## APPLICATIONS FOR DETERMINATION

### PLANNING MANAGEMENT COMMITTEE - 10 October 2018

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<td>18/01476/VAR</td>
<td>Land West Of Attley Way Irthlingborough Northamptonshire Variation of condition 3 and 14 to allow amended footpath layout pursuant to planning permission 18/00448/VAR dated 15.5.18 Variation of conditions 3 - Approved drawings and plans, 7 - Lighting Scheme and 14 - Landscaping pursuant to planning application 15/01191/FUL: Development of two buildings to provide an Aldi food retail store (Class A1) and day care centre (Class D1b), new car parking, landscaping, associated servicing and means of access Condition Number(s): 3 (approved drawings and plans) 14 (landscaping) Conditions(s) Removal: To adopt a slightly amended footpath layout which avoids using land in separate ownership. Condition 3 - The list of approved plans to be amended to substitute new drawings as follows: Omit drawing numbers Y11A43-P504 (site plan) and Y11A43-P505 (landscaping) as approved by 18/00448/VAR Add drawing numbers Y11A43-P604 (site plan) and Y11A43-P605 (landscaping)</td>
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2 Prospect Avenue, Rushden

Not Set
PLANNING ISSUE

PLEASE NOTE

THESE DRAWINGS ARE FOR THE PURPOSE OF PLANNING ONLY

THESE ARE NOT CONSTRUCTION DRAWINGS

Please note this drawing displays the extensions to no. 2 - As approved 12th February 2016 under ref. 18/00289/FUL.

60deg. lines applying to GF.

45deg. lines applying to upper floors.

2no. 2100 x 1500 flat rooflights.

Single storey GF wrap around extension.

Rear garden to comprise of mixed lawn and paved areas.

60deg. lines applying to GF.

45deg. lines applying to upper floors.

2no. rooflights to rear gable 1100 x 700.

3no. rooflights to rear gable 660 x 1100.

Front garden to be hard standing to allow for sufficient parking.

Proposed Site Plan

Scale 1:200
The application has been called-in to Planning Management Committee at the request of a Ward Member, Councillor D. Maxwell mainly due to concerns about the impact on the adjacent property no.4 Prospect Avenue, parking and highway safety issues.

1. Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The proposal is for subdivision of the garden of the existing property and the erection of a detached three bedroom dwelling. The proposed dwelling would be 2.5 storeys tall and would have living accommodation over three floors, (with the third bedroom being in the roof space). The existing detached garage would be demolished to make room for the dwelling and a shared vehicular access, with tandem parking, is proposed to serve the new dwelling and existing dwelling at No.2 Prospect Avenue.

2.2 The design of the dwelling and parking and access layout have been amended several times during the course of the application and re-consultations were carried out with neighbours and other consultees. The latest set of revisions show the new property with a different design, sited further away from No.4 than before, and with more design elements (i.e. chimney/bay window) taken from the surrounding properties. The extension to the existing property at No.2, which was missing from earlier drawings, is now shown on the plans.

3. The Site

3.1 The site forms part of the residential curtilage of No.2 Prospect Avenue and contains a vehicular access, parking, a garage and gardens.

3.2 The properties along the road all front onto the street, and comprise mainly of 1940s style semi-detached two-storey houses; although detached houses and bungalows of varying design and age can also be found along the street.
4. Policy Considerations

4.1 National Policy
National Planning Policy Framework (NPPF) 2018
National Planning Practice Guidance (NPPG) 2018

4.2 North Northamptonshire Joint Core Strategy 2011-2031 (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 3 - Landscape Character
Policy 4 - Biodiversity & Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development of Brownfield Land and Land affected by contamination
Policy 8 - Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 10 - Provision of Infrastructure
Policy 11 - Network of Urban & Rural Areas
Policy 15 - Well-connected Towns, Villages and Neighbourhoods
Policy 29 - Distribution of New Homes
Policy 30 - Housing Mix & Tenure

4.3 Rushden Neighbourhood Plan 2018
Policy H1 - Settlement boundary
Policy H2 - Location of new housing development
Policy H4 - Market housing type and mix
Policy EN1 - Design in Development
Policy T1 - Development generating a transport impact

4.4 Supplementary Planning Documents/Guidance
Upper Nene Gravel Pits Special Protection Area SPD 2016
Sustainable Design SPD 2009
Domestic Waste SPD 2012

4.5 Other Documents
Highway Authority Standing Advice for Planning Authorities 2016
Northamptonshire Parking Standards 2016
Technical Housing Standards – Nationally Described Space Standard 2015

5. Relevant Planning History

5.1 Planning permission was recently granted for various extensions and alterations to the existing dwelling no.2 Prospect Avenue ref: 18/00280/FUL.

