thriving shop but also a vital community asset of a local Post Office. We consider a Retail Impact Study should be undertaken to determine the effect of the proposed convenience store.
- We consider deliveries to the store will have an environmental impact on the local residents and note no provision has been submitted for acoustic fencing, within the current application.
- Fully support the residents concerns about losing the Viking Pub and feel it should be given Community Asset status.

6.4 Police Crime Prevention Design Advisor - Summary of final views following receipt of more information - I am satisfied with the proposed specifications and together with previous confirmation from the applicant I am confident all my concerns have been addressed. All works must be implemented in accordance with the specifications agreed.

6.5 ENC Tree and Landscape Officer - No comments.

6.6 Neighbour notification letters were sent to 44 properties.

6.7 A site notice was displayed on 19th June 2017.

6.8 A large volume of representations has been received from the local community, both against and in support of the proposed change of use. These can be summarised as:

Objections (including a petition):
- Loss of the public house as a facility for nearby residents.
- The public house being easily accessible by foot and this is considered to add to the value of it to the local community.
- There is already a retail unit in the local centre and Rushden in general has plenty of shops so an extra one is not needed.
- Impact on the viability of other similar businesses in the area.
- Highway safety concerns.
- Disturbance from deliveries to the proposed supermarket.
- The car park offers a possibility for parking to pick up and drop off people for nearby schools at times when the pub is not open.

Support:
- Welcome the amount of choice that a co-operative store at this location would offer.
- Will be an easily accessible shop that will be useful for elderly residents.
Evaluation

7.1 National guidance contained within the NPPF - Requiring Good Design attaches great importance to the design of the built environment as good design is a key aspect of sustainable development. Good design should contribute positively to making places better for people. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and appropriate landscaping. In addition paragraphs 18 to 22 of this document seek to secure a strong, competitive economy and paragraphs 23 to 27 seek to ensure the vitality of town centres.

7.2 Policy 1 of the JCS seeks to secure sustainable development, Policy 7 seeks to promote and retain community facilities and services unless they are no longer viable or needed, Policy 8 requires new development to comply with a number of sustainable principles including being of a high standard of design and not impacting on the amenities of neighbours, Policy 12 seeks to protect town centres and Policy 22 seeks to secure economic prosperity.

7.3 In addition, Policy SL7 of the emerging Rushden Neighbourhood Plan (draft March 2017) advises that existing community facilities that meet the needs of Rushden’s residents will be safeguarded unless it can be demonstrated that they are no longer viable, no longer needed by the community and are not needed for any other community use or alternative and improved provision to be secured elsewhere instead.

7.4 Viability and related issues

7.4.1 In response to the objections from local residents and the Town Council, it is accepted that the public house has historically provided a useful facility for the local community. It is also in a sustainable location that is easy for a large number of residents on the estate where it is located to walk to. However, in terms of the economics of the current use, a report has been submitted with the application which concludes that the continued use of the public house is unviable.

7.4.2 To robustly assess this claim, the Council engaged a consultant to assess the viability of the current use. The assessment outlines a number of issues which indicate that the information submitted with the application is correct. These include a heavy reliance on gaming machine income, which cannot be relied on, high prices, a need for investment and a poor food offer.

7.4.3 Being on a housing estate, it is also considered to be in a location where it would not attract passing trade or customers from further afield - even if prices were to be lower or the food offer was to be improved. Related to this, the consultant also notes that estate pubs have been disproportionately affected by the economic downturn post 2007/8 and have been amongst the least successful in repositioning themselves in the market.

7.4.4 The overall conclusion of the consultant’s report is that The Viking is not a viable proposition as a public house. To clarify what is meant by this, the consultant adds that the issue with viability is not whether a public house can generate trade but whether that trade is sufficient enough for someone to earn a reasonable living and convince someone in the market to take it on and run it. Unfortunately, he does not believe either is likely with The Viking. The independent advice given by the Council’s consultant on the topic of viability is accepted by officers.

7.5 Other facilities nearby

7.5.1 In terms of other public houses in this part of Rushden, there is the Welcome Inn on Irchester Road. This has recently had a programme of refurbishment carried out and is
located on a main route into the town. There are also others in the High Street, College
Street and Queen Street, many of which are less than a mile away for many people on
the estate. On this basis, there is not considered to be an overriding need for the Viking
to continue in its current use as a public house as there are plenty of others available
within a reasonable distance.

7.6 Asset of community value

7.6.1 In parallel to the submission of this application, Rushden Town Council has submitted
an application for the property to be considered as an Asset of Community Value. The
outcome of this is currently awaited at the time of writing this report and it is anticipated
that this application will be determined before the planning application is considered by
the Planning Management Committee. An update on this will be given at the
Committee meeting as it will need to be taken into account in any decision.

7.7 Retail impact

7.7.1 In terms of the impact on Rushden Town centre, the proposal involves 358m² gross
internal floor space. This is not considered large enough to have a significant impact on
town centre uses retail uses. No formal retail impact assessment is necessary, in
accordance with guidance contained in the NPPF. The application site is in an
established local centre and is therefore a sustainable location for development of this
nature as it will provide a retail facility for adjacent local residents to access without the
need to use the private car.

7.7.2 Whilst the concerns of some residents regarding the viability of other businesses are
noted, it is also important to highlight that many local residents have made
representations in support on the grounds that they would welcome the variety that an
additional retailer would bring. In accordance with the NPPF, given the limited floor
area of the building, these concerns carry limited weight in weighing the planning
balance and retail impact is therefore not considered to be a valid reason to justify
refusing planning permission.

7.7.3 The local centre where the application site is located contains a small supermarket,
sandwich shop, laundry, hairdresser and 3 takeaways plus a unit that has just been
allowed to change to a martial arts school under Class D2 of the Use Classes Order.
This is good range of facilities for a local centre. It is not considered that the use of the
building for retail purposes will cause any significant disturbance for the other adjacent
uses compared to the activities associated with the public house or that it will impact on
the sustainability of the local centre.

7.8 Design and external appearance

7.8.1 The building will not look significantly different to what exists at present. A number of
openings will be blocked up and the entrance will be remodelled. An enclosed plant
area will be constructed at the rear. In design terms, the proposal is considered
acceptable. Any signage would be subject to a separate application.

7.9 Residential amenity

7.9.1 In relation to impact on amenity, there are a number of adjacent residential properties
in close proximity. However, in general terms, the use of this building for retail purposes
is not considered to have an increased impact on their amenities compared to its
operation as a public house.

7.9.2 More specifically, following the comments from Rushden Town Council about no
acoustic fencing being proposed, the Council's Environmental Protection (EP) Team
has considered the detail submitted with the application, which includes an
environmental noise survey report. This details information of the fixed plant to be installed at the store and shows the sound pressure levels generated by the plant and proposed attenuation.

7.9.3 EP note that it is proposed to install the units within a proprietary acoustic enclosure at the rear of the building which will reduce noise emissions. This report also contains details of hours of use of the plant and states that the shop floor and manager's office air conditioning units will not operate between 2300 and 0700 hours, with only the refrigeration condenser operating whilst the store is closed. It is envisaged that there will be approximately 2 deliveries to the store each day between the hours of 0700 and 2200 by rigid vehicles. In addition to this, it is proposed that newspapers and magazines will be delivered to the store between 0600 and 0900 hours. All this information is noted and they raise no objections to the application subject to planning conditions to secure the following:

- Fixed plant shall be fitted as detailed in Environmental Noise Survey Report 22933/ENS1 (Rev 1) dated 15 April 2016

- The gate to the acoustic enclosure should be kept closed at all times apart from when being used for access and egress.

- Deliveries to the store between 2200 and 0700 should be made to the front entrance or at any other location and time as agreed with the Local Planning Authority

- Details of proposed signage and whether it is illuminated should be forwarded to the Local Planning Authority for approval prior to instalment.

- Details of lighting scheme at the development should be forwarded to the Local Planning Authority for approval prior to instalment.

7.9.4 With the exception of details of the proposed signage, it is considered reasonable to include conditions to cover these points. As has already been noted above, any proposed signage would have to be subject to a separate application for advertisement consent in due course and any illumination implications for this would be considered at that time. On this basis, the proposal is considered acceptable in terms of impact on neighbouring amenity.

7.10 Parking and highway safety

7.10.1 The existing access currently accommodates commercial vehicles and will be reused for the proposed store. The development will utilise a dedicated parking area which currently serves the public house. There is also an adjacent parking area which serves the local centre. As has been noted above, the internal area of the building is 358m2. Although not adopted by this council, the countywide parking standards require retail units involving food to have 1 space per 20m2 of floor space. On this basis, 18 parking spaces are required. As the retained car park would provide 28 spaces, the proposed parking provision is considered acceptable.

7.10.2 It is noted that some residents point out that the public house car park offers somewhere for people to park whilst picking up and dropping off school children at a time when the public house is not open. Whilst this may be so, it is not a dedicated parking facility for this use and is therefore not a material consideration.

7.10.3 The highway authority has requested some minor amendments to the application in relation to cycle, motorcycle and disabled parking. In response to these, some amended drawings have been received which the highway authority confirm meet their requirements. These can be secured via planning condition. On this basis, the proposal is considered acceptable on highway and parking grounds.
7.11 Crime Prevention

7.11.1 The Police Crime Prevention Design Advisor requested more information about security measures during the course of the processing of the application. On receipt of these, he is satisfied with the specifications and is confident all his concerns have been addressed. He asks that all works must be implemented in accordance with the specifications agreed. These can be secured via planning condition and, on this basis, the proposal is considered acceptable on planning out crime grounds.

8. Recommendation

8.1 In view of the above, it is recommended that planning permission is granted subject to the conditions below.

9. Conditions/Reasons –

1. The development must be begun within a period of 3 years starting with the date of this decision. 
   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. a. The fixed plant shall be fitted as detailed in Environmental Noise Survey Report 22933/ENS1 (Rev 1) dated 15 April 2016 prior to the occupation of the retail unit and this shall be maintained as such throughout the life of the development.
   b. The gate to the acoustic enclosure should be kept closed at all times apart from when being used for access and egress.
   c. Deliveries to the store between 2200 and 0700 should be made to the front entrance or at any other location and time as agreed with the Local Planning Authority.
   Reason: In the interest of amenity.

3. Details of the lighting scheme for the development should be agreed with the Local Planning Authority prior to the commencement of development and implemented prior to the occupation of the retail unit. Once installed, the lighting shall be retained in perpetuity as agreed.
   Reason: In the interest of amenity.

4. The car parking arrangements as shown on drawing AL10 Revision C shall be implemented prior to the occupation of the retail unit and retained thereafter in perpetuity.
   Reason: In the interests of highway safety.

5. The development shall be carried out in accordance with the Crime Prevention Statement dated June 2017 that has been submitted with the application and all glazing should be Laminated Safety glass certified to a minimum security rating of BS EN 356:2000 Class 2A and back of house doors should be certified to a minimum of LPCB LPS1175 SR3 or equivalent.
   Reason: In the interests of crime prevention.

6. The development hereby permitted shall be carried out strictly in accordance with drawings 152573 AL01, AL02 Revision B, AL03 Revision A, AL07 Revision C, AL10 Revision C, AL11 Revision C, AL15 Revision B and AL17 Revision C plus CR3 Revision 00.
   Reason: In order to clarify the terms of the approval and to ensure that the development is carried out as permitted.
Informatives

1. 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.

