

APPLICATIONS FOR DETERMINATION

DEVELOPMENT CONTROL COMMITTEE - 28 April 2010

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Committee Report

Committee Date : 28 April 2010

Printed: 19 April 2010

Case Officer **Kate Freeman**

EN/09/00611/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
27 April 2009	19 June 2009	18 September 2009		Oundle

Applicant **Persimmon Homes (East Midlands) Ltd**

Agent **John Martin And Associates - Mrs V Coleby**

Location Land End Of Creed Road Oundle Northamptonshire

Proposal **Erection of 145 dwellings with associated open space, landscaping and access**

The application is brought forward for determination by Development Control Committee because it is a major proposal.

1.0 Summary of Recommendation

1.1. That authority to GRANT planning permission subject to conditions be delegated to the Head of Planning Services, the Chair of Development Control Committee and the Development Control Committee Ward Member upon completion of a Section 106 Agreement and subject to the receipt of acceptable revisions to the layout plan / house types (including additional conditions as necessary) as set out below.

2.0 The Proposal

2.1 This is a full application to build 145 dwellings. The site is accessed via the existing Creed Road development, off Glaphorn Road.

2.2 The scheme includes a mix of dwellings with a central area of public open space forming a continuation from the existing development to the east and including a LEAP and landscape planting. The density is 35 dwellings per hectare. The development would include 40% affordable housing.

2.3 The following plans, reports and information accompany the application:

- Planning Statement
- Design and Access Statement
- Housing Statement
- Layout Plan
- House Type Drawings
- Boundary Treatments Plan
- Flood Risk Assessment
- Transport Assessment
- Summary Transport Statement
- Indicative Travel Plan Strategy
- Landscaping Design Statement
- Landscaping Plans
- Extended Phase 1 Habitat Survey
- Phase 1 Desk Based Ground Report
- Archaeological Desk Based Assessment

- Indicative Specification for Archaeological Evaluation
- Archaeological Evaluation
- Statement of Community Involvement
- Sustainability Appraisal and Energy Statement
- Waste Management Strategy
- Utilities Assessment and Supplementary Information
- Proposed Heads of Terms for S106 Agreement
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2.4 Amended plans together with additional information were received 25 January 2010 and 03 February 2010 and re-consultations were undertaken in respect of these details.

2.5 The application is not EIA development and does not require an Environmental Statement.

3.0 The Site and Surroundings

3.1 The site is located to the northwest of Oundle town centre, with existing residential development to the north and east, open countryside to the west and Oundle School playing fields to the south. The site is within walking distance of the town centre; the centre of the site to the Market Square is approximately 1.4 kilometres (as the crow flies) or 1.7 kilometres (approximately 1 mile) (via Creed Road and Glapthorn Road).

3.2 The site area is 4.12 hectares and is currently used as agricultural land. No known public rights of way currently existing through the site. The site is relatively level throughout and in relation to surrounding land.

4.0 Policy Considerations

4.1 National Planning Policy

PPS1 – Delivering Sustainable Development (incorporating new statement on climate change)

PPS3 – Housing

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

PPS15 – Planning and Historic Environment

PPG17 – Planning for Open Space, Sport and Recreation

PPS23 – Planning and Pollution

PPG24 – Planning and Noise

PPS25 – Development and Flood Risk

4.2 East Midlands Regional Plan

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 13b – Housing Provision (Northamptonshire)

Policy 14 – Regional Priorities for Affordable Housing

Policy 17 – Regional Priorities for Managing the Release of Land for Housing

Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 28 – Regional Priorities for Environmental and Green Infrastructure

Policy 29 – Priorities for Enhancing the Region's Biodiversity

Policy 32 – A Regional Approach to Water Resources and Water Quality

Policy 35 – A Regional Approach to Managing Flood Risk

Policy 36 – Regional Priorities for Air Quality

Policy 39 – Regional Priorities for Energy Reduction and Efficiency

Policy 40 – Regional Priorities for Low Carbon Energy Generation

Policy 41 – Regional Priorities for Culture, Sport and Recreation

Policy 43 – Regional Transport Objectives

Policy 45 – Regional Approach to Traffic Growth Reduction

Policy 46 – A Regional Approach to Behavioural Change

Policy 48 – Regional Car Parking Standards

Policy 49 – A Regional Approach to Improving Public Transport Accessibility

Policy 53- Regional Trunk Road Priorities
Policy 54 – Regional Major Highway Priorities
Policy MKSM SRS Northamptonshire 1
Policy MKSM SRS Northamptonshire 2

- 4.3 MKSM Sub-Regional Strategy
Strategic Policy 3- Sustainable Communities
- 4.4 North Northamptonshire Core Spatial Strategy
Policy 1 – Strengthening the network of settlements
Policy 6 – Infrastructure Delivery and Developer Contributions
Policy 7 – Delivering Housing
Policy 9 – Distribution and Location of Development
Policy 10 – Distribution of Housing
Policy 13 – General Sustainable Development Principles
Policy 14 – Energy Efficiency and Sustainable Construction
Policy 15 – Sustainable Housing Provision
- 4.5 Northamptonshire County Structure Plan
No relevant saved policies.
- 4.6 East Northamptonshire District Local Plan
GEN3 - Infrastructure, Services and Amenities
H4 - Housing Types and Sizes
RL3 – Open space for New Development
RL4 – Play areas for New Development
- 4.7 Other Relevant Policies / Documents
Rural North, Oundle and Thrapston Plan (Inspector's modifications 8 July 2009)
ENC SPD – Developer Contributions
NCC SPG – Crime and Disorder
NCC SPG – Parking
North Northamptonshire Sustainable Design SPD
North Northamptonshire Annual Monitoring Report, December 2009
Safer Places – the Planning System and Crime Prevention 2004

5.0 Planning History

There is no relevant planning history relating specifically to the redevelopment of the site currently being considered. However, the following relate to the land immediately to the east of the application site (known as the existing Creed Road development):

- 5.1 EN/94/00182/OUT - Residential development. Outline planning permission approved 25.02.1997.
- 5.2 EN/96/00855/REM - Residential development (144 houses) and estate road. Reserved Matters approved 11.07.1997.
- 5.3 EN/99/00386/REM - Residential development (24 houses - change of house types). Approved 23.09.1999.
- 5.4 EN/00/00294/FUL - Change of house type (Plot 15). Approved 03.07.2000.
- 6.0 Consultations and Representations
- 6.1 ENC Planning Policy: No policy objections.

6.2 ENC Housing Strategy: The proposed affordable housing provision is in line with current policy. The affordable dwelling types are predominantly (65%) smaller dwellings, which fits with the requirements for Oundle. The layout, tenure split and housing mix is acceptable.

6.3 ENC Design and Landscape Officers: Initial concerns / concerns summarised as follows:

- Location and nature of some planting.
- Location, size and shape of the LEAP which dominates the eastern portion of the open space and creates a visual barrier between the two areas.
- Concept of mown path within the open space is well founded – further details required regarding composition of grass as well as that around the tree at the western end of the open space.
- Varying stock sizes should be used for tree planting.
- Clarification required regarding which trees are to be retained together with protection measures.
- Further details required of hard surfacing around trees.
- Retention and reduction in height and width of existing hedgerows.
- Reduce reliance on standard house-types.
- Enhance legibility of the site.
- Reduce the rear parking courts.
- Revise position of LEAP / orientation of surrounding development to ensure it is well overlooked.