5.2 Prior to the submission of the application, the applicant sought to enter into pre-application discussions with the Local Planning Authority under ref: 18/00431/QRY (as stated on the submitted application forms), in accordance with Paragraphs 188 and 190 of the former NPPF 2012 (now Paragraph 38 of the 2018 NPPF).

5.3 Planning permission was granted back in 1988 for the construction of a dwelling house on the site with integral garage and the provision of a separate garage and new access for the existing house ref: 88/01184/FUL.
6. Consultations and Representations

6.1 Neighbours
Four objections received to the first set of proposals (the plans of which have now been superseded) and the reasons/comments are summarised below:

- The proposed house is not in proportion to the size and scale of the plot and would be cramped;
- There are no other three storey properties on Prospect Avenue;
- The materials and colours are out of keeping with the local area and the "period quality of the avenue";
- The roofline appears to be higher than the neighbouring properties;
- A bungalow positioned behind no.2 would be more appropriate, not a 4-bed property squashed into the site;
- Concerns about the position of the roof lights being too high and far back and the impact on the neighbouring premises;
- Concerns about the position of the new boundary and overlooking;
- The boundary hedge to the neighbouring property has not been correctly shown and the neighbour's hedge is not shown;
- Natural screening from trees and hedges along the boundary should be retained to provide privacy for neighbours;
- The access for no. 2 would be dangerous, on a bend and if there are already cars parked on the road.
- Concerns about parking as this is an existing problem on Prospect Avenue, "There would be a significant impact on parking congestion and highway safety as a result of all these additional vehicles" (arising from the development);
- Concerns about obstruction to neighbouring access and parking;
- Double yellow lines should be considered from the junction with Higham Road to past no.2a - this would make the junction much safer for all users;
- The proposed parking spaces do not appear to be usable, suitable and does not meet Northamptonshire Parking Standards;
- Two of the spaces would be in tandem which the standards say are inconvenient and should be avoided;
- There does not appear to be any swept-path analysis;
- The proposal would lead to neighbour disputes and have safety implications;
- Concerns about the provision of a cycle/bin store, due to noise and environmental issues with odours and damp;
- Impact on foundations following removal of the garage.

6.2 Following the re-consultations carried out, two letters of objection were received to the revised/amended proposals. The concerns in the first one are summarised/set out below:

"It is an improvement on the previous plans that the sideways parking space in front of number 2 has been deleted. This was not at all practical... However, the revised proposals still do not meet Northamptonshire Parking Standards, and there are other practical issues";
- The driveway and parking space dimensions do not meet Northamptonshire Parking Standards which require parking spaces located against a wall or if there are no separate pedestrian access to measure 3.3 metres in width;
- "Chapter 3 of the Standards say that on plot tandem (in line) parking is inconvenient and should be avoided as both spaces are rarely used";
- "On the revised plans, all the spaces are tandem spaces. As the Standards confirm, these wouldn't be used, and residents would park on the road instead. This would impact on congestion and safety. Number 2 is the first house on that side and it is just past a small bend. There is congestion near the corner because of the shop and cars which Higham Road residents park in Prospect Avenue. Visibility is already poor and adding extra vehicles would impact on safety".

- The proposal removes parking for no. 2 and inadequate parking would be provided for no.2 and the proposed dwelling no.2A. No.2A is described as a 3 bedroom property, however, there is another first floor room labelled 'study' which is large enough for a bedroom; so the property is a 4 bedroom property to which 3 parking spaces, plus 1 visitor space would be required;

- Covered cycle storage would be required of 4 spaces for no.2A and 5 spaces for no.2, and this is not shown/ cycle storage previously proposed has been removed;

- Removal of the front wall or any front boundary would be contrary to the character of the local area;

- No boundary wall or fence is shown between no.2 and no.2A and this leading to boundary disputes;

- No rear access is shown;

- An alternative layout should be considered: "Why not put the proper number, arrangement, and size of spaces at the side of number 2. Then there could be a narrow drive at the side which would go back to the back part of the long current garden...where a new 2A could be built...Something similar has been done at number 26 Prospect Avenue so there is a precedent".