2. Reason for pre-commencement condition.

The details pursuant to condition 3 are required prior to the commencement of development because they are critical to the material considerations of the scheme. The development or works would not be acceptable without these details being first approved.
Committee Report

Case Officer Carolyn Tait

Date received 15 March 2017
Date valid 8 May 2017
Overall Expiry 7 August 2017
Ward Rushden Spencer
Parish Rushden

Applicant Mr Goodman

Agent Willis And Co. (Town Planning) Ltd - Mr S Croft

Location Glebe Meadow Fishery Ditchford Lock Ditchford Lane Rushden Northamptonshire NN8 1RL

Proposal Erection of agricultural building; the retention of staff facilities building to be used as a temporary rural workers dwelling for a period of 3 years; the retention of the toilet/shower block; parking areas; Elsan disposal point; and two containers, one to be used as a farm shop (part retrospective).

The application is brought before Planning Management Committee because it proposes a major development as the site is larger than 1 Hectare, as per part 1(a) of the 2017 Scheme of Delegation.

1 Summary of Recommendation

1.1 That permission be REFUSED.

2 The Proposal

2.1 The application proposes:
- The erection of an agricultural building. The first floor would be used for agricultural storage and would provide shelter to an alpaca enclosure below;
- The retention of the existing temporary staff facilities building for use as a temporary agricultural workers dwelling;
- The retention of the toilet/shower block;
- Associated parking areas;
- An Elsan disposal point; and
- Two containers. One to provide a farm shop and the other for storage purposes (retrospective).

2.2 The agricultural building would replace the existing farm shop on the site. The existing farm shop had a temporary permission for three years. This has now expired and a breach of conditions notice has been served for the removal of this building. The existing farm shop is a single storey structure and is located on the edge of the access road and is slightly raised. The proposed agricultural building would include a sheltered area for the alpacas residing at the site. The building would be on stilts. This would be used as a general agricultural storage building.

2.3 Permission was granted for a staff room to be used by members of staff associated with the moorings and caravan and camping site, which are located within the site. This was granted a temporary consent. This consent has now expired and the staff room
needs to be removed from site. A breach of condition notice has been served. Since permission was granted for the staff room (which was not approved as accommodation, but as a place for staff to rest and take breaks etc.) the applicant started to reside in it. This was investigated and the applicant has since moved out and it is thought it is being used as a staff room again, as per the planning permission. The applicant now wishes to change this to a temporary agricultural workers dwelling. An appraisal of need has been submitted with the application and the Council's Agricultural Consultant has reviewed its content. This will be discussed later in the report.

2.4 The temporary dwelling would measure approximately 12.6 metres in length by 4.3 metres in width by 3.8 metres in height. It would accommodate two bedrooms, a bathroom and a kitchen/diner area.

2.5 The toilet/shower block was granted temporary consent in 2013 for a three year period. This consent has now expired and a breach of conditions notice has been served to remove this block from the site as it does not benefit from planning permission. The block accommodates a shower area and male and female toilets to be used by the people using the caravan and camping site and the moorings. It has been clad with timber.

2.6 Parking areas are proposed for the shop and temporary dwelling. Two spaces would be provided for the dwelling and seven spaces for the shop. A 10 metre by 10 metre turning area is also proposed.

2.7 Retrospective permission is also sought for an Elsan disposal point. This is located to the east of the toilet/shower block.

2.8 The application proposes the siting of two containers. One is to be used as a farm shop and the other for storage. Both containers have the benefit of planning permission. In 2010, permission was granted for a canoe hire centre. This granted permission for a portacabin and a steel shipping container. It is considered that these are the buildings which are present on site.

3 The Site and Surroundings

3.1 The application site accommodates a number of different uses including moorings, caravan and camping site, agricultural use, a farm shop, a shower and toilet block and a mobile home. There are a number of animals on the site including alpacas and poultry. Not all of these uses have the benefit of planning permission. Two enforcement notices have been served on the site – one to remove a number of unauthorised items from the site, including the use of the mobile home and garden areas associated with the moorings, and the second is a breach of condition notice against the buildings which were the subject of the temporary consent granted in 2013. The first one relates to the removal of all the domestic paraphernalia, storage buildings and detritus from the site. The removal of the domestic paraphernalia and detritus has taken place, however, the storage buildings are thought to still be present on site as they were witnessed at the last enforcement visit in July/August 2017. The second notice relates to the removal of all elements of the proposal that were granted a temporary three year consent which has now expired. This has been served as a breach of conditions notice and action should be taken by October 2017.

3.2 The site has permitted development rights for the use of up to five caravans as part of a camping site, although a recent visit identified that the site was being used as a place to also store caravans and more than five were present. This is being investigated by the enforcement team. The moorings also appeared to be occupied on a permanent residential basis as there was evidence of satellites and garden areas. However, this will be subject to further investigation and does not form part of this planning application.
3.3 The site is located within a designated Nature Improvement Area and within 2km of a Site of Special Scientific Interest. It also lies within the buffer of the Special Protection Area. The site is located in flood zones 2 and 3.

4 Policy Considerations

4.1 National Planning Policy Framework
National Planning Practice Guidance

4.2 North Northamptonshire Joint Core Strategy
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 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 13 - Rural Exceptions
Policy 29 - Distribution of New Homes

4.3 Other documents
Local Highway Authority Standing Advice for Local Planning Authorities
Northamptonshire Parking Standards
Domestic Waste Storage and Collection SPD

5 Relevant Planning History

5.1 02/00857/FUL - Construction of a private fishing lake, access road and car park (as amended by letter dated 17th March 2003 and drawing no.02-0157/INF/01 A). PERMITTED 20.08.2003.

5.2 06/02355/FUL - Erection of bailey type bridge to span backwater, boat moorings on main river and into backwater. PERMITTED 08.02.2008.

5.3 10/00534/FUL - Change of use to canoe hire service including the erection of a portacabin and storage container with associated parking works. PERMITTED 21.05.2010.

5.4 12/01786/FUL Change of use of land for the siting of a farm shop, toilet and shower facilities. Siting of caravan for staff shelter and associated access. (Retrospective). PERMITTED 05.09.2013 with a 3 year temporary consent. This consent has now expired.

5.5 14/01843/FUL Erection of agricultural building and the change of use of staff shelter to temporary agricultural worker dwelling (retrospective). REFUSED 10.09.2015.

5.6 15/02114/FUL Retention of boat mooring landing and decking area, storage container, sheds and alpaca shelter. WITHDRAWN 15.02.2016.

5.7 16/00286/FUL Change of use of staff shelter to temporary agricultural workers dwelling, retention of boat mooring landing and decking areas, storage sheds, container and alpaca shelter (all retrospective) and the erection of a new agricultural building. REFUSED 15.04.2016.

5.8 It can be seen from the above history that the following features/development have the benefit of planning permission:
- Private fishing lake;
- Access road;
• Car park;
• Bridge; and
• Boat moorings.

Permitted development rights also allow for up to five caravans to be present on the site, although a copy of a Paragraph 5 exemption certificate to prove this has been requested.

5.9 The site also had permission for a canoe hire business, however this has now relocated to the new Rushden Lakes development. Originally the two shipping containers were associated with this use.

6 Consultations and Representations

6.1 Neighbours: There are no nearby neighbours.

6.2 Rushden Town Council: Object for the following reasons:
• This retrospective application is not supported by the North Northamptonshire Core Spatial Strategy, as it would be contrary to Policy 13, rural exceptions.
• We consider this application a very blatant attempt to secure residential development 'through the back door'.
• Historically there have been problems with the buildings and general appearance of the site and it would appear that recommendations made by ENC officers regarding the site have not been adhered to.
• Members object to the erection of an agricultural/farm shop building near to the entrance. This is an open grazing meadow and a flood plan, close to an ancient listed bridge and the proposed building would be detrimental to the existing landscape scene.
• We would question the need for staff to live on site.
• We are concerned that the site is very untidy, buildings are not constructed in a professional way and the whole site does not embrace the aims of the Destination Nene Valley Project.
• If ENC are minded to grant this application, we would request that all previous conditions placed on the site are robustly monitored by enforcement officers.

6.3 Council's Agricultural Consultant: Comments can be summarised as:
• Retrospective applications for temporary workers accommodation have been refused on two occasions.
• It is understood that the applicant now lives away from the site but has intermittently lived in the mobile home (approved as staff shelter) since December 2014. The applicant currently resides in Rushden, some 10 minutes from the site by car.
• In November 2015 the applicant established an alpaca herd with the purchase of nine breeding females and two young alpacas (cria). The herd has now increased to 18 breeding females and a 50% share in a stud male.
• The site still farms poultry and bee hives, but pigs and sheep are no longer farmed. Eggs and honey from these are sold in the farm shop. A wide range of fruit and vegetables, soft drink and ice creams are also sold in the shop but almost all is purchased from third parties - including coal and wood. The farm shop started trading in 2011.
• A boat mooring element of the business commenced in 2009 and now comprises 15 moorings. In addition there are five licensed touring caravan pitches and 10 tents.
• It is stated that the applicant will work full time in the alpaca enterprise and the labour for the other enterprises will be sourced externally. Shearing would be undertaken by contractors.
• The business was established in 2005.
• The site is within a Site of Special Scientific Interest (SSSI), with the majority of
land located within flood zone 3 with the remainder in flood zone 2. The
development proposal involves raising the ground levels within the flood plain
with a compensatory area of land to the north to prevent an increase in flood
incidence, which will presumably reduce the area of available agricultural land
further.

- The Flood Risk Assessment identifies that modelling of the site indicates that
land below 39.26 AOD has a 5% or 1 in 20 chance of annual flooding. The
topographical survey shows that the majority of the grazing land is lower than
39m AOD whilst the access road and proposed dwelling would be 40m AOD.

- There are no specific tests for dwellings for rural enterprise workers in the NPPF
and, after a period of uncertainty in the interpretation of this policy, Planning
Inspectors are increasingly referring back (though not by name) to the tests set
out in Annex A to PPS7, and equating:
  - An 'essential need' to functional need;
  - A 'requirement to live permanently on site' to an assessment of
    (long-term) financial viability; and
  - 'at or near their work' to an assessment of potentially alternative
    accommodation.

- Whilst both local and national policies appear to relate to rural workers
permanent dwelling applications, the NPPF has an overarching requirement
that all new development is sustainable. The applicant's agents have accepted
the same approach and have applied a similar financial test to that used by the
Council's agricultural consultant.

- The principal justification for a dwelling set out in the application details relates to
the welfare of the alpacas. However, livestock numbers are low by comparison to
most agricultural operations. It is stated that numbers of breeding females will
increase from 18 to 31, some 80 alpacas in total, including all the offspring, which
implies that there are a few sales of livestock off the holding within the three year
period normally granted to worker's temporary accommodation.

- The available land to support the proposed alpaca herd is limited to 7 ha. The
intention to increase the numbers of stock on the holding to 80 would be at the
limit of recognised stocking rates. This could have implications on the SSSI
status of the site with significant sustainability issues with regards to flora and
fauna.

- Alpacas are distinctly different to all other classes of commercial agricultural
livestock in the UK, having unusual mating and birthing cycles and are easily
stressed through lack of flockmates, mishandling and poor health and nutrition.
This stress is evidenced through abortion, ill-thrift and, potentially, death,
sometimes without obvious symptoms.