Following the receipt of amendments, the Design Officer is satisfied that issues regarding the built form and its relationship to the streets have been resolved. However, the 1.2 metre high hedge around the periphery of the open space is strongly opposed and the Design Officer has recommended that it is removed to allow free and informal use of open space and to prevent visual barriers which could adversely alter users' perceptions of safety. Comments are outstanding from the Landscape Officer in respect of the amendments. These, together with any relevant landscaping conditions will be reported to Members as a Committee Update.

6.4 ENC Environmental Protection Officers: No objection subject to conditions in respect of contamination, noise / dust and air quality.

6.5 ENC Waste Manager: Various comments regarding waste storage and collection. These matters are discussed in the relevant section below.

6.6 NCC Archaeology: No objection subject to a condition relating to the investigation and recording of any remains that would be affected should permission be granted.

6.7 NCC (Developer Contributions Project Manager): request contributions towards education, fire and rescue resources and fire hydrants and library services.

6.8 NCC Fire and Rescue: request contribution per household towards local fire and rescue infrastructure costs. Development would require up to three fire hydrants which should be designed into the development – condition suggested.

6.9 NCC Highways: No objection subject to conditions and a s106 agreement to secure public transport infrastructure enhancements.

6.10 Anglian Water Services: No objection to the revised Flood Risk Assessment.

6.11 Environment Agency: No objection subject to conditions relating to flood risk, environmental infrastructure (foul water drainage) and groundwater and contaminated land.

6.12 Highways Agency: No objections to the proposal.

6.13 English Heritage: The application should be determined in line with national and local policy guidance and on the basis of your specialist conservation advice.

6.14 Eon (Central Networks): No objection.

6.15 North Northants Badger Group: No objection

6.16 NNJPU Sustainable Design Advisor: No objection subject to condition.

6.17 Northamptonshire Wildlife Trust: No objection; various comments which are discussed in more detail below.

6.18 Natural England: No objection subject to conditions.

6.19 Northamptonshire Primary Care Trust: Formal response awaited. Anticipated that this will be received prior to Development Control Committee and will be reported to Members as an Update.

6.20 Northamptonshire Crime Prevention Officer: No objection - comments summarised as follows:

- With regards to rear parking courts, recommend that some fencing is amended to increase surveillance into these areas. For example, use of 'hit and miss' or 1500mm close boarded fencing with 300mm trellis topping. All rear access to be lockable.
- Lighting details should be provided including for the vehicle parking areas, private drives and public open space.
- Landscaping details to incorporate dense defensive planting where necessary i.e. against blank walls and fences.
- Two roads with hammer heads to north of site need to have knee rail height post and metal fencing to prevent unauthorised vehicular movement on public open space.
- Communal door sets should be access controlled.
- Bin and cycle stores should be securely lockable.
- Ideally full Secured By Design accreditation should be sought as a minimum requirement. Request that condition be imposed if approved to require secure doors and windows.

6.21 Oundle Town Council: Objections received in response to initial consultation in respect of the following:

- Density is too high.
- Highways issues: limited access to the site via existing development; impact on Cotterstock Road junction; provision should be made for immediate or future access from Benefield Road; existing parking problems at Creed Road would be exacerbated; the access passes a children's play area; effects of construction traffic on existing estate roads.
- Flooding: existing development has caused flooding in surrounding areas; appears to be no plans to ameliorate negative effects of further housing.
- Insufficient open space provision.
- S106 contributions proposed are inadequate.

Further objections have been received from Oundle Town Council in response to the re-consultations following the receipt of further information in January 2010:

- Local policy context: since the initial consultation response, the RNOTP as amended by the Government Inspector, has been rejected by ENC. The grounds for rejection included the watering down of core principles to address infrastructure shortfalls, before any such development would be approved. The planning application should be rejected until analysis has taken place and action

taken to bring services to an acceptable level. This is a substantial development in a town with limited employment facilities.

- The density is too high and significantly higher than the existing estate to which it is attached.
- Highways issues: insufficient time to consider the revised transport assessment and concerns regarding some of the data within it; no consideration of parking within the new development and the town; considerable parking issues on existing Creed Road development which would be exacerbated in new development with additional density proposed; would significantly impact on existing lack of parking facilities in the town; risk to safety and danger to children in any access/egress through current site.
- No specific proposals to provide cycle facilities to access the town to contribute towards modal shift.
- Existing residents were told that access to new development on this site would be via Benefield Road, which influenced their decision to purchase their houses. Request that this be investigated. Request that a permanent access to the site be provided via Benefield Road.
- S106 contributions: insufficient time to consider education requirements; proposed healthcare provision is unsubstantiated and being questioned; library provision is unexplained; recreation provision is still uncertain.
- Request delay to the consideration of the application to enable time for the research and consultation to take place.
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6.22 Sport England: Various comments regarding on-site and off-site open space and sports facilities provision. These matters are discussed in the relevant section below.

6.23 Fletton House Community Resource Centre, Oundle: Request s106 contributions.

6.24 Petition received with 60 signatures in support of a temporary haul route for construction traffic direct from Benefield Road to the site (imposed as a condition of planning permission) for reasons for highway safety (including for pedestrians) and amenity.

6.25 Neighbours: 27 letters have been received at the time of writing the report; their comments, concerns and objections are summarised as follows:

- The decision should be delayed until after the RNOTP is agreed.
- There are too many unanswered questions about Oundle's infrastructure to allow the approval of a major planning application at this stage.
- The wording of the draft policy is unhelpful as it is loosely defined and open to interpretation.
- Is the sequence for development in Oundle Ashton Road first and then Creed Road? Why has this changed?
- The consultation on the RNOTP has not given residents adequate opportunity to assess the potential impact of this major development.
- Development is contrary to Core Spatial Strategy Policy 6 in that it fails to propose adequate mitigation for the impact of the development on surrounding infrastructure services and facilities.
- Concerns about noise and pollution from additional traffic – in particular construction traffic. Hours of construction should be imposed.
- Traffic queues at access to the site to turn into Glaphorn Road at peak times in the morning at present; if another 145 dwellings are added to this the road would not cope at this time of day.
- Additional traffic would make the roads unsafe for children to play outside.
- Hillfield Road and Creed Road cannot provide adequate access to the new development.
- Increased noise and dirt from additional traffic including construction vehicles.
- Alternative access should be considered via Benefield Road.
- Concerns regarding impact of construction traffic on safety of children and others.