6.3 The second letter expresses concerns which are summarised as follows:

- The proposed dwelling will be too close to the one at number 4 and it will not be possible to carry out proper maintenance in the gap.

- The proposed dwelling will impact on the privacy and light received at number 4.

- The construction of the new house could cause damage to the foundations of the one at number 4.

- The proposal will have an adverse impact on the street scene making it look over developed.

- The proposal and the existing house will have inadequate parking provision.

- The drawings are misleading as an approved extension at number 2 is missing from them. This needs taking into account.

6.4 Following the most recent revisions, two further letters of objection were received from local residents, and the concerns raised are summarised as follows:

- The proposal does not meet the Northamptonshire Parking Standards for No.2 or 2A in terms of amount or specification

- Disappointing to see the sideways spaces reinstated – these are impractical, wouldn't be used and may lead to parking on the pavement.

- Safety concerns owing to congestion on the road and perceived overspill of vehicles from the existing and current properties onto the highway.

- Subsidence concerns (not a planning consideration) and practical matters – namely the lack of a defined boundary between Nos 2 and 2A.

6.5 Rushden Town Council

Responded with no objections to the originally submitted plans, or any of the later revisions.
6.6 Ward Member
Has highlighted various concerns and these are summarised as follows:

- Impact on the neighbouring property no.4 Prospect Avenue;
  - Loss of privacy/overlooking to the neighbouring garden; “The study/bedroom on
    the third floor has a window overlooking on both properties”;
  - “It would also interfere with the water table because springs at the tops of these
    gardens and to the side of their property. No.4 was built in 1890”;
- The distance between the proposed dwelling and no.4 Prospect Avenue would
  only be 400mm “how would you get between the two buildings if no.4 needed to
  point the wall to deal with water flow?”;
- Reference is made to the Local Highway Authority’s comments dated 11.06.2018.
  However these comments relate to the first set of proposals which have since
  been superseded;
- Concerns about access for fire and rescue vehicles;
- Tandem parking should not be allowed and this has been rejected by
  Northamptonshire Highways;
- Prospect Avenue is a very busy road which has its own traffic issues;
- “Government policy states that there should be no houses built in peoples gardens”;
- “Under the Localism Act 2011 residents have a right to be heard under Section 5.2…
  The provision does not prevent a person from continuing to exercise any right to
  freedom which that person might reasonably expect to continue to exercise”.

6.7 Local Highway Authority (Northamptonshire Highways)
In their Memorandum dated 17.09.2018 confirms that they raise no objections, but ask
that the parallel (sideways) spaces are omitted. They refer the Council to the
conditions contained in their Standing Advice regarding the construction of the parking
and access areas (in particular, gradient, drainage and surfacing).

7. Evaluation

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

7.2 Principle of Development
Planning permission was granted back in 1988 ref: 88/01184/FUL for the construction of
a four bedroom detached house on the site with an integral garage and the provision
of a separate garage and new access for the existing house. As this planning
permission expired and dates from some time back, very limited weight can be given to
this and the proposals would need to be reassessed against current planning policies
and relevant material planning considerations. Nevertheless, it is considered that the
principle of an infill dwelling on the site could be difficult to resist as the construction of
a dwelling in this location was previously established.

7.3 The recent National Planning Policy Framework (NPPF) 2018 sets out support for
development that makes efficient use of land/ densities; nevertheless, Local Planning
Authorities are required to take into consideration “the desirability of maintaining an
area’s prevailing character and setting (including residential gardens)” and “the
importance of securing well-designed, attractive and healthy places” (Paragraph 122 d
and e, NPPF 2018) in making planning decisions.

7.4 Rushden is identified in the adopted North Northamptonshire Joint Core Strategy (JCS)
2016 as a ‘Growth Town’ with focus for infrastructure investment and higher order
facilities to support employment, housing, retail and other types of development.
Policies H1 and H2 of the Rushden Neighbourhood Plan 2018 permits windfall housing
development within the settlement boundary where it accords with other policies of the
Development Plan.
7.5 In addition, Policy 11 2) a) of the JCS requires new development to be "at a scale appropriate to the character and infrastructure of the town" and Policy EN1 of the Rushden Neighbourhood Plan sets out the key design principles which apply to all new developments. This requires new developments be of a high quality of design, have an understanding of local character and "respect the prevailing density and pattern of development".