- The females are induced ovulators, which means they only ovulate once mating
has occurred. In order to manage the mating program the males and females are
usually placed in pens next to each other to determine the level of sexual interest.
Once an interest has been established the pair are introduced and then the
female is later withdrawn. This process is repeated for 2-3 days to ensure
fertilisation has occurred. This is clearly a time consuming operation.

- Birth is also difficult to predict as there is a variation of some 30 days either side
of the average 11.5 months gestation period, often with very little indication of
imminent birth.

- The applicant's appraisal notes that there have been a number of successful
appeals for temporary dwellings relating to alpaca proposals. However, this
contrasts with promotional material published by the British Alpaca Society which
frequently comments that alpacas are easy to manage and that "birthing is
unproblematic in the majority of females, but should always be supervised just in
case of complication". It comments that most births occur mid-morning.

- It has been perceived in some quarters that alpaca enterprises have become an
easy route to securing residential accommodation in the countryside and as a
consequence proposals have been viewed with increasing scepticism. With this in mind, the Planning Inspectorate has previously drawn the attention of its Inspectors to the need for caution in considering alpaca projects.

- Nevertheless, whilst each case needs to be examined carefully, the Council's agricultural consultant does not consider that the supervisory requirements of alpaca breeding and rearing have diminished. This point is of particular relevance due to the high value of the stock. The loss of a single, high-value, animal would have a large impact upon the financial standing of a business.

- The applicant's appraisal comments that alpacas are more nervous and can be easily spooked and put under stress by unexpected events and that they become quickly distressed to the point of death often without showing symptoms. Clearly, it would be recommended that events which cause such stress be avoided in order to prevent death or abortion. If there are some 80 alpacas on the site there is a duty of care by the owners to prevent such stress or suffering.

- The site is acknowledged to be in a high flood risk area. Indeed the Flood Risk Assessment provides an aerial photograph of the site in Easter 1998 and the applicant's Facebook page shows flooding of the site in March 2016 - which was not a notably wet year. Clearly, therefore, there would be no place of refuge on site for the alpacas in the event of a flood. Given that flood events are more frequent than 1 in 20 years, it would be negligent to keep such numbers of stress susceptible animals in that location, thereby creating a significant welfare problem, unless there was a readily available mitigation option. Even if alternative land was freely available in the locality in such circumstances, it would be difficult to transport or lead large numbers of alpacas to safety in a flood event.

- On this basis alone it is considered inappropriate to keep significant numbers of susceptible livestock on site. The general guidance on the welfare of farmed livestock is that enterprises should not be established or expanded unless the individual welfare of each animal can be guaranteed under all circumstances. The practical sustainability of the numbers of alpacas proposed is questionable, and thus the essential functional need to live on site.

- Policy 13 of the North Northamptonshire Joint Core Strategy requires that the occupant of the proposed dwelling should be in full-time employment in agriculture, forestry or a similar rural business. The applicant's agent has provided an assessment of labour requirement for the proposed alpaca enterprise in Year 3 - It does not include the labour required for the other assorted enterprises within the applicant's business, upon which he relies for his income.

- The applicant's assessment indicates that there is a theoretical labour requirement of 510 Standard Man Days (SMDs), whereby one full-time agricultural worker provides 275 SMDs per year. Thus, the alpacas alone generate a labour requirement of 1.85 full-time workers.

- The dwelling would be occupied by a full-time worker.

- It should be assumed that the business is progressing towards a position at the end of any temporary permission whereby the business is profitable, capable of sustaining any necessary labour and a permanent dwelling, and generally providing a return on any investment in the project.

- The business was started in 2005 and the applicant has lived on site since December 2014. The submitted accounts show business accounts for the year ending 31st March 2016 plus financial forecasts for the following three years, but based purely on the alpaca enterprise.

- The business was established in 2005 and livestock was moved onto the site in 2009. Thus, it is clear that the business has been established for more than three years. However, alpacas are a new venture commenced two years ago and so the proposal for worker's accommodation effectively relates to the needs of a new business.
The figures indicate that the alpacas were purchased for a much lower price than would be expected for a foundation stock for a breeding herd. The average cost of a breeding female is just over 3 times what the applicant paid. The applicant's appraisal even indicates that typical breeding stock costs far more than what the applicant paid, approximately 10 times more. The appraisal states that the objective of the enterprise is "meet the demand for high quality breeding alpacas, to provide stud and livery services... and produce quality alpaca fibre".

Clearly if the foundation stock is worth approximately 10% of the average value of breeding stock, the quality of the stock and of the fleece to be produced must be questionable. There is likely to be a marketing issue for progeny from the applicant's alpaca flock, and the assertions in the applicant's business plan that 10 breeding females could be sold at about 3 times more than purchased for, is unrealistic and yet to be tested. The gross margin predicted for the end of Year 3 is therefore highly optimistic.

There are two major issues with the applicant's approach to calculating the predicted profits. Firstly, it assumes a highly inflated value of the applicant's alpacas and secondly, whilst it is accounting convention that increases in retained stock values will increase business profits, this increase is not disposable income - it is a nominal value and cannot be used to pay wages or purchase goods for the business.

As acknowledged in the applicant's appraisal at paragraph 11.4, the cost of the applicant's labour must be met from business profits. Conventionally the labour costs should equate to that of a farmworker. The wage figure as provided in the applicant's appraisal relates to wage levels in 2013 not 2017, and is below the level of statutory minimum wage.

The business has no prospect of meeting the financial targets in order to pay 1.85 full time workers.

Other revenues exist for the diversified business but recent accounts supplied with the application show that profitability is low. The submitted appraisal indicates that labour for the other enterprises will be externally sourced. In previous applications, the applicant has asserted that he works a full day attending to livestock, excluding alpacas, with additional time associated with the farm shop. Labour costs for these enterprises are in excess of the historic returns.

Overall, the business is not considered to be a sound financial proposition.

There are no alternative buildings or dwellings on the holding. The applicant currently lives in rented accommodation some three miles from the site. No search of alternative accommodation has been undertaken, asserting instead that it is essential for the applicant to live on site.

A search carried out by the Council's agricultural consultant on Rightmove showed that there were 79 dwellings currently on the market, at or below £150,000, within three miles of the site.

No indications have been provided of any difficulties or incidents experienced since the applicant has relocated three miles from the site, so there may be scope for one of the dwellings identified through Rightmove to provide appropriate accommodation.

(UPDATE: The applicant's agent confirmed that an alpaca died overnight due to there being no presence on the site. A re-consultation with the Council's agricultural consultant confirmed that this incident does not amend the conclusion that has been reached and that there is no identified essential need for a worker to live at the site.)

The planning application also relates to the erection of a new building which would provide shelter for the alpacas and also serve as the farm shop. No justification has been provided to indicate why a tripling of shop size is required.
(UPDATE: This building no longer forms the farm shop, but instead is proposed for agricultural storage. The Council's agricultural consultant was made aware of this via a re-consultation, but this amendment but does not overcome his overall objection.)

- The alpaca shelter appears to be open sided - the covered area being the floor of the building above. If there are some 80 alpacas on the holding in three years, clearly the shelter would not be able to accommodate all the alpacas. It is even questionable whether there is adequate space to accommodate current numbers of breeding females and their offspring if each had one cria. The building would not provide refuge in the event of flooding, as it is at field level and appears to experience relatively frequent inundation.

- Whilst the proposed building would be sited within close proximity to the proposed dwelling to provide the security and surveillance, and would be seen as part of a group of buildings, there is little justification for the area dedicated to each component use - the alpaca shelter is too small and the farm shop (as originally proposed, which has since been superseded by plans for a general purpose agricultural building only) is excessive in size.

- The proposed building is a substantial increase in size when compared to the existing buildings. Policy 25 of the North Northamptonshire Joint Core Strategy requires rural development proposals to be sustainable and an appropriate scale for their location and respect the environmental quality and character of the rural area. In the absence of sound justification of size and purpose for the proposed building it is difficult to conclude that it is necessary or appropriate for the business. It is also questionable whether a new structure in the open countryside is appropriate when its major use is the retail of goods not grown on the holding.

- The NPPF provides a supportive approach to rural enterprise and diversification, but also the need for all developments to be sustainable.

- The whole development is in a SSSI and in a flood risk area. Both the NPPF and Joint Core Strategy identify that any development proposal should be sustainable. The identified constraints within the development proposed in this application appear to conflict with NPPF paragraph 118 and the Joint Core Strategy Policy 4 for SSSI constraints and NPPF paragraph 100 and Joint Core Strategy Policy 5 for flood constraints.

Agricultural Consultant's conclusions:

- There is a potential essential need for a dwelling, however, the site is in a SSSI and a high flood risk area and the danger and welfare issues likely to be encountered by alpacas means that it would be inappropriate to keep a significant number of alpacas on the site;

- The high stocking rate in the SSSI could result in significant sustainability issues with regards to sensitive flora and fauna;

- The purchase cost of the alpacas is low suggesting that they are of low genetic merit. Assertions of sales values and the ability to sell lower quality stock are not supported by evidence and therefore questionable;

- The proposed temporary dwelling would be occupied by a full-time worker at the end of the three years;

- Budgets are predicted on increasing the value of alpacas, but few sales, resulting in a low level of disposable income. Income is likely to be much lower than budgeted due to the inherent lower genetic base of the stock;

- The net income generated is unlikely to sustain the necessary workforce to operate the proposed business with a realistic wage;

- Other income streams in the wider business are likely to be offset by the additional labour charges necessary to operate them;

- There are many available dwellings within adequate proximity to the site. The applicant currently lives off site and no indications have been provided of any
difficulties experienced; and
- The combined farm shop and alpaca shelter is an inappropriate size for the stated intentions and is significantly higher than any surrounding structure.

Further comments received following a re-consultation to relocate the farm shop building from the agricultural storage building to one of the existing shipping containers. The size of the agricultural storage building was also reduced.

"I have viewed the amended application details for the site at Ditchford Locks. In essence, the dwelling and the business model remain the same as the original submission and so my appraisal dated 28th June 2017 remains the same with the same conclusion".

6.4 Council’s Environmental Protection Officer: Has no comments to make.

6.5 Local Highway Authority: No objection subject to conditions:
- Drainage needs to be provided at the entrance to the site;
- The parking spaces for the shop and residents will need to be marked out. The turning area will need to be marked out with ‘turning area no parking’.

6.6 Council’s Ecological Advisor: The revised Ecological Report is acceptable.

6.7 Northamptonshire Police: No comments to make.

6.8 Borough Council of Wellingborough: No comments or objections.

6.9 Environment Agency: Objection. Comments can be summarised as:
- The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. It is therefore recommended that permission be refused.
- The site falls within Flood Zone 3b also known as functional flood plain and defined as having a high probability of flooding. The development type proposed is classified as both more and less vulnerable in accordance with table 2 of the National Planning Practice Guidance (NPPG). Tables 1 and 3 of the NPPG make clear that the proposed development is not compatible with Flood Zone 3b and should therefore not be permitted.
- The entire proposal requires that a sequential test is applied because the site falls within flood zones 2 and 3. This is the first hurdle and it is for the Council to determine as relevant.
- In previous correspondence it was found that ground raising had been carried out in Flood Zone 3b, this is a matter that should be addressed by the Council.
- Although the applicant may demonstrate a technical solution, the proposal, as submitted is incompatible with functional flood plain.
- Table 3 of the NPPG and its associated notes have been applied. Some developments may contain different elements of vulnerability and the highest vulnerability category should be used, unless the development is considered in its component parts.
- If the development is considered in its component parts and the applicant can demonstrate that the more or less vulnerable elements fall entirely within Flood Zone 2 (not on the access track) and the temporary dwelling will not become permanent then there would be no objection to it.
- The farm shop building is classed as less vulnerable development and is therefore incompatible in the functional flood plain.
- The temporary dwelling is classed as more vulnerable development and is therefore incompatible in the functional flood plain.
- The toilet/shower block is classed as less vulnerable development and is therefore incompatible.
• The containers if used for waterside activity are considered to be water compatible and are compatible subject to a satisfactory Flood Risk Assessment.