- Access would require two sharp 90 degree turns and negotiation of a quiet roundabout. Route is next to an under 10s playground and crosses a walking route for school children.
- Risk of piecemeal decisions relating to location of development in Oundle would have an adverse cumulative effect on traffic.
- Concerns regarding capacity of Hillfield Road and Creed Road to cater for additional traffic; roads are narrow and constrained by design and cars are often parked on either side of the road.
- Concerns regarding impact on New Road from people using this to access A605. Suggest one-way system could be considered.
- Traffic calming measures are required in Hillfield Road and Creed Road due to speed of vehicles using these routes; more traffic would increase these problems.
- Proposed development would create a 'rat-run'.
- The road network in Oundle cannot take traffic from the scale of this development.
- Creed Road already struggles with parked cars, which creates traffic flow issues and access problems for larger vehicles.
- Existing problem with loose manhole covers; increased traffic would further deteriorate quality of roads.
- Walkways and paths as well as Glaphorn Road are already in need of repair and the increased vehicle and foot traffic would add to this.
- New development would be better placed within easy access to A605 as majority of people travel to work outside Oundle.
- Emergency vehicle access to the development would be severely hindered due to the existing density of on street parking in the estate, particularly Creed Road.
- Inadequate parking allowed in the development – would result in increased on street parking.
- Already insufficient parking in town centre.
- Development would put an extra burden on already overstretched parking capacity in Oundle. Would adversely affect local traders as more people would travel to Corby or Peterborough to shop as they would not be able to park and 'pop' to the shops in Oundle.
- Public transport to the wider area is poor – no rail service within 10 miles of the town and no buses to local market towns such as Stamford.
- A605 is already overburdened with local traffic and significant volumes of large lorries.
- Occupiers would be required to rely on cars on roads that are already busy.
- The 145 new houses would have a disproportionately adverse effect upon the roads of Oundle and its environs.
- There is no green route (walking / cycling) linking the Pavillions or new development to Oundle town centre – the development would push more children onto Glaphorn Road – this fails H&S environmental tests.
- New access road linking new development to Benefield Road would result in loss of green fields and future pressure to build along the new road.
- The cul-de-sac form of the existing development should be continued rather than create a racetrack.
- Development of low cost housing in the villages is a priority.
- Insufficient services to accommodate new development. Ambulance station has closed, fire station has previously been proposed to be closed, lack of police on the streets.
- Facilities in Oundle have reached their optimal level - such as schools, health provision, emergency services, public transport, parking, water and sewerage facilities.
- New medical and dental facilities would be required.
- There is no 24 hour police presence in Oundle.
- Plans show plot 1 immediately adjacent to 63 Creed Road. Proximity of the new dwelling would significantly reduce natural light into the adjacent house and the

garden and rear windows would become shadier. The new dwelling would also overlook the back garden and rear rooms of 63 Creed Road.

- Two dwellings proposed to rear of 61 Creed Road would result in loss of light to garden and rooms at the rear of the house and would cause overlooking.
- Concerns regarding loss of light and overlooking towards 21 Monson Way, together with loss of outlook.
- Concerns regarding impact of potential fencing on light to 19 Monson Way.
- Concerns regarding loss of light to neighbouring / surrounding dwellings and proximity to existing boundaries.
- Concerns regarding overlooking towards existing dwellings.
- The hedge should remain behind the existing properties.
- Request that open land should run along the boundaries to have a lower impact on existing properties.
- Loss of private view from houses facing towards the site which is currently open land.
- Density of proposed development is too high.
- Throughout consultation on RNOTP scale of suggested development was 125 dwellings. The RNOTP was only altered at examination on the basis that an application has been submitted for 145 dwellings, which was not the subject of any public consultation. Density is out of keeping with the character and nature of the development, in the surrounding area and in Oundle as a whole.
- Plans should be a 'mirror image' of existing development; these plans are inappropriate for a semi-rural site on the edge of greenfields.
- Development fails to respect the guidelines set out in PPS3 in terms of being well integrated with the area in terms of scale, density, layout and access.
- Development is not of a high standard of design, architecture or landscaping or reflect the environmental character of the area, contrary to CSS Policy 13.
- Lack of amenities and transport would increase carbon footprint of the town.
- Persimmon is trying to obtain planning permission ahead of the new building regulation Part L (conservation of fuel and power) scheduled for October 2010 that would require them to increase the energy performance of dwellings by another 25%. The social housing would need to comply with code level 4 rather than level 3. The Council has a duty to reduce carbon emissions and achieve a 70% CO2 reduction by 2050. If this application is approved the Council is contributing to 145 dwellings at the current targets rather than the known new energy targets, perpetuating poor energy performance.
- Contrary to CSS Policy 14 as it does not incorporate sustainable construction and energy efficiency techniques.
- Sewage system has had problems in the past year.
- The current sewage route is to the main sewer in Glapthorn Road which is reportedly nearing capacity.
- The site should have separate drainage to Benefield Road.
- Development would put further stains on drainage and sewerage systems.
- Increased coverage of land by buildings and roads would result in a decreased ability to absorb rainfall. Concerns that surface water would run off from new development though Hillfield Road and Creed Road and into lower lying areas of Oundle.
- Further construction on this site would lead to further issues with flooding to housing on Glapthorn Road.
- Existing drainage ditch runs along course of southern boundary of 21 Monson Way and currently takes run-off from existing fields and is often full. Proposal would exacerbate potential risk of flooding at adjacent properties at Monson Way.
- Not clear whether the proposed development would impact upon an existing substation adjacent to 21 Monson Way; possible impact in terms of size and noise if altered.

7.0 Evaluation

The following issues are relevant to the determination of this application: principle of development; impact on highway network, means of access to the site and related highway matters; loss of agricultural land; the layout and design of the proposed development; housing mix; water resources (including flooding and drainage); ecological issues; archaeology and cultural heritage; noise, dust, contamination and air quality; effect on residential amenity; waste management; sustainable design and construction; the level of contributions required towards social and community infrastructure (s106); any other material planning considerations.

7.1 Principle of Development

7.1.1 MKSM Northamptonshire Policy 1: The Spatial Framework (East Midlands Regional Plan, March 2009) identifies that beyond the main urban centres (such as Corby, Wellingborough and Kettering) development should be focused in smaller towns, such as Rushden, Higham Ferrers and Irthlingborough and the rural service centres of Oundle, Raunds and Thrapston.

7.1.2 Policy 10 of the North Northamptonshire Core Spatial Strategy sets out the distribution of new housing and states that development plan documents will make provision for the stated amounts of housing development (net new dwellings) in the named settlements. For Oundle, the indicative housing requirement up to 2021 is 610 (though this will have been reduced by the completions between 2001 and 2009; 170 units having been completed up to 31 March 2009 (2009 Annual Monitoring Report)).

7.1.3 The existing development at Creed Road was allocated within the East Northamptonshire Local Plan 1996 (Policy OU1) and constructed during 1999/2000. This document stated that the land to the west of the allocation OU1 was considered to have long term potential for residential development and indicated a protected access point to the site from allocation OU1 on the associated Proposals Map.

7.1.4 The application site was then put forward as an allocation in the Rural North, Oundle and Thrapston Plan (Inspector's Modifications, 8 July 2009) for residential development (145 dwellings, Policy OUN3). The Rural North, Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following the examination on 8 July 2009, the Inspector found the document to be sound.

7.1.5 A final version of the Plan incorporating the Inspector's Modifications (8 July 2009), together with the Inspector's Report, was presented to the Planning Policy Committee on 27 July 2009. The Planning Policy Committee raised concerns with the Inspector's Report, these concerns related to two particular issues: firstly the amendments to Oundle Infrastructure Policy OUN1; and secondly changes made to settlement boundaries. It was resolved at a subsequent meeting of the Committee (29 October 2009) that the Council should write to the Secretary of State to request a modification to the Rural North, Oundle and Thrapston Plan before its adoption. This letter was finalised and sent to the Government Office for the East Midlands (on behalf of the Secretary of State), on 18 March 2010 (Appendix A) and a holding response has now been received (Appendix B).

7.1.6 As yet the Council has not adopted the Plan as a Development Plan Document (DPD). In view of this matter, legal advice was sought as to the Plan's status and it was advised that this can be regarded as an emerging policy and is a material consideration.