7.6 Therefore, the fact that the site comprises of garden land does not preclude development from taking place; and in considering this proposal, the Council would need to consider the impact of the proposed development on the local area in terms of visual/ character impact, highway safety, residential amenity, in addition to other material planning considerations.

7.7 Visual Impact/Character and Appearance
The scale and appearance of the dwelling has been amended during the application process and the newest set of plans now show a property which is sited further away from No.4, has a different roof design and now includes more design elements such as a chimney and bay window, which are reflective of other properties in the street.

7.8 Following the latest set of revision, it is considered that it would be difficult to refuse the proposed development on grounds of it being cramped, as infill detached houses of a similar scale/ plot size as that proposed can be immediately found on the opposite side of the road and the parking area between the existing and proposed dwellings would help to create a sense of space.

7.9 The proposed dwelling would be 2.5 storeys and this would be of a similar height as the adjacent dwellings. There would be rooms in the roof space and a single storey side/rear element. Overall, given the mixture of property design/styles in the area and the improvements made to the design and layout, the proposed dwelling would be difficult to refuse on design grounds. Nevertheless, should the Council be minded to approve the proposal, a condition would be necessary to ensure that suitable materials and external finishes are used for the construction of the building.

7.10 Residential Amenity
_Nos.2 and 4 Prospect Avenue - _The proposed dwelling would have a degree of overbearing and overshadowing impact on the two ground floor windows in the east facing side of No.2 Prospect Avenue. However, as it appears that these are secondary windows and are not the only windows serving the room/ area, the impact would not be sufficient to justify the refusal of the application. To prevent overlooking on the adjacent premises, a condition would be necessary to ensure that no new window openings be created in the west side of the proposed dwelling in the future. Following subdivision of the existing garden for the proposed dwelling, adequate gardens would remain available for the existing dwelling at No.2. Suitable boundary treatments can be conditioned to ensure adequate privacy at ground floor level.

7.11 Whilst the proposed dwelling would be positioned close to the neighbouring property No.4 Prospect Avenue, it has now been moved further away and it is considered that there would be no substantial impact on this property in terms of overlooking, overshadowing or overbearing. This is because No.4 has no windows/doors in the west side that would be directly affected by the proposal. Whilst there would be some overlooking between the first floor rear windows of the proposed dwelling with the neighbouring gardens of nos. 2 and 4, it is considered that this degree of overlooking would not be sufficient to justify refusal of the application.
7.12 All other dwellings would be positioned further away to avoid undue overbearing, overshadowing and overlooking. Again, subject to suitable boundary treatment being provided to enclose the rear garden of the proposed dwelling, this would ensure that adequate privacy would be maintained for the neighbouring occupiers as well as the future occupiers of the proposed dwelling. A number of roof lights/ windows are proposed – it is considered that these would be positioned high enough on the roof slope and a sufficient distance away from the surrounding neighbouring properties/ gardens such that no undue overlooking would occur.

7.13 **Impact on Future Occupiers** - The proposed dwelling would have an internal floor area (168m²) compliant with the National Space Standards for a three bedroom dwelling spread over three floors for 6 persons (requirement 130m²). The rear gardens for both the existing and new properties are also considered to be of a reasonable size.

7.14 **Highway Impact**

Policy T1 of the Rushden Neighbourhood Plan states that “Planning permission will only be granted for development that generates a transport impact if the development would not result in an unacceptable impact on any aspect of the transport network”.

7.15 Policy 8 b) ii) of the adopted Joint Core Strategy states that development should make safe and pleasant streets and spaces by “…resisting developments that would prejudice highway safety” and “ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards”.

7.16 Northamptonshire County Council’s Parking Standards (2016) requires two off-road parking spaces to be provided per three bedroom dwelling, plus one visitor space per dwelling across the development and one secure cycle space per dwelling. In early 2018, the Local Highway Authority (LHA) reduced their visitor parking space requirement to 0.25 spaces per dwelling.

7.17 The submitted layout shows that two off-road parking spaces would each be provided for the proposed dwelling and existing dwelling, and these parking spaces would be served off a shared access driveway. The parking spaces would each measure 5.5 metres in length and 2.9 metres wide (11 metres in length for tandem spaces). The LHA has no objection to these spaces, but has asked that the parallel (sideways) spaces be omitted.

7.18 Omission of these spaces, whilst technically correct and desirable, is not considered to be necessary in this case. No.2 Prospect Avenue could already pave their front garden under permitted development for this purpose (as other properties along Prospect Avenue already have done), and given the continuous residential nature of the street, it is not considered to be unusual for sideways spaces to be present where the buildings are closer to the road.