6.10 Natural England: "Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2010 (as amended)

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified. Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document. If the applicant agrees to this payment, then no Habitats Regulations Assessment report is required for this application.

Internationally and nationally designated sites

The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’). The application site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area which is a European site. The site is also listed as a Ramsar Site and also notified at a national level as a Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England’s advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment.

Habitats Regulations Assessment Rationale

Increased visitor access to the Upper Nene Valley Gravel Pits SPA is recognised by Natural England as a threat to the favourable condition of the site, detailed within the Site Improvement Plan for the SPA. This is underpinned by a number of studies documenting disturbance to birds from activities such as dog walking within the SPA. A report titled “Visitor Access Study of the Upper Nene Valley Gravel Pits SPA” has explored the expected increases in visitor numbers as a result of new development (based on interviewing over 1000 groups who visited the site), and identifies that the
majority of visitors originate from within 3km of the SPA, with most visitors arriving via a short car journey.

As a result of this evidence the North Northamptonshire Joint Core Strategy has identified that mitigation is needed for new residential developments proposed within 3km of the Upper Nene Valley Gravel Pits SPA. A mitigation Strategy has been developed as a Supplementary Planning Document (available to view here) and identifies the required mitigation as a financial contribution of £269.44 per new dwelling within the 3km zone. This will contribute towards a package of Strategic Access Management and Monitoring to include fencing, screening and wardens to manage visitors within the SPA.

The Mitigation strategy has now been formally adopted and can be used by developers to mitigate impacts to the SPA. Provided the contribution is made Natural England advises your Council that there is not likely to be a significant effect to the SPA, and following this approach provides an efficient and proportionate means to demonstrate compliance with the Habitats Regulations.

Water Quality

Natural England supports the recommendations made at paragraph 5.1.4, within the designated nature conservation sites section of the preliminary ecological assessment report. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Protected Species

We have not assessed this application and associated documents for impacts on protected species not associated with a designated site. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer’s responsibility) or may be granted.

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link*.

6.11 One letter of support from the applicant’s Veterinary Surgeon can be summarised as:
- Alpacas often show very subtle signs of distress even when the condition is life-threatening. For this reason it is essential that animals are regularly and closely monitored so these subtle signs can be recognised early and appropriate
treatment given before it is too late.

- It is even more essential that animals due to give birth are closely monitored. Alpacas have variable gestation length, so the timing of birth is not easy to predict. Prompt recognition and correction of problems is essential to ensure the best outcome for both mother and baby. Delays in recognising problems and correcting them can be fatal for both.
- For all of these reasons it is very much in the interest of the health and welfare of the animals to have someone permanently on site.

7 Evaluation

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

7.2 Policy position

7.3 Paragraph 28 of the National Planning Policy Framework (NPPF) states that planning should "support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings" and that planning should "promote the development and diversification of agricultural and other land-based rural businesses".

7.4 Paragraph 55 of the NPPF makes it clear that "Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside".

7.5 Policy 13 of the North Northamptonshire Joint Core Strategy (JCS) states that in open countryside, away from established settlements, permission will not normally be granted for new built residential development, with the exception of proposed dwellings for rural workers at or near their place of work in the countryside, providing that the dwelling is required to enable someone who is in full time employment in an agricultural business or other similar rural business to meet the essential need of the enterprise concerned; and it can be demonstrated that the functional and financial tests as set out in the supporting text have been met.

7.6 Policy 22 of the JCS states that jobs will be sought though "safeguarding and enhancing North Northamptonshire's tourism and cultural assets and supporting proposals to expand the tourism industry in sustainable ways".

7.7 Paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere".

7.8 Policy 5 of the JCS states that "development should, wherever possible, be avoided in high and medium flood risk areas through the application of a sequential approach considering all forms of flooding for the identification of sites and also the layout of development within the site boundaries".

7.9 Therefore, in order to be acceptable, the applicant must demonstrate that there is an essential need to live on the site and that the development would not place people and property at undue risk from flooding. This report will look at each of the elements of the proposal in turn as well as looking at all of the material planning considerations relevant to this proposal.

7.10 The temporary dwelling
7.11 The building was first brought onto the site following the grant of a temporary consent for a staff shelter under application reference 12/01786/FUL. The applicant started living in the building and did not use it for its intended use. The Council took action and the building was subsequently vacated by the applicant. It has since remained on site. Temporary consent for the building to be used as a staff shelter expired in September 2016 and therefore the building is unauthorised. A breach of condition notice was served requiring the building to be removed. The applicant has now applied for permission to convert the building to a temporary agricultural workers dwelling. The applicant states that "the assessment of essential need spans the overall operation of the business, including breeding birth, security and day-to-day management" (paragraph 9.1 of the Agricultural Appraisal). The applicant is therefore relying on the alpaca farming (in particular their welfare) in order to reside at the site.

7.12 In order to assess the need for the temporary dwelling an independent agricultural consultant from Reading Agricultural Consultants (RAC) has been engaged by the council to assess whether there is an essential need for a dwelling on the site. The consultant has considered the requirements of Policy 13 of the JCS. He has assessed the functional and financial justification for living on the site.

7.13 He notes that the principle reason for needing a dwelling on the site relates to the welfare of the alpacas. However, the livestock numbers are low by comparison to most agricultural operations. It is stated that this number will increase, which implies that there are few sales of livestock off the holding within the temporary three year period which is being applied for. He continues that "the available land to support the proposed alpaca herd is limited to 7 Hectares. The intention to increase the numbers of stock on the holding would be at the limit of recognised stocking rates". The consultant is of the view that there is not sufficient land for grazing up to 80 alpacas as much of the site is not grazable due to woodland, inaccessibility, a camping and caravan site and hardstanding.

7.14 The Council's consultant recognises that alpacas are different to all other classes of commercial agricultural livestock in the UK, in that they have unusual mating and birthing cycles and are easily stressed through lack of flockmates, mishandling and poor health and nutrition. This stress is evidenced through abortion and potentially death, sometimes without warning.

7.15 Whilst there have been successful appeals for workers' dwellings associated with alpaca farming, this contrasts with promotional material published by the British Alpaca Society, who frequently comment that alpacas are easy to manage and that "birthing is unproblematic in the majority of females, but should always be supervised just in case of complication". The Planning Inspectorate has previously drawn the attention of its Inspectors to the need for caution in considering alpaca projects:

"Inspectors are often presented with arguments that alpacas need greater care over more traditional livestock. Furthermore, it is emphasised that alpacas can give birth throughout the year (they are induced ovulators), show little sign of imminent birth or oncoming ill health and can often have complicated births. In addition, the need to hand rear young with regular feeds in the first few weeks is not uncommon. Therefore, appellants may argue that someone is needed on hand at most times to make regular checks.

However, birthing in alpacas is very similar to calving in cattle, foaling in horses or lambing in sheep. Alpacas tend to give birth early in the day and almost always before mid-afternoon. Labour is usually swift lasting about 5-20 minutes. Consequently, regular out of hours checks may often be unnecessary. Arguments that alpacas have special care needs should therefore be treated with caution".
7.16 RAC does not consider that the supervisory needs of alpaca breeding and rearing have diminished and that this is particularly important due to the high value of the stock. The loss of one animal could have a large impact on the finances of a business. Therefore based on all of this there is a duty of care by the owners to prevent stress and suffering.

7.17 The site is located in Flood Zone 3 with only the access road being in an area at a lower risk of flooding, but even still sits within Flood Zone 2, which still has a medium risk of flooding. This is acknowledged in the submitted Flood Risk Assessment and photos on the applicant's Facebook page show that the site flooded in 2016, which wasn't a notably wet year. The Council's consultant has therefore noted that in the event of a flood there would be no refuge for any of the alpacas, and given the high flood risk associated with the site, it would be negligent to keep such numbers of stress susceptible animals in that location. Even if alternative land was available, it would be difficult to transport large numbers of alpacas or lead them to safety in the event of a flood.

7.18 On the need to reside on site, the consultant has concluded that there is a potential essential need for a dwelling due to the sensitive nature of alpacas, particularly the causes that stress can have during mating and pregnancy. However, the site lies within a high risk flood area and the dangers and welfare issues likely to be encountered by alpacas means that it would be inappropriate to keep a significant amount of alpacas on the site (paragraph 5.02 of RAC report). The alpacas generate a labour requirement of 1.85 full time workers and the dwelling would therefore be occupied by a full-time worker.

7.19 It is considered that a temporary three year consent is being applied for to allow the business to establish itself and with the aim that a permanent dwelling will replace it at the end of the period. Therefore, it is a requirement of Policy 13 of the JCS and guidance contained within the NPPF that the proposal is financially sound. The business has been established for more than three years; however, the alpacas are a new business and were brought on to the site in November 2015. The applicant has bought the alpacas at a low price and has estimated them at about three times that amount. In addition when calculating his profits he has added up the value of his alpacas. However, this is not disposable income as it is a nominal figure and cannot pay wages or be reinvested etc. The Applicant's Appraisal has also referred to a substantially lower minimum wage and therefore wages shown in the accounts are not accurate. The consultant has therefore reached the opinion that based on the explanations provided by the applicant's Agricultural Appraisal, the business has no prospects of meeting these financial targets.

7.20 Other revenue streams exist at the holding, including the unauthorised farm shop which will be considered later in this report, but the recent accounts supplied with the application show that profitability is low. Labour for these other enterprises is externally sourced. Labour costs for these are in excess of historic returns.

7.21 The Consultant concludes that "The purchase cost of the alpacas is low suggesting that they are of low genetic merit. Assertions of sales values and the ability to sell lower quality stock are not supported by evidence and therefore questionable". Therefore the proposal is not considered to comply with the financial tests as required by Policy 13 of the JCS. Paragraph 5.41 of the JCS states that "There are specific functional, financial and viability tests which need to be satisfactorily met in order for an isolated rural workers' dwelling to be acceptable. These are... The rural enterprise concerned has been established for at least three years, has been profitable for at least one year and is currently financially sound with a clear prospect of remaining so". Given that it is likely that the sales costs of the alpacas has been over calculated, without using any evidence, the proposal does not have a clear prospect of remaining profitable in accordance with the policy. The Consultant concludes on this point that "budgets are
predicted on increasing the value of alpacas, but few sales, resulting in a low level of disposable income. Income is likely to be much lower than budgeted due to the inherent lower genetic base of the stock”.

7.22 The consultant has noted that the net income generated is unlikely to sustain the necessary workforce to operate the proposed business with a realistic wage, again making the proposal contrary to Policy 13 of the JCS and guidance contained within the NPPF.