7.1.7 The Planning Policy Committee has not, however, raised any concerns about the proposed allocation of the Creed Road site itself in the Plan. Indeed, this was extensively analysed during the Examination of the Rural North, Oundle and Thrapston Plan. Given the application site's status as a housing land allocation contained within a site allocations DPD which has been found sound by an Inspector and therefore to which considerable material weight can be attached, it is considered that the Creed Road site should be regarded as if it

is allocated within an adopted DPD.

7.1.8 On the basis of the above, it is considered that the redevelopment of land to the west of Creed Road for residential development is acceptable in principle subject to the detailed considerations below.

7.2 Means of Access, Impact on Highway Network and Related Highway Matters

Means of Access and Impact on Local Highway Network

7.2.1 Access to the site is proposed via the existing development at Creed Road and Hillfield Road, which in turn is accessed off Glapthorn Road.

7.2.2 A Transport Assessment (TA) accompanies the application. This concludes that the site is in a sustainable location, that the site can be appropriately accessed and that the residential development of the site would have no negative impact in terms of congestion.

7.2.3 The effect of the development on the local highway network, including in combination with other planned developments in the town, primarily that at Herne Road, is of considerable concern to Oundle Town Council. Local residents have also raised concerns regarding the impact of the development on the highway network. An alternative access to the new development from Benefield Road has also been suggested.

7.2.5 The TA includes an assessment of the capacity of the Glapthorn Road / Hillfield Road junctions; the use of Springfield Road as a potential rat-run between Glapthorn Road and New Road; and the cumulative impact of the scheme with development at Herne Road, which has been identified within the emerging RNOTP. The Highway Authority has advised that subject to standard conditions and a s106 agreement to secure the provision of public transport infrastructure improvements it has no objections to the proposal.

7.2.6 Whilst the suggestion of an alternative access via Benefield Road is acknowledged, the Council must consider the proposal as submitted. The developer has demonstrated that the existing access is suitable and it would not therefore be appropriate to refuse planning permission on the basis that an alternative means of access (i.e. from Benefield Road), as a haul route or permanent approach is desirable. The Highway Authority has also commented that as such a facility has not been included within site area, it would be unable to recommend any conditions being imposed on third party land, whilst outside the control of the applicant as it is at present. Furthermore, as noted at 7.1.3 above, policy OU1 of the East Northamptonshire Local Plan 1996 included a protected access point to the site from the (now) existing development at Creed Road. It should also be noted, that aside from the potential adverse visual impacts of an access from Benefield Road and the application site, this could lead to pressures for additional development between the new road and the existing built form of the town in future.

Public Transport and Cycle Network

7.2.7 The TA (November 2009, para.2.14) states that due to geometrical constraints along Creed Road it is not practical for a bus to be routed into the site. It is therefore not possible for all of the dwellings on the site to lie within the recommended 400m of a bus stop. However, in order to help increase take up of existing bus services and reduce the effects of vehicle useage, the Highway Authority has recommended that two further stops along the X4 route be provided with Realtime Information Boards and in addition that a Realtime Board is located within the development or at a suitable location that would also benefit existing residents. This sign could be linked up to the four stops that would have such facilities and residents would be aware of when and where to catch buses to Peterborough and other nearby towns. Whilst the Highway Authority notes that the bus stopping facilities in Oundle for the X4 route are not currently fitted with Realtime Information Boards, it has indicated that two central stops, (one inbound, one outbound) will shortly be upgraded to take Realtime

facilities. However there are another four X4 stops without such facility. The Highway Authority has requested that the applicant be required to provide a contribution to Northamptonshire County Council for these facilities through a s106 agreement.

7.2.8 As noted by the Highway Authority, the applicant has not proposed measures to enhance the existing cycle facilities in the town. However the Highway Authority is satisfied that the additional cycling movements resulting from the development would not create situations to the detriment of highway safety and that the lack of such enhancements to cycle facilities would not be a reason for refusal of planning permission.

Parking

7.2.9 Oundle Town Council has raised concerns regarding the proposed parking provision and has stated that existing parking problems at Creed Road would be exacerbated. Furthermore, the Town Council and local residents have concerns that the proposals would significantly impact on the existing parking facilities within the town centre.

7.2.10 The application proposes a total of 218 spaces, which equates to 1.5 per dwelling. This is in line with Policy 6 of the emerging RNOTP, which states that for new residential development an average maximum residential parking standard of 2 parking spaces per dwelling will apply.

7.2.11 The concerns regarding parking within the town centre are noted; however, it is not considered that the proposed development would impact so significantly that it would warrant the refusal of planning permission in this instance. Notwithstanding this, it is worth noting that the issues of town centre car parking have been recognised as a major concern throughout the Rural North, Oundle and Thrapston Plan process (2005-9). These issues were identified as the top priorities for the town in the 2007 Oundle Healthcheck. It is proposed in the Plan (Inspector's Modifications document, paragraphs 8.22-8.24), that the Milton Road school site could be used as car parking if the primary school needs to be relocated."

Travel Plan

7.2.12 An Indicative Travel Plan Strategy (TP) has been submitted in support of the proposals. The purpose of the TP is to set out a long term strategy for reducing dependence on the private car in favour of more sustainable modes of travel, in line with Government policy objectives. The types of proposals being considered as part of the plan are:

- Awareness and marketing campaigns aimed at encouraging the use of non-car modes to access the site through residents' welcome packs.
- Make available cycle and pedestrian facilities to access the site by a suitable footpath network.
- Car share schemes.
- Provision of a £100 bicycle voucher per dwelling as part of the purchase.
- Installation of bicycle racks within the town (dependent upon availability of third party land).
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7.2.13 The TP has highlighted that the appointment of a Travel Co-ordinator would be required and their role would be to implement, monitor and modify the Travel Plan.

7.2.14 The target for the TP would be to reduce single occupancy cars to the site by achieving a 20% modal shift towards more sustainable transport choices. The provision, agreement and implementation of a Final Travel Plan can be secured through the s106 agreement.

Environmental Impacts

7.2.12 Oundle Town Council, together with local residents, has raised concerns regarding the environmental impacts of the proposal including the effects of construction and

operational traffic once the development is complete, on the safety of existing residents at Creed Road. In particular of children, noting the location of the existing play area adjacent to Creed Road on the northern side of the development.

7.2.13 The Highway Authority has acknowledged local concerns in this respect and has suggested a condition be imposed to control the hours of plant and material delivery between 9.15am and 3.00pm to help reduce any potential conflict between construction traffic and other users of the highway network at school peak period travel times.

7.2.14 Concerns have been expressed about increased dirt on nearby roads. The Highway Authority has recommended conditions to require wheel cleaning prior to construction traffic leaving the site and to ensure that operational vehicles are appropriately sealed / covered to prevent material spillage, wind blow and odour nuisance. Appropriate conditions are recommended below accordingly.

7.2.15 Concerns have also been raised regarding the impact of increased noise from additional traffic associated with the development as well as impacts upon air quality. Environmental Protection Officers consider that the additional traffic arising from the development would not cause the local air quality to exceed statutory levels. They also consider that the operational traffic (cars) arising from the completed development, would not be likely to generate significant increases in noise; however, they note that Northamptonshire County Council is the regulating Authority for road/traffic noise. PPG24 sets out noise exposure categories for new dwellings near to existing noise sources, but it was not felt necessary to request any assessment for noise under this legislation in this area as the traffic flow is not likely to impact on the new dwellings. This sort of assessment would be more relevant if development was proposed near to the A14 for example.