7.19 Imagery from Google Street View shows that a large proportion of vehicles already park partially on the pavement, so the opportunity to prevent this, and to provide three spaces for each property, albeit in tandem form, is considered to be both favourable and reasonable in this case.
7.20 For a development of 1 dwelling, the LHA’s Parking Standards require 0.25 visitor parking spaces to be provided for each dwelling and one covered cycle parking space provided for each bedroom of the new property. The Council would not be able to apply the Parking Standards to No.2 Prospect Avenue and require that visitor and cycle parking be provided for the existing dwelling, as this is an existing property. Therefore, the proposal generates the requirement for 0.25 visitor parking space and 3 cycle spaces, and the application does not make provision for these facilities. It is considered that it would not be reasonable to refuse the application for these reasons, having taken into consideration the scale and nature of the proposals. Furthermore, if required by the future occupiers, it would be possible to accommodate the cycle parking within the rear garden of the properties.

7.21 Concerns have been raised by local residents that the proposal would impact on highway safety as it would introduce additional vehicles in a location close to a bend, where there is congestion on the road corner because of the shop and cars where many Higham Road residents park and where visibility is poor. In addition, concerns have been raised that the proposal would lead to neighbouring accesses being obstructed by parking. It would be difficult to refuse the application on highway safety grounds in the absence of an objection from the LHA and given the small level of traffic that a single dwelling would generate. Furthermore, it could be noted that the proposed dwelling would be positioned some distance away from the road junction to Higham Road (of over 50 metres) and the Local Highway Authority has no issues in principle to the location of the proposed access and parking spaces subject to these being laid in accordance with the LHA Standing Advice. Accordingly, conditions have been recommended to ensure that the access and parking areas be constructed using appropriate hard surface materials, that drainage be provided to prevent the unregulated discharge of surface water onto the highway and that no gates be installed from the highway boundary, to satisfy the requirements.

7.22 SPA Mitigation
The site lies within 3km from the Upper Nene Valley Gravel Pits Special Protection Area (SPA). Policy 4 of the Joint Core Strategy and the Council’s adopted SPA SPD 2006 seeks to secure a Mitigation Strategy for the Nene Valley SPA and Policy 4 d) requires "Developments that are likely to have an adverse impact, either alone or in combination, on the SPA or other European Designated Sites must satisfy the requirements of the Habitat Regulations, determining site specific impacts and avoid or mitigating against impacts where identified".

7.23 The proposed development by nature would add pressures towards the SPA and mitigation by way of a contribution payment of £269.44 per dwelling would normally be required and in the instance that mitigation is provided by way of payment then a Habitats Regulations Assessment would not be required. Satisfying these policy requirements, the relevant mitigation payment contribution was received from the applicant on 01.06.2018.

8 Other issues

8.1 Waste and Recycling
No bin/ recycling storage is shown on the amended plans, however, no significant issues have been identified as bins could be stored at the rear of the property and be presented adjacent to the highway in a similar manner as the existing properties on Prospect Avenue.

8.2 Access for Fire & Rescue Vehicles
This would be as per current arrangement for the existing properties on Prospect Avenue.
8.3 Impact on Wildlife
The existing garage would need to be demolished in order to accommodate the proposed dwelling. However, no significant wildlife issues have been identified as the site lies within the built-up area and due to the condition of the garage.

8.4 Comments Received as a Result of Consultation
“Removal of the front wall would be contrary to the character of the area” – It would be difficult to insist on the provision/retention of front walls/boundary treatment, as there are a number of properties along the street and opposite the site without front boundary treatment(s).

8.5 Neighbour disputes, including the impact on property foundations/damage caused to neighbouring boundaries, damp – These are not material planning considerations. This is a separate civil matter between the developer/contractor and the neighbouring land/property owner.

8.6 The distance between the proposed dwelling and no.4 Prospect Avenue would only be 400mm “how would you get between the two buildings if no.4 needed to point the wall to deal with water flow?” – Access for maintenance is not a material planning consideration but the latest plans have now increased that gap to approx. 0.8m.

8.7 Obstruction to neighbouring access due to parking – Again, this is a separate civil issue.

8.8 A bungalow or other alternative proposals should be considered – The Council is required to consider the proposals as submitted and on their individual planning merits.