7.23 Turning to other accommodation in the area, it is noted from the Agricultural Appraisal that the applicant lives in Rushden, some three miles from the site. The applicant’s appraisal does not show a search of alternative accommodation, but instead asserts that it is essential for the applicant to live on site. A search undertaken by RAC on 26th June 2017 with www.rightmove.co.uk showed that there were 79 dwellings currently on the market, at or below £150,000 within three miles of the site.

7.24 No indications have been provided of any difficulties or incidents experienced since the applicant has relocated three miles from the site, so there may be some scope for one of the identified dwellings to provide appropriate accommodation.

7.25 Other buildings

7.26 In addition to the agricultural worker's dwelling, the applicant is also seeking permission for the following:
  - Two shipping containers, one to be used as a farm shop (retrospective);
  - Agricultural storage building with alpaca shelter below;
  - Toilet and shower block building (retrospective); and
  - An Elsan disposal point (retrospective).

7.27 No detailed information has been provided about the use of the two shipping containers other than to state that one is being used as the farm shop. However, planning permission was granted for these two units to be used with the canoe hire centre, which has since relocated to the nearby newly developed Rushden Lakes. Therefore, the principle of having the buildings there has already been established. Given that the farm shop would support the rural economy and would sell produce from the farm and nearby local businesses, this change of use, in principle, is considered to be acceptable.

7.28 Over recent years the applicant has erected a number of structures on the site, without planning permission, to use as storage associated with the holding. An application was submitted to seek retrospective permission for these numerous buildings which was subsequently refused given their visual impact and the harm caused to the character and appearance of the countryside. In order to overcome this, the current application includes the erection of a new agricultural storage building for the contents of these buildings to be included within that, so the unauthorised buildings can be dismantled.

7.29 The NPPF allows for new buildings so long as they are well designed and support the sustainable growth and expansion of business or enterprise in rural areas. The principle of the building could therefore be considered acceptable so long as it was supporting the expansion of a business.

7.30 The floor of this proposed building would also act as a shelter for the alpacas as it would extend beyond the edge of the access road and would be on stilts creating an open shelter beneath. The Council's Agricultural Consultant has stated in his report that the proposed shelter would not be large enough to accommodate 80 alpacas and that it is even questionable whether there is adequate space to accommodate current numbers of breeding females and their offspring if each one had cria. In addition the building would not provide refuge in the event of flooding, as it is at field level and
appears to experience relatively frequent inundation.

7.31 RAC refer to the building being used as a farm shop, which was originally proposed, however, following these concerns the applicant amended the plans to show this building just for the purposes of agricultural storage. However, the points made by RAC are still relevant. They state that "Whilst the proposed building would be sited within close proximity to the proposed dwelling to provide the security and surveillance, and would be seen as part of a group of buildings, there is little justification for the area dedicated to each component use - the alpaca shelter is too small. In the absence of sound justification of size and purpose for the proposed building it is difficult to conclude that it is necessary or appropriate for the business".

7.32 The toilet and shower block is an existing building on the site and previously gained a temporary planning consent which has now expired. The building is essential as it is for the use of people using the moorings. However, as stated previously, buildings supporting economic growth must be of a good design. The principle of development is therefore acceptable subject to the building being of a good design, which will be addressed later in the report.

7.33 The Elsan disposal point is also in situ, however, this is associated with the moorings and caravan site and as such is considered essential for these recreational uses. The principle is therefore considered acceptable.

7.34 Visual impact

7.35 The buildings are located and proposed to be located along the edge of the access road within the site. They are grouped together to reduce their visual impact. The shipping containers are green in colour. The toilet and shower block is a timber clad portacabin and the mobile home has the appearance of a timber clad chalet. The buildings are visible from Ditchford Lane. Whilst the buildings are visible they do not appear prominent as they are located well within the site and are set down from the road. The site is on the opposite side of Ditchford Lane to a haulage company, where the eye is drawn to.

7.36 It was reported from application 12/01786/FUL that:

"The temporary buildings would last for approximately five years according to the applicant. It is considered that great weight should be given to supporting a rural business. Therefore whilst the buildings are not entirely in keeping with their rural location, materials have been submitted and can be controlled by condition. Allowing the temporary retention of the existing buildings would give the applicant the opportunity to build up his business. In five years they could be replaced with permanent buildings which would be in keeping. Therefore on balance it is considered that the visual impact of the development is acceptable".

7.37 The agricultural building would be constructed from a steel frame with Yorkshire boarding to the sides and steel sheeting to the roof. This would be in keeping with the rural location and would be typical of a building used for agricultural purposes. Therefore it is considered that the visual impact of the proposed building would be acceptable.

7.38 The toilet and shower block is a timber clad portacabin. It was envisaged that when the temporary permission expired a permanent building, more in keeping with its surroundings could be erected. This has not been proposed and therefore the visual harm of this toilet and shower block needs to be considered. Whilst the building is not of a high quality design, it has been timber clad, it is single storey in height and it is not offensive in its appearance. Its visual impact is therefore minimal and is not considered to result in a detrimental visual impact on the character and appearance of the
7.39 The shipping containers already have the benefit of planning permission and as such their visual impact has been considered acceptable.

7.40 The temporary dwelling is a mobile home which has the appearance of a timber clad chalet. As it is temporary in nature and is single storey in height it would have little visual impact on the character and appearance of the open countryside. In addition, there is likely to be no domestic paraphernalia associated with the dwelling which would have a harmful impact on the open countryside. This could be conditioned so that no landscaping or boundary screening could be erected. The mobile home could be removed at the end of the three year period and the land restored to its former state.

7.41 Overall, whilst the buildings are not of high quality design and appearance, given that the buildings would be grouped together and some effort has been made to give a more rural feel, the visual impact of the proposal is considered acceptable.

7.42 Highway safety

7.43 The Local Highway Authority has no objection to the proposal but has recommended that conditions are imposed, should permission be granted to ensure that parking spaces are marked out and that drainage is provided at the entrance to the Highways.

7.44 Impact on flooding

7.45 The Environment Agency (EA) has objected to the proposal and has recommended that permission be refused. The EA state that the proposed development site lies within Flood Zone 3b defined by the Environment Agency Flood Map as having a high probability of flooding. The Flood Risk Vulnerability Classification in Table 2 of the National Planning Practice Guidance (NPPG) has been applied to each element of the proposal.

7.46 The proposed mobile home is classed as more vulnerable and is therefore incompatible in Flood Zone 3b as per Table 3 of the NPPG and should not be permitted.

7.47 The toilet and shower block has been classed as 'less vulnerable' by the EA. However, it is the Officer's view that the shower block is 'water compatible' development given that it is associated with the moorings and caravans and is therefore essential for the approved recreational activities at the site. Should the block be considered as less vulnerable then permission should be refused for this element. If considered to be water compatible then the shower block would be considered appropriate development within the Flood Zone. Confirmation has been sought from the EA as to which vulnerability classification should be applied. This will be reported on the update sheet.

7.48 The farm shop, which has been relocated in to one of the shipping containers, is classed as less vulnerable development and is therefore incompatible with the Flood Zone designation. The other container, which is now thought to be used for storage associated with the holding rather than the canoe hire business, is also classed as less vulnerable (previously water compatible) and is incompatible. Given that the vulnerability classification of each of these buildings has changed and their uses have changed, these buildings are no longer being used for their permitted use and as such are unacceptable and a change of use would not be appropriate given their vulnerability within a high risk area of flooding.

7.49 The proposed agricultural storage building is also classed as less vulnerable and is therefore incompatible with the Flood Zone designation as per Table 3 of the NPPG.
7.50 Given that this is a major proposal, located within Flood Zone 3, a sequential test should be applied. The submitted Flood Risk Assessment provides a sequential assessment and concludes that the development is located in Flood Zone 1, given that the floor levels of the existing and proposed buildings are set higher than the 1000 year flood event. However, it is case officer's opinion that this does not mean the development is in Flood Zone 1 given that the surrounding land has been identified by the EA to be in Flood Zones 2 and 3, where there is a medium to high probability of flooding. The EA are due to give further advice and this can be reported on the update sheet. They have confirmed that they would be happy to defend their position should an appeal be submitted.

7.51 Impact on designated areas and protected species

7.52 The site is located within the Nature Improvement Area, adjacent to a SSSI and the zone of interest for the Special Protection Area. Natural England is satisfied that the proposal would not result in any harm subject to the payment of a mitigation fee or the submission of a Habitats Regulations Assessment. No payment has been made by the applicant and Officers are not in receipt of a Habitats Regulations Assessment. When commenting on previous applications, Natural England has advised that the proposed development would not have an impact on the SSSI and that it does not represent a constraint for determining the application.

7.53 Both Natural England and the Council's Ecological Advisor are satisfied with the ecological assessment subject to the recommendations within it being conditioned.

7.54 Natural England has stated that the landscape character assessment should be referred to and is a material consideration when determining the application. It would appear that the site lies within the Rolling Ironstone Valley Slopes. This is characterised by red soil and bodies of water. Some of the local vernacular such as churches uses ironstone in its construction which gives the area its character. The proposal would not detract from the character and appearance of the Rolling Ironstone Valley Slopes.

7.55 Natural England has not assessed the impact of the proposal on protected species. Given that the site is located adjacent to water sources and is within a rural setting it is possible that protected species could be present. The Ecological Assessment concludes that:

- No further studies to establish the population status of protected species appear to be necessary.
- Potential direct impacts from construction related work are likely to be very localised and affect only the habitats of negligible ecological value. Some habitat of negligible ecological value would be permanently lost.
- The wetland and woodland habitats of significant ecological value are not directly affected by the proposals.
- The only protected species issues relate to birds and reptiles. Construction should not take place during the nesting season and nest boxes for birds should be provided. Long term harm to reptile populations is not considered to be an issue.

7.56 Overall, the impact on the SPA has not been assessed and mitigation has not been considered and as such the proposal could be harmful. The impact on any protected species is considered to be negligible.

8 Recommendation

8.1 That permission be REFUSED for the following reasons:
9 Conditions/Reasons -

1. The application proposes an inappropriate type of development, by being more vulnerable and less vulnerable, within Flood Zone 3b, where there is a high risk of flooding that places people and property at undue risk. In addition, the applicant has failed to apply the sequential test. The proposal is therefore contrary to guidance contained within the National Planning Policy Framework and Policy 5 of the North Northamptonshire Joint Core Strategy.

2. The development constitutes a new dwelling in the countryside where the essential need for a rural worker has not been demonstrated. The development is not proven to be financially viable and there is alternative accommodation available within close proximity to the site. The development is therefore contrary to Government advice in paragraph 55 of the National Planning Policy Framework and Policy 13 (2b) of the North Northamptonshire Joint Core Strategy.

3. The proposal is located within 3km of the Upper Nene Valley Gravel Pits Special Protection Area. This is a protected site from a nature conservation point of view under the terms of European Legislation. No information has been received in connection with this application to show that the proposal will not have an adverse impact on this area. In such cases, the Council has a requirement linked to an adopted Supplementary Planning Document which requires a contribution of £269.44 per dwelling to mitigate against any impact. This payment has not been received in connection with this application. The proposal is therefore contrary to criterion d) of Policy 4 of the adopted North Northamptonshire Joint Core Strategy which seeks to secure adequate mitigation against the impacts of developments on the Upper Nene Valley Gravel Pits Special Protection Area.