7.2.16 The Highway Authority is satisfied that the development would not give rise to a significant increase or excessive amount of vehicle queuing within the vicinity of the site or wider town, which is where problems of traffic noise and air quality issues can arise. Furthermore, given the nature and location of development, traffic speeds would be fairly slow and would not therefore be likely to give rise to problems often associated with high vehicle speeds or higher speed acceleration for instance.

7.2.17 On the basis of the above, it is considered that it would be extremely difficult to argue that the additional traffic resulting from the development would harm residential amenity.

7.3 Loss of Agricultural Land

7.3.1 PPS7 acknowledges the importance of the rural economy and the environmental, economic and social value of the countryside, and provides the broad policy context for the consideration of the loss of agricultural land within the development control process. It refers to the quality of agricultural land as a material planning consideration and where the best and most versatile land is present, it highlights the need to take this into account alongside other sustainability considerations. Where significant loss of agricultural land is unavoidable, local planning authorities should seek to use land of poorer quality, except where this would be inconsistent with other sustainability considerations.

7.3.2 The site is currently agricultural land and it is understood from the applicant that the land is Grade 3.

7.3.3 On balance, given the very small scale of the site (just over 4 hectares) the loss of a very limited area of agricultural land is not considered to outweigh the need for the development in order to meet regional and local growth targets, particularly as the site has been identified as a sustainable allocation within the Rural North, Oundle and Thrapston Plan (Inspector's Modifications, 8 July 2009). It is concluded that the loss of such a small area of agricultural land is not significant in the local, regional or national context.

7.4 Housing Mix and Density

7.4.1 Saved policy H4 of the East Northamptonshire Local Plan 1996 requires that development incorporates a mix of dwelling types and styles. In addition, policy 8 of the emerging Rural North, Oundle and Thrapston Plan (Inspector's Modifications, 8 July 2009) should include a mix of housing types to take account of local need. The following mix of units is incorporated within the development:

Unit Size / Type	Market Housing	Affordable Housing	Total
1 Bed Flats	-	12 (*6)	12
2 Bed Houses	10	26 (*12)	36
3 Bed Houses	42	14 (*11)	56
4 Bed Houses	35	6 (*1)	41
Total	87	58 (*30)	145

* denotes the number of those which are to be rented; the remainder would be shared ownership

7.4.2 The development proposes a balanced mix of housing sizes, types and tenures. As noted above, the proposals include 40% affordable housing, which is in line with current policy. The Council's Housing Strategy Manager is satisfied that the proposals fit the requirements for Oundle, including an appropriate tenure ratio for the town and split between small, medium and large dwellings, in line with policy 8 of the emerging RNOTP.

7.4.3 As noted above the density of the development is 35 dwellings per hectare. This is greater than the density on the existing development at Creed Road (to the east of the application site) which equates to approximately 21.5 dwellings per hectare and is a fairly low density. However, 35 dwellings per hectare is in line with PPS3 (Housing) which states that Local Planning Authorities may wish to set out a range of densities across the plan area, although 30 dwellings per hectare should be used as national indicative minimum to guide decision making until local density policies are in place. Furthermore, Policy OUN3 of the emerging RNOTP, states that the site at Creed Road could accommodate around 145 dwellings, associated infrastructure and open space.

7.4.4 In light of the above and given the site's sustainable location relatively near to the town centre of Oundle, it is considered that the proposed density is acceptable.

7.5 Layout and Design

7.5.1 The layout and overall design of the scheme is considered to be acceptable. It appears to have been generally well thought out within the context of the existing development at Creed Road. Preapplication discussions took place prior to the submission of the application, and it is understood that many elements of the design and layout were agreed at that stage. However, officers have continued to work with the applicant since the submission of the application, to improve the overall design.

7.5.2 The access roads into the site form a continuation of the existing roads (Creed Road and Hillfield Road) and the central area of open space within the existing site would continue through the new scheme towards the open countryside beyond. The dwellings have been laid out in a block structure to provide active street scenes, with parking provided on plot and in rear courtyards. The higher density development is proposed to the north of the site which follows on from the existing development whereby the density is higher along Creed Road than on Hillfield Road. Lower density housing is proposed along the southern and western boundaries to help provide visual transition from the adjacent playing fields and open countryside. Whilst the density proposed is higher than the existing adjacent development, it is in line with national and local policy as discussed at 7.4.3 above and the new scheme would largely follow the general form of the existing estate.

7.5.3 In terms of scale, most of the dwellings proposed would be two storeys high, to reflect the adjacent development which wholly consists of two storey units. A small number of 2.5 and three storey units are proposed (the proposed flats at Plots 26-33 and 64-69 are three storey, whilst three terraces of three dwellings are 2.5 storeys together with one pair of semi-s and four detached dwellings).

7.5.4 The Design and Access Statement identifies three character zones within the development: the 'open space edge', whereby development facing onto the open space helps to bring emphasis to the open space area; 'enclosed street zones', where houses are arranged to maximise surveillance and activity in the street; and 'green edge' on the western side, where the built form is arranged more loosely and faces towards the open countryside.

7.5.5 The designs proposed for the house types are generally standard; although this is reflective of the existing adjacent development. Following discussions with the design officer, the applicant has revisited some of the elevational designs in order to provide focal points within the development and reduce the number of blank side elevations facing into the street scene in particular. Full details of the materials palette, including samples can be required by way of condition if the application were approved, in order to ensure that it appropriately blends with the existing adjacent development.

7.5.6 Unlike the existing estate, the proposal includes a vehicular link between the northern and southern sides of the development. It is understood that this approach was developed following preapplication discussions with officers and the Local Highway Authority. The application also states that the design concept emerged from the public consultation undertaken before the application was submitted. Whilst a link between the two sides of the site is generally supported, it is considered that the approach proposed is extremely formal and somewhat contrived, and gives priority to vehicles rather than pedestrians and cyclists. It is considered that an improved design solution could be found which minimises the need for artificial features such as bollards. As such, it is recommended that plans for the final design of the crossover between the two sides of the site be submitted and approved by way of condition.

7.5.7 The LEAP is proposed to be located to the eastern end of the central open space in order for it to be centrally accessible for existing and new residents. Following discussions with officers, the LEAP's shape and location have been slightly amended and some of the surrounding dwellings have been reorientated to afford greater surveillance. Whilst the Landscape Officer's initial comments regarding the dominance of the LEAP at this end of the site are noted, this must be balanced against the need for it to be provided in a suitably accessible location (for new and existing residents) and for its size, design and distance from existing properties to accord with the Council's adopted SPD for Developer Contributions (which sets out these requirements).

7.5.8 Following the comments of the Design and Landscape Officers, Natural England, Northamptonshire Wildlife Trust and Northants Police, the applicant has submitted an amended set of landscape proposals together with a Landscape Design Statement.

7.5.9 The amended landscaping details include a 1.2 metre high hedge around the periphery of the open space. As outlined at 6.3 above, the Design Officer does not consider this to be an appropriate solution. Indeed, it is considered that this would undermine the purpose and informal nature of the existing and extended area of open space. Comments are awaited from the Landscape Officer and as noted above, will be reported as a Committee Update. However, it is anticipated that the officer will recommend a final landscaping scheme be required by way of condition where it could then be ensured that this element is not incorporated.