8.9 “No boundary wall or fence is shown between no.2 and no.2A” – The location and specific type of boundary treatment could be dealt with by the recommended condition (condition 3 below). However, it is considered that boundary fencing/wall to delineate the parking for the new dwelling and existing property no.2 Prospect Avenue would not be necessary and would be unreasonable to insist in this instance.

8.10 “No rear access has been shown” – A gate is identified on the submitted drawing 17-147-13G.

8.11 Environmental issues, i.e. noise and odour - The proposal for a single residential dwelling by reason of scale and nature is unlikely to lead to any significant issues with regards to noise, odour and other environmental pollution. However, in the interest of the amenities of the neighbouring occupiers and local amenity, a condition would be necessary to manage the construction working hours.

8.12 “There does not appear to be any swept-path analysis” – The LHA Standing Advice does not oppose to accesses which allow vehicles to reverse onto the highway and a swept-path analysis would not normally be required for access and parking proposals such as this.

8.13 “Double yellow lines should be considered from the junction with Higham Road to past No.2a” – Should local residents consider this to be necessary, they can put forward a case to Northamptonshire County Council. However, such a requirement would be excessive in light of the scale and nature of the development proposed in this application and would not be compliant with the ‘conditions tests’ set out in the 2018 NPPF and NPPG.
8.14 *Flood Risk, Surface Water Drainage, Sewerage, and “Interference with the water table and garden springs”*— These concerns are noted. The site lies in Flood Zone 1 and has relatively low risk of flooding. As for any development, adequate foul and surface water drainage would need to be provided for the proposal by the developer, compliant with Building Regulations and other legislative requirements.

8.15 *Localism Act 2011 residents have a right to be heard... and right to freedom*— Residents and the appropriate consultees have been given the opportunity to comment and their views have been taken into consideration in the assessment of this planning application.

9 **Conclusion/Recommendation**

9.1 It is recommended that planning permission be GRANTED subject to the following condition(s):

10 **Conditions/Reasons** -

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

2. Notwithstanding the submitted details and prior to commencement of development above slab level, samples of the external roofing and facing materials to be used for the construction of the dwelling and other external finish details shall be made available on site for inspection and shall be approved in writing by the Local Planning Authority prior to their use in construction. The development shall thereafter be carried out in accordance with the approved details.
   Reason: To achieve a satisfactory elevational appearance for the development and to ensure that the development would not detract from the character and appearance of the area.

3. Notwithstanding the submitted details and prior to first occupation of the new dwelling, full details of hard and soft landscaping, including boundary treatments to all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details and shall thereafter be retained in perpetuity.
   Reason: In the interests of visual amenity, crime prevention and to ensure adequate standards of privacy for neighbours and future occupiers.

4. In accordance with the submitted details, pedestrian visibility splays of 2.0m x 2.0m shall be provided on both sides of the vehicular access hereby approved. The areas of land forward of these splays shall be reduced to and maintained at a height not exceeding 0.6m above carriageway level.
   Reason: In the interest of highway safety.

5. The vehicular access hereby permitted shall have a gradient not exceeding 1 in 15 and the vehicular access shall be surfaced with hard bound bitumen or concrete materials for a minimum distance of 5.0 metres from the highway boundary to within the curtilage of the site. There shall be no run off of surface water from the site onto the public highway.
   Reason: In the interests of highway safety.
6. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no gates or other form of barrier shall be erected at the point of the vehicular accesses hereby permitted and there shall be no extensions, roof enlargements or additional windows installed at the property without the consent of the Local Planning Authority.

   Reason: In the interest of highway safety and residential amenity.

7. Deliveries, demolition or construction works shall not be carried out except between the hours of 08:00am - 18:00pm Mondays to Fridays, 08:30am - 13:00pm on Saturdays, and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

   Reason: In the interest of residential amenity and local amenity.

8. 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, received by the Local Planning Authority:

   Drawing number: 17-147-10C 'Existing & Proposed Street Scene'
   Drawing number: 17-147-12E 'Existing Floorplans'
   Drawing number: 17-147-13G 'Proposed Site Plan'
   Drawing number: 17-147-14B 'Proposed Site Plan'
   Drawing number: 17-147-15C 'Proposed Elevations – View A & B'
   Drawing number: 17-147-16B 'Proposed Elevations – View C & D'

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

1. In reaching this decision the Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with Paragraph 38. Amended plans and additional information were accepted during the course of the planning application and re-consultations were carried out to allow consultees and members of the public further opportunity to comment.