10 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 submitted was unacceptable. Amendments have been put forward by the applicant's agent, however, these do not address the concerns raised and as such a recommendation for refusal was put forward. A full report is available at www.east-northamptonshire.gov.uk

2. The plans to which this decision relates are:
   2793/01 Site and Location plan received on 15 June 2017
   SC/Goodman/001 Rev 1 Location plan received on 22 March 2017
   Elevations and floor plans of temporary dwelling at Ditchford Lock received on 21 July 2017
   Photos 1 - 6 received on 21 July 2017
   2793/01 Site plan showing numbered buildings received on 21 July 2017
   2793/02A Elevations of proposed general purpose building received on 21 July 2017
   2793/03A Layout of proposed general purpose building received on 21 July 2017
   GZ01ECO.0006A Proposed shower and toilet building received on 21 July 2017
Committee Report

Case Officer: Anna Lee

Date received: 28 June 2017
Date valid: 3 July 2017
Overall Expiry: 2 October 2017
Ward: Irlhlingborough Waterloo
Parish: Irthlingborough

Applicant: Aldi Stores Limited - Mr R Williams
Agent: STOAS Architects - Mr N Conner
Location: Nene Business Park Diamond Way Irthlingborough Northamptonshire

Proposal: Variation of Condition pursuant to planning permission 15/01191/FUL dated 23.7.15 3 Condition 3 - Approved plans- Omission of food retail store external entrance lobby, adjustment of food retail store floor level and external levels to reduce regrading and soil disposal Modified details of path from Diamond Way and retaining wall, to reduce soil disposal and relate it to the existing wall pursuant to planning permission 15/01191/FUL dated 23.7.15 Condition: 20-Slab levels

This application is reported to Planning Management Committee because it falls outside the Scheme of Delegation in Part 3.2 of the Council's Constitution 2015, as it seeks to vary a major planning proposal.

1. Summary of Recommendation

1.1 That the variation be APPROVED subject to conditions.

2. The Proposal

2.1 Planning permission ref: 15/01191/FUL was granted for a day care centre (Class D1b) and a foodstore (Class A1). The current submitted application seeks to vary condition 3 of the planning permission, to alter the approved plans for the foodstore, to allow the front entrance lobby area to be removed, alterations to be made to the design of the footpath link and to alter the site levels in order to reduce soil disposal and improve the relationship with the retaining walls. In addition, the application seeks to provide level details for the foodstore building and the area surrounding the building, a variation is also being sought in respect of condition 20, which requires the submission of level details for the entire development.

3. The Site

3.1 The site measures approximately 1 hectare in area and is located off Attley Way/Diamond Way, north east of Irthlingborough. The site is triangular in shape and rises upwards from southeast to northwest. To the east of the site is an NHS outpatients building and to the west is the Diamond Business Centre (which is a grade II listed building). To the south of the site is Nene Park and other leisure and commercial development. Stanwick Lakes lies approximately 1 mile further to the east.
4. Policy Considerations

4.1 National Planning Policy Guidance:
   National Planning Policy Framework (NPPF) 2012
   National Planning Policy Guidance (NPPG) 2014

4.2 North Northamptonshire Joint Core Strategy 2011-2031 2016
   Policy 1 Presumption in favour of Sustainable Development
   Policy 2 Historic Environment
   Policy 3 Landscape Character
   Policy 4 Biodiversity & Geodiversity
   Policy 5 Water Environment, Resources & Flood Risk Management
   Policy 6 Development on Brownfield Land & Land affected by contamination
   Policy 7 Community Services & Facilities
   Policy 8 North Northamptonshire Place Shaping Principles
   Policy 9 Sustainable Buildings & Allowable Solutions
   Policy 10 Provision of Infrastructure
   Policy 11 Network of Urban & Rural Areas
   Policy 12 Town Centres and Town Centre Uses
   Policy 15 Well Connected Towns, Villages & Neighbourhoods
   Policy 16 Connecting the Network of Settlements
   Policy 17 North Northamptonshire's Strategic Connections
   Policy 18 HGV Parking
   Policy 22 Delivering Economic Prosperity
   Policy 23 Distribution of New Jobs
   Policy 24 Logistics
   Policy 26 Renewable Energy

4.3 Supplementary Planning Documents/Guidance:
   Sustainable Design SPD 2009
   Planning Out Crime in Northamptonshire SPG 2004
   Trees & Landscape SPD 2013
   North Northamptonshire Biodiversity SPD
   Upper Nene Valley Gravel Pits Special Protection Area SPD August 2015

4.4 Other Documents:
   Highway Authority Standing Advice for Planning Authorities 2016
   Northamptonshire Parking Standards 2016

5. Relevant Planning History

5.1 The site itself was granted planning permission in 1998 for a Leisure development
   including cinema, night club, restaurant, tavern and health/fitness club under
   application 97/00644/OUT. An application to extend the time for implementation of the
development was approved in 2003 and the reserved matters application was
   approved in 2006. A lawful development certificate was then approved in 2009
   confirming that as the access way had been constructed the site benefits from an
   extant permission.

5.2 The original application for a food store 15/01191/FUL was recommended for refusal by
   Officers, as the relevant retail impact tests were not considered to have been satisfied.
   However, Committee resolved to grant planning permission to the application subject to
   conditions. An application has recently been submitted 17/01505/CND to discharge the
   pre-commencement conditions and this application is currently pending consideration.

5.3 An application was submitted under ref: 16/01802/VAR to alter the trading hours of the
   food store on public holidays and this application was approved.

6. Consultations and Representations

6.1 Neighbours: No representations received.
6.2 Irthlingborough Town Council: Has no objection.

6.3 Local Highway Authority: Have no comments to make in respect of the proposed variation of conditions, but has recommended that a swept-path analysis be carried out to ensure that HGVs can enter and leave the site in a forward direction. A swept-path analysis has since been provided by the agent (drawing number: Y11A43-P006) and the Highway Officer has confirmed that the details shown are satisfactory.

6.4 Senior Tree & Landscape Officer: Has no objection.

6.5 Environmental Protection Officer: Has no comments.

6.6 Environment Agency: Has no comments.

6.7 Crime Prevention Officer (Northamptonshire Police): Has no comments/objection.

6.8 Archaeological Advisor: Archaeological mitigation would still be required, as per conditions on the original planning permission.

6.9 Historic England: Has no comments.

7. Evaluation

7.1 The principle of the development was established by the original planning permission ref: 15/01191/FUL. Therefore, all that the Council can consider in this application are the changes proposed to the design of the foodstore building, pedestrian footpath link, and level proposals.

7.2 Visual Impact

7.3 Changes to the foodstore – The permitted foodstore comprises of a one and a half storey building and included a protruding ‘entrance’ with ‘exit lobby’ feature on the south eastern corner. The submitted proposal seeks to omit this feature and to incorporate the entrance/exit area within the main building and to bring the entrance/exit flush with the front elevation of the store. No significant visual impact is considered to result from these changes, as the front entrance area would retain a glazed fascia and would still be clearly defined. Also, the proposed changes would not affect the main retail floor area.

7.4 Changes to the footpath link – The previously approved scheme included a footpath link to provide access from Diamond Way (to the south) to the foodstore for pedestrians. The proposal seeks to replace the previously approved winding footpath link with a 'Z' shaped footpath link, to allow access for both disabled access users and a flight of steps for pedestrians. The proposed new footpath link takes into consideration the change in levels and it is considered that subject to the provision of suitable landscaping i.e. planting and boundary treatment, the proposed new link would be well assimilated into the street scene.

7.5 Proposed levels - Cross sectional drawings (drawing numbers: Y11A43-P007 and Y11A43-P006 Revision C) have been provided with the submission to show the relationship of the proposed finish floor levels of the foodstore with the surrounding land. According to this information, there would be a level difference of approximately 5.0 to 6.0 metres between the finished floor levels of the foodstore building and Diamond Way (to the south). The land in which the permitted day care centre would be sited (to the north) would be approximately 4.0 metres higher than the foodstore. The main car park would be constructed using a 1 in 40 gradient such that the levels slope gradually from the front of the store towards Attley Way (to the east). The overall level
difference between the foodstore building and Attley Way would be less than 2.0 metres; and the level difference between the main car park and Marsh Lane would be 4.0 to 5.0 metres.

7.6 The site forms part of a slope and has topographical constraints; however, this was recognised when planning permission was granted to the original proposal. As part of the levels changes proposed in this application, re-grading works are being proposed from (approximately) the centre-point of the site; where areas of soil/earthworks in the north/north western part of the site would be removed and the southern part of the site would be built up to create a relatively flat area for the proposed car park. This is a common approach and as such it is considered that the level changes proposed in this application are reasonable and would be acceptable.

7.7 Gabion retaining walls (estimated to be approximately 3.5 to 4.0 metres in height) are being proposed to the north and northwest boundaries of the site. However, it is unclear whether retaining walls would be required/provided along the frontage of the site for the southern boundary and footpath areas and as such clarification is being sought from the agent about this. The Case Officer has also queried some of the boundary treatment and any additional details received will be reported on the Committee Update Sheet.

7.8 Neighbouring Amenity

7.9 There are no residential properties nearby to be affected by this proposal. The relationship of the foodstore and day care centre with the surrounding buildings was established by the original application.

7.10 Highway Impact

7.11 The access, parking and turning layout would not be affected by the changes proposed in the current application. A satisfactory Transport Assessment was provided with the original application (as reported on the Committee Update Sheet for 15/01191/FUL) and a swept-path analysis has been provided in accordance with the request of the Local Highway Authority in this submission to demonstrate that deliveries and other HGV vehicles would have sufficient space to enter the delivery area and leave the site in a forward direction using the permitted access, parking and turning layout.

8 Other issues

8.1 Landscaping – Whilst the car parking area and footpath link is proposed to be positioned on ground raised approximately 4.0 metres above the road, the provision of new tree planting (as shown on the submitted site plans) and other suitable boundary treatment would help to ensure that the development could be well assimilated into the surrounding area.

8.2 Day care centre – The changes proposed in this application do not relate to the day care centre. As level details have not been provided for this part of the development, it is recommended that condition 20 be retained and re-worded to secure level details for the day care centre.

9 Recommendation

9.1 That the variation be APPROVED subject to the following condition(s):
10 Conditions/Reasons -

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of the original planning permission 15/01191/FUL.
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. Prior to the commencement of the retail store and day care centre hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
Reason: To ensure the satisfactory appearance of the completed development.

3. Except where expressly stated by other conditions on this planning permission, the development hereby permitted shall not be carried out except in accordance with the following approved drawings:
   8595-005-P003 Rev D: Site Plan as proposed (Retail store)
   Y11A43 - P200 Rev C: Proposed Floor Plan (Retail store)
   Y11A43 - P201 Rev C: Proposed Elevations and Finishes (Retail Store)
   Y11A43 - P202 Rev C: Proposed Roof Plan (Retail store);
   in addition to the following drawings and details approved in connection with planning permission 15/01191/FUL:
   8595-005-P005 Rev A: Nursery Elevations
   8595-005-P006 Rev A: Nursery Plans
   8595-005-P007: Nursery Site Plan
   8595-005-P004 Rev A: Proposed Site Plan
   P14-437-100 Preliminary Levels and Drainage Strategy (& appendices)
   3852_Ecoapp_April 2015
   3852 Arboricultural Appraisal A Final ALDA2297
   Planning Support Statement Irthingborough
   P14-128_Irthingborough_Transport Assessment (& appendices)
Reason: To clarify the terms of the planning permission.