7.5.10 With regards to the continuation of the existing central area of open space, the supporting documentation states that would be very well overlooked and would link the main pedestrian and cycle routes into the existing development, but be detached from the principal vehicle movements. Unfortunately, the area of open space within the existing development has not been provided in accordance with the originally approved plans, which included a path through the open space. This matter is currently being investigated by planning enforcement officers; however, in the interests of providing a coherent solution to the new and existing area of open space, the applicant has included the existing site (incorporating the previously approved path) within the Landscape Concept. It is therefore anticipated that if planning permission is approved for this scheme a comprehensive landscaping solution

relating to the existing and new area of open space will be implemented, including the key elements such as the footpath from the originally approved plans.

7.5.11 The indicative landscaping details submitted in support of the application show the retention of the existing well established hedgerows around the periphery of the site. It is considered that these are important elements of the landscaping scheme as they would help to minimise the impact of the development upon nearby neighbours and also help to soften its visual impact whilst the new planting becomes established.

7.5.12 With regards to crime and disorder issues, whilst boundary screening details have been submitted with the application, the comments of the Northamptonshire Police Crime Prevention Officer as summarised at 6.17 above are noted and it is recommended that final details of boundary screening, including materials samples where appropriate, be required by way of condition.

7.5.13 In addition, the comments of the Northamptonshire Police Crime Prevention Officer in respect of preventing vehicles entering the open space are noted and a suitable condition is recommended accordingly. The Officer has also requested that conditions be attached to any permission to require details of lighting to public and communal areas (including parking courts), and for the security of ground floor and easily accessible first floor doors and windows to meet specified standards to minimise opportunities for burglary and other crime. Appropriate conditions are recommended accordingly.

7.6 Water Resources

Flood Risk

7.6.1 The application site lies within Flood Zone 1 which is defined by PPS25 as having a low probability of flooding. However, due to the size of the site and nature of the development a Flood Risk Assessment (FRA) has been submitted as there may still be a risk of flooding on-site and/or off-site if surface water run-off is not effectively managed.

7.6.2 PPS25 (E.9) advises that development proposals on Flood Zone 1 of one hectare or greater should be accompanied by a Flood Risk Assessment (FRA) and this FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed. In particular, for major development, the FRA should identify the opportunities to reduce the probability and consequences of Flooding.

7.6.3 The Environment Agency (EA) has assessed the FRA and has advised that the proposed development is acceptable subject to conditions relating to the following matters:

- A detailed surface water drainage scheme for the site in accordance with the amended FRA.
- A scheme for the provision of mains foul water drainage on and off site.
- Should contamination not previously identified be found to be present at the site, no further development shall be carried out until a remediation strategy has been submitted.
-

7.6.4 In addition to the above, the EA has noted that the pipes and hydrobrake would be adopted by Anglian Water. However, the detention zones would form part of the public open space and the EA recommends that the s106 agreement covers the adoption and maintenance for all elements of the surface water drainage scheme (which are not to be taken on by Anglian Water), to ensure surface water is managed in perpetuity.

7.6.5 It is considered that this matter can be adequately addressed within the s106 agreement. Whilst Oundle Town Council has indicated that it would be prepared to adopt the public open space, it would also be appropriate to ensure that should the land not be transferred and the adoption not take place (as has occurred at the adjacent Creed Road

site), the developer would be required to set up a management company to maintain the area, including the surface water drainage systems.

7.6.6 The FRA concludes that the site is not at risk of flooding from external sources and there are no local surface water flooding issues on the land. Furthermore, it states that there would be a benefit arising in terms of the earlier development area at Creed Road; the outflow from the proposed scheme would be less than was previously anticipated and catered for within the capacity of the pipes laid down for the current estate (but also in anticipation of this scheme). As the rates for this site would be reduced to greenfield run-off it would effectively allow for increased storage volume in the earlier development sewers than was previously expected.

Water Supply, Drainage and Sewerage

7.6.7 Anglian Water has confirmed that there is sufficient water resource capacity to supply this development; however, improvements to the supply network would be necessary as there is no spare capacity in the Oundle area. In terms of foul flows, there is currently sufficient capacity within the foul sewerage network system to accommodate the development.

7.6.8 In addition to the above, Anglian Water has confirmed that the development can be accommodated within the public surface water network system which at present has sufficient capacity. Waste water would be treated at Oundle Sewage Treatment Works, which at present has available capacity for these flows.

7.6.9 Anglian Water has indicated that there are assets owned by Anglian Water or those subject to adoption agreements within or close to the development boundary and has requested that an informative be attached to the decision notice if permission is approved.

7.7 Ecological Issues

7.7.1 An Extended Phase 1 Habitat Survey dated February 2007 was submitted with the application. This document has since been superseded by an updated Extended Phase 1 Habitat Survey dated August 2009.

7.7.2 The updated Survey August 2009 found that the arable land and habitats within the site have limited value and are typically of low botanical diversity with only common species present. It recommends that hedgerows should be retained where possible, but where their removal is unavoidable removal should take place outside of the main bird breeding season. It also notes that a number of existing trees on the boundary of the site provide potential locations for bat roosts and that if affected by the proposals, bat surveys of the mature trees should be undertaken. The Survey also recommends that mature trees should be retained as far as possible and any additional planting should include native species as far as feasible.

7.7.3 Natural England and Northamptonshire Wildlife Trust concur with the findings and recommendations of the updated Survey; however, they initially expressed concern that the proposals did not demonstrate a net gain in biodiversity and Green Infrastructure (GI) as part of the development. Following discussions with Natural England, the developer subsequently submitted further information which Natural England and the Wildlife Trust have welcomed; however, they recommend that a long term Ecological Management Plan (EMP) be secured in order to ensure the detailed design elements are appropriate and deliver a net gain in biodiversity.

7.7.4 In addition to the above, Natural England and the Wildlife Trust have concerns about the potential loss of some trees within the site which have the potential to be of ecological value and in particular to provide roosts for bats. They consider that further survey work needs to be undertaken to establish the value of these trees and to secure their retention and enhancement if appropriate. It is considered that this matter can be controlled by way of appropriate conditions, as recommended by Natural England, which are set out below.

7.7.5 Natural England and the Wildlife Trust have also stressed the importance of providing native species planting at the site; it is noted that the most recent supporting documentation still proposes some non-native species. This matter has been discussed with the developer, who have confirmed that they are satisfied that it be addressed by way of a condition, which specifically requires the final landscaping scheme and EMP to have a strong emphasis on native species planting. Furthermore, Natural England has recommended a condition to ensure that all boundary features are retained, and where removal or management is required for infrastructure purposes, this shall be undertaken outside the bird breeding season, or shall be supervised by a qualified ecologist.

7.7.6 It is understood that local residents have noted the presence of Skylarks within or close to the application site, and that they are concerned that no specific mention has been made within the Habitat Survey. This species is listed within the UK Biodiversity Action Plan (BAP) Species; as stated within the Habitat Survey at 3.11, no evidence of any statutorily protected species or UK BAP species was recorded on site during the survey.

7.8 Archaeology and Cultural Heritage

7.8.1 Following a request from NCC for further information regarding the archaeological potential of the site the applicant commissioned both Stratascan and Archaeological Solutions to undertake a programme of archaeological evaluation within the development area. This investigation consisted of geophysical survey followed by targeted trial trenching. The work has been undertaken and has identified that the development area contains extensive evidence of Romano British occupation in conjunction with the remnants of medieval ridge and furrow field systems.