2. The following information was taken into consideration in reaching this decision:
   Application Forms
   Design & Access Statement

3. No works within the existing highway may commence without the express written permission of the Local Highway Authority (Northamptonshire County Council) and this planning permission does not give or infer such permission. The Highway Authority will only give consent to commencement works subject to the completion of an appropriate agreement within the Highways Act 1980. Separate consent may be required for works to the vehicular access with Pilton Road and the applicant is advised to contact the Local Highway Authority (Northamptonshire Highways at Northamptonshire County Council email: regulations@kierwsp.co.uk) to establish if a licence or legal agreement under the Highways Act 1980 would be required.

4. The applicant is reminded of their duties under the Wildlife and Countryside Act 1981 and this decision does not absolve him/her from complying with the relevant law and licence procedure relating to the protection of protected species and nesting birds. Should bats, nesting birds or other protected species be discovered during the works, works shall cease and Natural England be contacted for advice.

5. The developer/contractor undertaking the development is advised to take precautions to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development shall be removed immediately by the operator/contractor.

6. The applicant is advised that any planning permission granted does not absolve them from complying with other legislation and his attention be drawn to the Party Wall Act.
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 2017, as it seeks to vary conditions relating to a major planning application.

1. **Summary of Recommendation**

1.1 That the variation be APPROVED subject to conditions.

2. **The Proposal**

2.1 The ALDI store was originally approved by Committee under permission 15/01191/FUL and has been subsequently amended under reference numbers 17/01337/VAR and 18/00448/VAR.

2.2 This application proposes to vary the approved plans to alter the footpath link to Attley Way/Diamond Way, with associated alterations to the landscaping. Under the previous approval there would have been a ‘Z’ shaped pedestrian link to Diamond Way, which is now proposed to be removed as it has come to light that the land is in separate ownership. The pedestrian link to Attley Way would remain and the landscaping would be amended in light of the changes.

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) 2018
National Planning Practice Guidance (NPPG)
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  15/01191/FUL - Development of two buildings to provide an Aldi Food retail store (class A1) and day care centre (Class D1b), new car parking, landscaping, associated servicing and means of access – Permitted

5.2  17/01337/VAR - 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

5.3  18/00008/AMD - Non Material Amendment : Substitution of criblock construction retaining walls for approved gabion wall construction, pursuant to planning application 15/01191/FUL: Development of two buildings to provide an Aldi Food retail store (class A1) and day care centre (Class D1b), new car parking, landscaping, associated servicing and means of access
5.4 18/00448/VAR - Variation of conditions 3 - Approved drawings and plans, 7 - Lighting Scheme and 14 - Landscaping pursuant to planning application 15/01191/FUL: Development of two buildings to provide an Aldi food retail store (Class A1) and day care centre (Class D1b), new car parking, landscaping, associated servicing and means of access – Permitted

6. Consultations and Representations

6.1 Neighbours
One objection received to the new route of the footpath. The resident cites that this is a major change, and one which is more likely to make them drive to the site than walk to it.

6.2 Irthlingborough Town Council
Has no objection.

6.3 Local Highway Authority (Northamptonshire Highways)
Raise no objections to the proposal.

6.4 ENC Senior Tree & Landscape Officer
Has no objection to the submitted landscaping scheme.

7. Evaluation

7.1 The principle of development was established by the original planning permission ref: 15/01191/FUL. Therefore, all that the Council is able consider in this application are the changes proposed to the pedestrian link and landscaping.

7.2 Visual and Landscape Impact

7.3 Changes to the footpath link
The originally approved scheme (15/01191/FUL) included a winding footpath link to allow access for pedestrians from Diamond Way to the front of the store. Subsequent variations 17/01337/VAR and 18/00448/VAR have seen this relocated to the east of the site, with a 'Z' shaped link to Diamond Way, and a more direct route to Attley Way.

7.4 It has since come to light that the land on which the link to Diamond Way would be built is in different ownership. Therefore it is now proposed to omit this part of the footpath. The link to Attley Way would still remain.

7.5 This change would lengthen the route to the store from Irthlingborough but not substantially. One local resident has objected to the application on the grounds that the change is substantial and that the additional route length is more likely to make them drive to the site than walk to it.

7.6 Given the position of the site in relation to Irthlingborough, the change is not considered to be substantial. The new, slightly longer route would only take a few extra seconds to walk. There has been no objection to the proposal from the Town Council or Local Highway Authority and the proposed change is considered to be acceptable in this regard.