4. Prior to the 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 development shall be carried out in accordance with the approved details. The equipment shall be maintained in a condition so that it does not exceed background noise level whenever it is operating as agreed with the Local Planning Authority. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the Local Planning Authority.
Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise.

5. Prior to the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the recording and inspection of matters of archaeological importance on the site.

6. Prior to the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 5, a staged
programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.
Reason: To safeguard the recording and inspection of matters of archaeological importance on the site.

7. Details of a scheme of lighting for the entire site shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development hereby permitted. The details to be submitted shall include (but not be limited to) the following:

1. Details of the type of lighting, number, exact location and level and type of illumination;
2. A layout plan to show details of the beam orientation and schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles); and
3. A report setting out the cumulative impact of the lighting proposals, together with calculations and measures taken to minimise light emissions from the development; and
4. The means of illumination to be provided shall not be of a flashing or intermittent nature;

The scheme shall thereafter be implemented and retained in perpetuity in accordance with the details so approved prior to any of the foodstore or day care centre being first brought into use.
Reason: In the interest of minimising light pollution and preventing crime, anti-social behaviour and reducing the fear of crime.

8. A scheme to ensure the security of the site shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the construction of the foodstore and day care centre. This shall include the provision of a scheme of CCTV for the vulnerable areas and measures to ensure security of the site. The development shall thereafter be carried out in accordance with the details so approved before any of the foodstore or day care centre areas are first brought into use.
Reason: In the interest of prevention of crime and anti-social behaviour.

9. Notwithstanding the access details shown on Stephen George plan no. 8595-005-P004 Rev A, all details of the proposed development shall comply with the design standards of Northamptonshire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining, and pedestrian and vehicle visibility splayed, and be submitted for approval by the local Planning Authority in consultation with the Highway Authority prior to first occupation and thereafter retained in perpetuity.
Reason: In the interest of highway safety.

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

a. Dust mitigation measures during the construction period;
b. Control of noise emanating from the site during the construction period;
c. Hours of construction work for the development;
d. Contractors compounds and other storage arrangements;
e. Enclosure of phase or sub-phase development sites;
f. Provision for all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period;
g. Arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent public highways;
h. Routing agreement for construction traffic; and
i. Details of any temporary site construction access. The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise approved in writing by the local planning authority.  
Reason: In the interest of highway safety.

11. Before first use of the development car parking and cycle parking shall be provided, hard surfaced and made available for use to serve the development generally as shown on Stephen George plan no 8595-005-P004 Rev A. An additional cycle stand is required for the nursery site. The parking shall be retained in perpetuity.  
Reason: In the interest of highway safety.

12. Before first use of the development hereby permitted, visibility splay s of 2.4 metres by 43 metres shall be provided at the junction of the 2 site accesses with Attley Way. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splay s.  
Reason: In the interest of highway safety.

13. No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved and retained in perpetuity. No building shall be occupied until the works have been carried out in accordance with the approved scheme.  
Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

14. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including boundary treatments, pavements, pedestrian areas, reduced-dig areas, crossing points and steps.  
Reason: In the interest of the visual amenities of the area, to ensure the creation of a pleasant environment for the development.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.  
Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development.
16. The day care centre hereby approved shall be used only for purposes falling within Class D1 (Non-residential institutions) specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose(s) whatsoever. 
Reason: In order that the Local Planning Authority can retain control over the use of the building.

17. The hours of opening of the retail store shall be restricted to the following times:-
   Monday-Saturday and public holidays 0800 - 2200hrs
   Sunday 1000 - 1600hrs
The hours of opening of the Day Care Centre shall be restricted to the following times:-
   Monday-Saturday 0700 - 1800hrs and shall not open on Sunday and Public Holidays
Reason: In order to safeguard the amenities of the area

18. Bins shall be provided to serve the development hereby permitted and prior to the completion of the construction of the foodstore hereby permitted, details to show the number, location and type of bin(s) to be provided shall be submitted to and approved in writing by the Local Planning Authority. The bins shall thereafter be provided before the foodstore is first brought into use and shall thereafter be retained in perpetuity. 
Reason: To ensure a reasonable standard of development and in the interest of conserving the local environment.

19. Notwithstanding the submitted details and prior to commencement of the construction of the developments hereby permitted, a Sustainability Strategy to demonstrate that the foodstore would be constructed as a minimum to meet BREEAM 'very good' or equivalent nationally recognised standards shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details so approved and a copy of the final energy certificate shall be submitted to the Local Planning Authority before the foodstore is first brought into use.
Reason: To ensure that the development is sustainable in accordance with the NPPF and Policy 9 of the Joint Core Strategy.

20. Notwithstanding the submitted details and prior to the commencement of the day care centre hereby permitted, details showing the proposed slab levels of the day care centre in relation to the existing and proposed levels of the site and the surrounding land and buildings 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 details so approved.
Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to the surrounding land and buildings.

21. The foodstore building, car park and the surrounding land and other associated areas shall be carried out in accordance with the level details shown on drawing numbers: 8595-005-P003 Rev D: Site Plan as proposed (Retail store)
   Y11A43 - P006 Rev C: Site Sections (Retail store)
   Y11A43 - P007: Proposed Path And Retaining Walls
Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to the surrounding land and buildings.

Informatives

1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in accordance with Paragraphs 186 and 187.

2. The details pursuant to conditions 2, 5, 6, 7, 8, 10, 13, 14, 19 and 20 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.

3. No works within the existing adopted highway, maintainable at the public expense may
commence without the express written permission of the Highway Authority. This
planning permission does not give or infer such permission.

4. A retaining wall of 4 metres in height is proposed between the food store and nursery
site. Although this wall is on private land, when considering Health and Safety, suitable
consideration should be given to providing barriers or fencing to provide vehicle
restraint, to ensure vehicles on the higher nursery site cannot fall onto the food store
site.

5. This planning permission does not convey advertisement consent and notwithstanding
the advertisements indicated on the approved plans, a separate application for
advertisement consent is required to be submitted and approved by the Local Planning
Authority.

6. Please be advised that any conditions discharged as part of planning permission
15/01191/FUL (i.e. 17/01505/CND) would subsist and would not require discharge
under this new permission.
Variation of condition 12 of application 16/02185/REM to permit a minor material amendment to the approved scheme through moving the footprint of the sports hall and swimming pool by 4m to the south, increasing the building height by 500mm, introducing of a stone spine feature wall adjacent to the main entrance into the building, extending the rear balcony to the north elevation and associated landscape alterations 14/00875/OUT for the demolition of existing swimming pool building and the erection of a new sports centre and other associated infrastructure works.

This application is reported to Planning Management Committee because it falls outside the Scheme of Delegation in Part 3.2 of the Council's Constitution 2015, as it seeks to vary a major planning proposal.

1. Summary of Recommendation

1.1 That the variation be APPROVED subject to conditions.

2. The Proposal

2.1 Outline planning permission ref: 14/00875/OUT and reserved matters ref: 16/02185/REM were granted for the demolition of the swimming pool and the construction of a new sports centre with associated parking, tennis courts, relocation of running track, re-surfacing of existing sports courts and other associated works.

2.2 The current submitted application seeks to vary condition 12 of the reserved matters ref: 16/02185/REM to allow the permitted sports centre/swimming pool building to be re-sited 4.0 metres to the south, to increase the height of the building by 500mm (0.5 metres), to provide a stone wall feature adjacent to the main entrance and to extend the rear balcony/platform area on the northern elevation.

2.3 The building is proposed to be re-sited and increased in height as following further investigation work carried out into the levels and other site constraints, this would secure the optimum position for the proposed building and help to reduce the amount of excavated material.
3. **The Site**

3.1 The site forms part of Oundle School's outdoor and indoor sports facilities. The swimming pool to be demolished is situated to the north of the existing sports hall. The remainder of the existing site is made up of tennis courts and a running track. The site is surrounded by land owned by Oundle school, including the cricket pavilion and Pavilion Drive (access off Glaphorn Road) to the north, and residential halls to the east. Other tennis courts and hockey pitches are found on land further to the northwest.

3.2 The site is bordered by other residential development to the west on Wyatt Way and Whitwell Close, and on St Ann's Court and Benefield Road (nos.35 and 37 Benefield Road) to the south.

3.3 There are a belt of trees to the east of the running track and two groups of trees adjacent to the Milton Road access which are protected by Tree Preservation Orders. The site is not within a flood zone and there are no listed buildings in the immediate vicinity that would be affected by the proposal. The site is not within a Conservation Area. There are no Public Rights of Way that would fall within or near to the boundaries of the proposed development.

4. **Policy Considerations**

4.1 National Planning Policy Guidance:
   - National Planning Policy Framework (NPPF) 2012
   - National Planning Policy Guidance (NPPG) 2014

4.2 North Northamptonshire Joint Core Strategy 2011-2031 2016
   - Policy 1 - Presumption in Favour of Sustainable Development
   - Policy 3 - Landscape Character
   - Policy 5 - Water Environment, Resources & Flood Risk Management
   - Policy 7 - Community Services and Facilities
   - Policy 8 - Place Shaping Principles
   - Policy 9 - Sustainable Buildings and Allowable Solutions
   - Policy 11 - Network of Urban & Rural Areas
   - Policy 15 - Well-connected Towns, Villages & Neighbourhoods

4.3 Rural North, Oundle and Thrapston Plan (RNOTP) 2011
   - Policy 2 - Windfall Development
   - Policy 7 - Flood Risk
   - Policy 15 - Open Space, Sport and Recreational Facilities

4.4 Supplementary Planning Documents/Guidance:
   - Sustainable Design SPD 2009
   - Planning Out Crime in Northamptonshire SPG 2004
   - Trees & Landscape SPD 2013

4.5 Other Documents:
   - Highway Authority Standing Advice for Planning Authorities 2016
   - Northamptonshire Parking Standards 2016

5. **Relevant Planning History**

5.1 Planning approval has been given for the construction of a new athletics track and pavilion on the existing playing fields and rough grasslands to the northwest of the site ref: 16/01090/FUL.

5.2 In addition, planning permission has been granted for the 'Demolition of existing residential properties and the construction of eight new tennis/netball courts with perimeter fencing' on land to the north of the residential properties on Wyatt Way under ref: 16/01356/FUL.
6. Consultations and Representations

6.1 Neighbours: No comments received.

6.2 Oundle Town Council: Has no objection.

6.3 Local Highway Authority: Has no objections, “moving the sport centre by 4 metres does not affect the car parking and access plans”.

6.4 Senior Tree and Landscape Officer: “I have reviewed the submitted documents and I am satisfied that the method statement and protection plan are adequate to fulfil the condition (condition 1)” and recommends that the measures contained within the submitted report be implemented. In addition, the developer/ applicant’s arboriculturalist has proposed a site meeting within the submitted Arboricultural Method Statement and the Council’s Tree and Landscape Officer considers that a pre-commencement meeting would be of use to allow discussions to be undertaken before works commences within the areas affecting the on-site trees.

7. Evaluation

7.1 The principle of the development was established by the outline planning permission ref: 14/00875/OUT and the reserved matters (including the location, scale of the building, access and parking areas, and landscaping) were approved under ref: 16/02185/REM. Therefore, all that the Council can consider in this application are the changes proposed to the position of the sports centre/ swimming pool building and the other external changes proposed to the design of the building.