7.8.2 The Archaeologist at NCC is satisfied that the evaluation has demonstrated that although archaeological deposits are present within part of the development area they are not of such significance as to preclude development. She has concluded that this would not represent an over-riding constraint on the development provided that adequate provision, in the form of a condition, was made for the investigation and recording of any remains that would be affected should permission be granted. As such a suitable condition is recommended below.

7.9 Noise, Dust, Contamination and Air Quality

7.9.1 As summarised above, ENC Environmental Protection Officers have no objections to the proposal on noise grounds, subject to appropriate conditions to ensure that noisy works associated with the construction of the development are limited to the following hours: 7:30am – 6:00pm Mondays to Fridays and 8:00am – 1:00pm Saturdays and at no time on Sundays and Bank Holidays. An appropriate condition is recommended below.

7.9.2 Environmental Protection Officers have also recommended a condition requiring details of dust suppression measures to be submitted for approval prior to the commencement of development. An appropriate condition is recommended accordingly.

7.9.3 In respect of potential contamination, a Phase 1 Environmental Study has been submitted in support of the application. This has identified potential low risks from near surface contamination and from backfilled excavations associated with the former brickworks. The study recommends a Phase II ground investigation including trial pits, to determine ground conditions with chemical analysis of near surface soils, together with gas monitoring to enable a risk based assessment to be completed. Subject to conditions to investigate and remediate contamination as necessary, the Environmental Protection Officers have no objection on contamination grounds. Appropriate conditions are set out below.

7.9.4 With regards to air quality, Environmental Protection Officers have confirmed that the increase in traffic resulting from the development would not cause the air quality to exceed the statutory air quality levels.

7.9.5 In order to ensure that the impact of construction works upon existing residents is minimised, it is recommended that a Construction Management Plan (CMP) is required by way of condition. In addition, it is recommended that details of site operative's, visitors and construction vehicles loading, off loading, parking and turning within the site during the construction period are required.

7.10 Residential Amenity

7.10.1 The main dwellings affected by the development are those within the existing Creed Road Development (primarily those adjoining the site) and those to the north of the site at Monson Way.

7.10.2 The neighbours at 61 and 63 Creed Road have expressed concerns that the dwelling at Plot 1 would cause overlooking and overshadowing. However, no windows are proposed in the east elevation facing these properties. Furthermore, due to the position of Plots 1 and 2 which are 12 metres due west of the existing houses, together with the orientation of the sun, it is unlikely that overshadowing would result except a small amount at the very end of the day.

7.10.3 No windows are proposed in the gable of Plot 79 facing towards 53 Hillfield Road; whilst a window is proposed in the eastern side of the rear projecting element, it is considered that this would be far enough away (24.5 metres) to ensure that no significant overlooking would occur.

7.10.4 It is considered that the first floor window in the rear gable of Plot 80 would overlook a large part of the garden of 51 Hillfield Road. The bedroom served by this window has another window in the side elevation; it is recommended that the rear window be obscure glazed in order to address this matter. An appropriate condition is therefore recommended below.

7.10.5 It is likely that a small number of proposed dwellings in their current form could result in overlooking towards dwellings to the north (9, 19, 21 Monson Way and the flats north of Plot 55 in particular) and towards 57 Creed Road to the east. It is possible that this matter could be addressed by requiring the some of the first floor windows to be obscure glazed, or where appropriate, repositioned. However, the applicant is aware of this matter and amended layout / house type design details have been requested and will be provided in due course. It is therefore recommended that the decision to grant planning permission be delegated to the Head of Planning Services and DC Committee Ward Member subject to the s106 being agreed and this matter being satisfactorily resolved (including additional conditions as necessary). It is not envisaged that the amendments would result in significant alterations to the scheme; however, should this be the case, the matter could be referred back to DC Committee.

7.10.6 Two windows are proposed at first floor in the side elevation of Plot 81 facing 51 Hillfield Road. It is recommended that these windows be required to be obscure glazed, or alternatively the applicant could substitute / amend the house type.

7.11 Waste Management

7.11.1 A Waste Management Strategy (WMS) has been submitted in support of the application. No comments have been received from Northamptonshire County Council in respect of the Waste Management Plan.

7.11.2 ENC's Waste Management Team has expressed concerns regarding some of the detailed design elements in respect of waste and recycling collection from flats. They have stated that for multi occupancy properties/flats a communal refuse and recycling storage/collection point (bin compound) is preferable. In order to prevent future problems with respect to collection as well as to encourage the residents to participate in recycling schemes, the bin compound must be located as near as possible to the public highway and to the main building. The bin store for flats would need to accommodate a total of 5 x 360 litre wheeled bins (3 green for cardboard, plastic bottles etc, 1 red for paper and 1 blue for glass) as well as sufficient capacity for black sacks from 6 properties. The Council would provide the wheeled bins for the collection of recyclable materials. Clarification has been sought from the developer regarding the location of the bin stores; however, no detailed drawings have been provided in respect of their design. It is therefore recommended that details of the final design

(including size) and location of the bin stores be submitted to the LPA for prior approval and that this be secured by way of condition.

7.11.3 The Waste Management Team has also noted that there are some private driveways within the scheme and point out that the Council operates a curtilage collection service. They have stated that the access roads would be expected to be constructed to a standard in terms of loading (some of our refuse collection vehicles weigh up to 32 tonnes) and layout should be such that turning the vehicle with less or minimum reversing. Paragraph 4.15 of the WMS states that "...all dwellings are within the Manual for Streets recommended distances: collection vehicles can get to within 25m of the dwelling, without exceeding the maximum reversing distance of 12m and without residents having to move their waste receptacles more than 30m". In addition, the WMS includes a plan showing large refuse vehicle tracking.

7.12 Sustainable Design and Construction

7.12.1 Policy 14 of the North Northamptonshire Core Spatial Strategy requires proposals of this scale to demonstrate:

- i. the development incorporates techniques of sustainable construction and energy efficiency
- ii. there is provision for waste reduction/recycling
- iii. there is provision for water efficiency and water recycling
- iv. 10% of the demand for energy will be met on site and renewably/from a decentralised renewable or low-carbon energy supply

7.12.2 A Sustainability Appraisal and Energy Statement has been submitted in support of the application. This document has been prepared on the basis of the checklist contained within the adopted Sustainable Design SPD. Whilst the supporting information states that the affordable housing within the site would be built to Code for Sustainable Homes Level 3; it does not address how the market housing would meet the above requirements of Policy 14. In line with the advice of the NNJPU Sustainable Design Advisor, appropriate conditions are recommended below to ensure that the requirements of this policy are met.

7.12.3 The comments of a local resident in respect of sustainability and carbon reduction as summarised above, are noted. However, it would not be appropriate to delay the determination of a planning application, or to refuse planning permission, on the basis of new Building Regulations which may be introduced in future.

7.13 Developer Contributions

7.13.1 The development is of a size which generates a need for social and community infrastructure. Detailed discussions have taken place with the applicant and it is recommended that the contributions / provisions set out in the following paragraphs be sought.

Affordable Housing

7.13.2 The application proposes 40% affordable housing which is in line with the Council's requirements. The amount, housing type and tenure has been agreed with the Housing Strategy Manager.