7.7 Landscaping
The Council's Senior Tree and Landscape Officer has assessed the proposed landscaping, which includes additional planting to the southern boundary, and does not object to the proposals. There are no other objections to the application on this issue and the changes are considered to be acceptable.
8 Other issues

8.1 Conditions on the existing approval which have already been agreed/partially agreed have been reworded/omitted accordingly.

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 development above slab level, a schedule of materials and finishes for the external walls and roof(s) of the day care centre 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 and details:

- Y11A43-P604 - ‘Site Plan with revised footpath as proposed’
- Y11A43-P605 - ‘Lanscaping Plan with S73 Variation to Footpath’
- B2340-MJA-P105-4184-D ‘Revised External Lighting’
- External Lighting Report & Specification Issue 1 dated 16.03.2018
- Y11A43 - P200 Rev C: Proposed Floor Plan (Retail store)
- Y11A43 - P201 Rev C: Proposed Elevations and Finishes (Retail Store)
- Y11A43 - P202 Rev B: Proposed Roof Plan (Retail store);
- 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 Irlhlingborough
- P14-128_Irlhlingborough_Transport Assessment (& appendices)
- Written Scheme of Investigation (WSI) (Event No. ENN108906 document Issue 3 dated 05.12.2017) (Agreed under Condition application 17/01505/CND)
   Reason: To clarify the terms of this 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. Following the approval of the Written Scheme of Investigation referred to in condition 3, 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.

6. Lighting shall be implemented in accordance with the details shown on drawing number: B2340-MJA-P105-4184-D and 'External Lighting Report & Specification' Issue 1 dated 16.03.2018 prior to any of the foodstore or day care centre being first brought into use and the lighting shall thereafter be retained and maintained in perpetuity.

   Reason: In the interest of minimising light pollution and preventing crime, anti-social behaviour and reducing the fear of crime.

7. The Scheme of Security shall be carried out in accordance with the following details, previously agreed under condition reference 17/01505/CND:

   - Y11A43-P009A
   - B2340-MJA-P105-4184-C 1 of 1

   Reason: In the interest of prevention of crime and anti-social behaviour.

8. Notwithstanding the submitted access details, 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 splays, 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.

9. The development shall be carried out in accordance with the following approved Construction Management Plan details as previously agreed under condition 17/01505/CND:

   - Construction Method Statement Revision C dated 14.08.2017
   - Drawing numbers: Y11A43-CM 01 Revision A and Y11A43-CM 02 Revision A

   Reason: In the interest of highway safety.

10. 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.
11. Before first use of the development hereby permitted, visibility splays 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. No planting or structures above a height of 0.6 metres above ground level shall interfere with the visibility splays.
   Reason: In the interest of highway safety.

12. 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.

13. The landscaping scheme shown on drawing number: Y11A43-P605 ‘Landscaping Plan with S73 Variation to Footpath’ shall be implemented in accordance with the approved details in the first planting season following the first occupation of the development.
   Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.

14. 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 or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
   Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development.

15. 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.

16. 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.
17. Bins shall be provided to serve the development hereby permitted and prior to the completion of the construction of the foodstore, 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.

18. Development shall take place in accordance with the following information relating to BREEAM, previously agreed under condition ref 17/01505/CND:

- ‘Building Regulations 2013 Part L Compliance Report (Design Stage)’ dated 24.05.2017
- BREEAM Pre-Assessment

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.

19. 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.

20. 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:

- Y11A43-P604
- Y11A43-P605
- Y11A43 - P006 Rev C

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to the surrounding land and buildings.

21. The retaining walls shall be strictly provided in accordance with the plans and documents so approved under non-material amendment application 18/00008/AMD.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to the surrounding land and buildings.

22. The off-site and on-site footpaths shall be provided in accordance with the details shown on drawing number: Y11A43-P604, before the foodstore hereby permitted is first brought into occupation, unless alternative details are submitted and approved in writing by the Local Planning Authority.

Reason: To ensure reasonable access to the site for pedestrians, cyclists and other users.
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 paragraph 38.

2. 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. To ensure that the proposed footpath link is appropriately linked to the surrounding highway footpaths, the applicant is advised to contact the Local Highway Authority (Northamptonshire Highways at Northamptonshire County Council email: regulations@kierwsp.co.uk) and to establish if a licence or legal agreement under the Highways Act 1980 would be required.