7.2 Visual Impact

7.3 The application seeks to re-position the approved building 4.0 metres further to the south and to increase the height of the building by an additional 0.5 metres. Taking into consideration the location and scale of the previously approved building (height of building approved in 16/02185/REM at 12.6 metres), it is considered that these proposals would have very limited impact on the appearance and layout of the development. Moreover, reasonable separation distances would be maintained between the new and existing sports centre building and car parking areas.

7.4 The proposed elevational changes to the northern elevation of the building to extend the balconies/ platform area would add interest to that side of the building and increase the amount of active frontage facing the cricket pavilion. With regards to the proposal to include a stone wall feature adjacent to the main entrance, the visual impacts are considered to be acceptable as this would introduce an additional material on the principal elevation of the building and help visually break-down the zinc and timber cladding. However, given the extent of the proposed stone work and in order to ensure that suitable materials be used for this feature, a condition is recommended to require details and a sample of the stone material to be submitted for approval.

7.5 Neighbouring Amenity

7.6 The proposed sports centre building would be positioned some 90 metres away from the nearest residential properties on Wyatt Way to the west. The changes proposed in this application would not have significantly more impact on the nearest residential properties than the location and scale of the building previously approved in 16/02185/REM given the relative distance of the building to the neighbouring properties/gardens. The 90 metres distance is considered to be sufficient to prevent undue overlooking, overbearing, noise emitting from the building and any other loss of amenity.
7.7 Impact on Trees

7.8 There is a group of existing trees positioned near to the permitted sports centre building on the north eastern side that would be affected by the proposed re-positioning of the building (identified as ‘G6’ within the submitted arboricultural details). An updated Arboricultural Method Statement has been provided with the submission which takes into consideration the proposed new building position, in addition to the effect of the development on the other on-site trees. This information has been assessed by the Council’s Senior Tree and Landscape Officer and on the provision that the recommendations contained within the submitted report be carried out, the Officer is satisfied that the development could be carried out whilst retaining the majority of the on-site trees.

7.9 Highway Impact

7.10 As commented by Northamptonshire Highways, the proposed re-positioning of the building 4.0 metres forward would not affect the access, parking and turning areas previously approved.

8 Other issues

8.1 None.

9 Recommendation

9.2 That the variation be APPROVED subject to the following condition(s):

10 Conditions/Reasons -

1. The kerbing, access and car parking construction works shall be carried out in accordance with the arboricultural information submitted with the reserved matters application ref: 16/02185/REM (including document titled ‘Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan 5738 Revision B’ and Hayden Arboricultural Consultant’s letter dated 12.01.2017) and the recommendations/measures within the Arboricultural Method Statement 5946 Revision A dated 21.06.2017 and associated Tree Protection Plan 5946 Revision A dated 23.06.2017 shall thereafter be implemented in accordance with the submitted details. Reason: In the interest of protection of trees, to ensure a satisfactory appearance for the development, and in the interest of visual amenity.

2. Notwithstanding the submitted details and prior to the commencement of above ground works for the sports centre building and car parking areas hereby permitted, a scheme to ensure the security of these facilities and the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include:

- Details to show the location of the security gates to be retained and to be provided;

- Details of a scheme of CCTV; and

- Details to ensure the physical security of the sports centre building;

The scheme shall thereafter be carried out in accordance with the details so approved before the development is first brought into use.

Reason: In the interest of providing security for the site and in the interest of prevention of crime and anti-social behaviour.
3. Notwithstanding the submitted details and before commencement of above ground works for the sports centre building hereby permitted, the following external material details to be used for the construction of the sports centre building shall be submitted to and approved in writing by the Local Planning Authority:
- the colour and finish details of the external timber cladding;
- the colour and finish details of the external zinc cladding;
- colour details of the Kalwall; and
- details and a sample of the stone to be used for the front entrance wall
The development shall thereafter be carried out in accordance with the details so approved.
Reason: To ensure a satisfactory elevational treatment for the development in the interest of visual amenity and the character and appearance of the area.

4. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted, details to show the finish floor levels of the sports centre building in relation to the existing and proposed levels of the site and the surrounding land, including the levels of the cricket pitch, proposed new car park and tennis courts areas, 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 details so approved.
Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to the surrounding land and buildings.

5. Prior to the installation of the solar panels on the roof of the sport centre building hereby permitted, full details to show the type and size of panels to be used and their arrangement on the roof, shall be submitted to and approved in writing by the Local Planning Authority. The solar panels shall thereafter be installed in accordance with the details so approved.
Reason: To ensure a satisfactory elevational appearance for the development, in the interest of visual amenity and residential amenity.

6. Prior to commencement of the development hereby permitted, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. In accordance with the principles set out on drawing number: OSP-SBA-SC-XX-A-DR-505E, the Phasing Plan shall include a timetable for the demolition of the existing swimming pool, and detail the timing of the delivery of the new sports centre building, car park and link road areas. The development shall thereafter be carried out in accordance with the details so approved.
Reason: In the interest of highway safety and local amenity.

7. Notwithstanding the submitted details and prior to commencement of the above ground works for the sport centre building, full details to show the location and design of storage facilities for bicycles, together with a timetable for provision, shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be provided in accordance with the details so approved and shall thereafter be retained in perpetuity.
Reason: In the interest of highway safety and to promote the use of sustainable modes in accordance with the NPPF and Policy 15 of the Joint Core Strategy.

8. The vehicular access and off-site highway improvement works (including footpath widening works) on Milton Road shown on drawing numbers: 1620001538-RAM-XX-00-DR-C-00520 Rev P01 and OSP-SBA-SC-XX-A-DR-507 (provided with the reserved matters permission ref: 16/02185/REM) shall be carried out and be completed before the new sports centre hereby permitted is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety.
9. In accordance with the submitted details, a one-way system shall be promoted and the spine road hereby permitted in the north eastern area of the site shall be restricted for use by coaches, service, maintenance and emergency vehicles only and shall not be used by cars or other types of vehicles. Prior to commencement of Phase 1 of the development hereby permitted, details to show the provision of signage for the one-way system shall be submitted to and approved in writing by the Local Planning Authority and the signage shall thereafter be provided in accordance with the details so approved before the spine road is first brought into use.
Reason: To ensure that the type and level of traffic would be commensurate and managed in accordance with that stated in the submitted Transport Statement, Highways Technical Note and 'Proposed Vehicular Access Diagram' (drawing number: OSP-SBA-SC-XX-A-DR-506 Revision E) and to ensure that the development is carried out as permitted, in the interest of highway safety in the absence of adequate turning areas for large vehicles on site.

10. The landscaping details shown on drawing number: AL5327-2003 Revision F shall be implemented strictly in accordance with the approved details no later than the first planting season following the first occupation of the development for Phase I (as identified on drawing number: OSP-SBA-SC-XX-A-DR-505E). Following the demolition of the existing swimming pool building, the landscaping details within Phase 2 shall be implemented in accordance with a timetable to be submitted to and be approved in writing by the Local Planning Authority.
Reason: To ensure a reasonable standard of development and in the interest of the visual amenity of the area.

11. Except where expressly stated by other conditions on this planning permission, the development hereby permitted shall be carried out strictly in accordance with the following approved drawings and details, received by the Local Planning Authority on 28.06.2017:
Drawing number: OSP-SBA-SC-XX-A-DR-502 Revision K - Proposed Site Plan
Drawing number: OSP-SBA-SC-XX-A-DR-505 Revision E - Proposed Phasing Diagram
Drawing number: 1481-SK-KP-2016-12-15 001 Revision A - GA Elevations
Drawing number: AL5327-2000 Revision F - Site Layout
Drawing number: AL5327-2001 Revision F - Tree Removal Plan
Drawing number: AL5327-2002 Revision F - Hard Materials Strategy
Drawing number: AL5327-2003 Revision F - Planting Strategy
Drawing number: OSP-SBA-SC-01-A-DR-012 Revision L - Proposed First Floor Plan
Drawing number: OSP-SBA-SC-ZZ-A-DR-101 Revision G - Cross Section
Drawing number: OSP-SBA-SC-ZZ-A-DR-102 Revision G - Long Section
Drawing number: OSP-SBA-SC-ZZ-A-DR-103 Revision G - Cross Section
Drawing number: OSP-SBA-SC-ZZ-A-DR-201 Revision G - GA Elevations
Drawing number: OSP-SBA-SC-ZZ-A-DR-220 Revision E - Proposed 3D Perspective Views
Drawing number: OSP-SBA-SC-ZZ-A-DR-221 Revision G - Internal Arrangement Views
Drawing number: AL5327-2006 Revision D - Detailed Plan 2 of 8
Drawing number: AL5327-2010 Revision C - Detailed Plan 6 of 6
Drawing number: AL5327-2100 Revision E - Site Section A
Drawing number: AL5327-2101 Revision E - Site Section B
Drawing number: AL5327-2102 Revision E - Site Section C
Drawing number: AL5327-2103 Revision E - Site Section D
Drawing number: AL5327-2201 Revision C - Steps detail

In addition, the development shall be carried out strictly in accordance with the following drawings, approved in connection with reserved matters permission
12. If it is brought to the attention of the Local Planning Authority that TV or radio interference to nearby residential properties has occurred as a result of the erection of the new sports centre building hereby permitted, details of measures to mitigate against such TV or radio Interference shall be submitted to and approved in writing by the Local Planning Authority. These details shall be submitted within 28 days of being advised by the Council that such problems are occurring. The details of mitigation measures shall thereafter be implemented in accordance with the details so approved within a reasonable time period as directed by the Local Planning Authority.

Reason: In the interests of protecting local amenity and to alleviate any adverse electromagnetic interference.

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.

2. The details pursuant to conditions 2, 3, 4, 5, 6, 7 and 9 are required because they are critical to the material considerations of the scheme. The development would not be acceptable without these details being first approved. Please note: An application will be required to formally discharge these conditions, as well as a fee and the determination period for this application is an 8 week process.

3. This permission does not confer consent to any external lighting and the applicant's attention is drawn to the other conditions on the outline planning permission i.e. condition 18 of the outline planning permission 14/00875/OUT which requires a scheme of lighting to be submitted prior to commencement of the development.

4. The applicant is advised that this consent does not give permission to alterations to boundary structures owned by third parties and the applicant would need to seek separate permission from the owner(s). In addition, before commencing any works the applicant should check his deeds to see if there are any covenants, private rights of way, or other legal restrictions which would preclude the work from being carried out.

5. The applicant's attention is drawn to the requirements of condition no. 2 (security and crime prevention details) of this reserved matters consent and is advised to enter into discussions with the Crime Prevention Officer at Northamptonshire Police in the preparation of the submission of details for the discharge of this condition.
6. The following additional information was taken into consideration in reaching this
decision:
Design & Access Statement
Drawing number: OSP-SBA-SC-XX-A-DR-504 Revision F - Proposed Site Masterplan

7. The developer/applicant’s arboriculturalist has proposed a site meeting within the
submitted Arboricultural Method Statement and the Council’s Tree and Landscape
Officer considers that a meeting would be of use to allow discussions to be undertaken
before works commences within the areas affecting the on-site trees. Therefore, the
applicant/developer is advised to contact the Council’s Senior Tree and Landscape
Officer on 01832-742148 (email: hpearson@east-northamptonshire.gov.uk) to arrange
a meeting.