Education

7.13.3 Northamptonshire County Council has requested a contribution of £277,471 towards secondary and primary school places in the town. The cost multipliers / detailed calculations are set out as follows:

Secondary Places

12 x one bedroom units = £0

36 x two bedroom units = 36 x £405 = £14,580

56 x three bed units = 56 x £1,746 = £97,776

41 x four bed units = 41 x £3,109 = £127,469

Secondary Total = £239,825

Primary Places

The applicant has agreed to contribute towards an extension to replace the existing mobile classroom at the primary school. In line with Northamptonshire County Council's requirements the total contribution is £37,646.

Total

Secondary places = £239,825

Primary Places = £37,646

Total education contribution = £277,471.

7.13.4 The developer has agreed to the contributions as set out above.

Recreation and Open Space

7.13.5 An area of open space is provided on site. This measures 4400 square metres, of which 400 square metres is a Local Area for Equipped Play. The remainder is informal recreation space. The Council's adopted SPD for Developer Contributions sets out a formula for calculating the requirement for open space. As the total requirement set out within the SPD is not provided on site, an off site contribution of £115,600 to cover the shortfall in line with the aforementioned SPD has been requested and agreed. In addition, the developer has agreed to a sum of £76,824 for the maintenance of the on-site open space. This has been calculated for a period of 20 years and the cost multipliers for maintaining equipped play space and informal recreation space have also been taken from the Developer Contributions SPD.

7.13.6 Whilst Oundle Town Council has indicated that it would be prepared to adopt the public open space on the basis of the above contributions, it would also be appropriate to ensure through the s106 agreement that should the land not be transferred and the adoption not take place (as has occurred at the adjacent Creed Road site), the developer would be required to set up a management company to maintain the area.

7.13.7 Whilst the comments of Sport England regarding the requirement for indoor facilities are noted, the Council's adopted SPD for Developer Contributions does not make provision for this; it is therefore not considered reasonable to insist on contributions in this instance.

Libraries

7.13.8 Northamptonshire County Council has requested a contribution of £32,320 based on their standard cost multipliers towards improving local library facilities, to which the developer has agreed.

Health

7.13.9 Discussions are ongoing regarding contributions towards healthcare facilities; specifically the local GPs in line with the adopted SPD. It is anticipated that a sum will be agreed shortly and will be reported to Members as a Committee Update.

Highways Infrastructure Improvements and Travel Plan

7.13.10 As discussed above, Northamptonshire County Council has requested a contribution for the installation of three 'Realtime' Bus Information Boards. The developer has agreed to this in principle (subject to confirmation of cost from NCC). It is anticipated that this will be agreed shortly and will be reported as a Committee Update.

7.13.11 As noted above, the Final Travel Plan would be secured through the s106 agreement.

Other Matters

7.13.12 Whilst Northamptonshire County Council's request for contributions towards the fire service are acknowledged, the Council's adopted SPD for Developer Contributions does not make provision for this and it is therefore not considered appropriate to insist upon in this instance. However, it is recommended that the developers be required to install fire hydrants within the development and that this be secured by condition.

7.13.13 As discussed at 7.6.4 above, should planning permission be granted the s106 agreement would need to include appropriate clauses to ensure that the surface water drainage scheme is appropriately maintained.

8.0 Recommendation

8.1 That authority to GRANT planning permission subject to conditions be delegated to the Head of Planning Services, the Chair of Development Control Committee and the Development Control Committee Ward Member upon completion of a Section 106 Agreement and subject to the receipt of acceptable revisions to the layout plan / house types (including additional conditions as necessary) as set out above.

Conditions

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

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

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

Reason: To safeguard the adequate investigation of any archaeological remains which may be present within the site.

3. Prior to the commencement of development details of all external materials shall be submitted to and approved by the Local Planning Authority in writing. In addition, sample panels of brickwork shall be constructed on site prior to the commencement of development. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity.

4. Prior to the commencement of development details of existing levels of the site in relation to adjoining land levels and proposed levels including finished floor levels shall be submitted to and agreed with the Local Planning Authority in writing. Development shall be carried out in accordance with these approved details.

Reason: In the interests of visual and residential amenity.

5. Notwithstanding the approved plans and prior to the commencement of construction of the flats hereby approved full details including the design and location of the proposed refuse storage together with cycle stores to be provided for the flats, which should be secure and lockable, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter retained in the approved manner unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory form of development and in the interests of crime prevention.

6. Notwithstanding the approved plans and prior to the commencement of development final plans details for the design of the vehicular crossing point over the open space between the northern and southern sides of the development shall be submitted to and approved in writing

by the local planning authority. The development shall thereafter be carried out in the approved manner.

Reason: To ensure a satisfactory form of development.

7. Prior to the commencement of development a scheme for lighting the private parking areas, footpaths and areas of public open space shall be submitted to and approved by the Local Planning Authority in writing and development shall be carried out in accordance with these approved details.

Reason: In the interests of amenity and crime prevention.

8. Notwithstanding the approved plans and prior to the commencement of the development details (including materials samples where appropriate) of the location, height, design and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the erection of the dwelling(s). The details shall largely follow the principles of the boundary screening plan which accompanied the application. Such approved details shall be erected and thereafter retained in the approved manner unless otherwise agreed in writing by the Local Planning Authority.

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

9. Prior to the commencement of development a scheme for the provision of street furniture including litter and dog bins shall be submitted to and approved in writing by the Local Planning Authority. The street furniture shall thereafter be installed and shall be maintained in line with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and ensuring an appropriate standard of development.

10. The standards of external door sets and windows to be installed on the ground floor, or easily accessible first floor, of the buildings shall be made secure to standards, independently certified, set out in BSI PAS 24-1:1999 'Doors for enhanced Security' and BS 7950 'Windows for enhanced security'.

Reason: In the interests of crime prevention.

11. Prior to the commencement of works a Landscape/Ecological Management Plan shall be submitted to and agreed by the Local Planning Authority and shall incorporate comprehensive and detailed plans of biodiversity enhancement features (inc. design and purpose), their long-term management, species lists/planting schemes (to predominantly feature stock of native provenance), and indications of BAP habitat/species provision.

Reason: In order to safeguard protected species which may inhabit the site and to ensure biodiversity enhancement in accordance with PPS9.

12. All existing boundary hedgerows shall be retained unless otherwise agreed in writing by the Local Planning Authority. Where removal or management is required no works shall take place unless first agreed in writing by the local planning authority and they shall be undertaken at a suitable time of year (September – March inclusive) or under the supervision of a qualified ecologist.

Reason: In order to minimise disturbance to breeding birds and in the interests of visual and residential amenity.

13. Prior to the removal of any existing trees within the site or other arboricultural works the trees shall be inspected by a licensed bat worker. The details of the works, results of the bat inspection and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any tree works and the works shall thereafter be undertaken in the approved manner.

Reason: In order to safeguard protected species which may inhabit the site.

14. All works which cause any noise that is audible at the boundary of the site, or at any such other place as may be agreed with the Council, shall be carried out only between the hours of 7.30am and 6.00pm Mondays to Fridays, 8.00am and 1.00pm on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interests of residential amenity.

15. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure potential risks arising from previous site uses have been fully assessed

16. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure the proposed remediation plan is appropriate.

17. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol.

18. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

19. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with and in order to protect groundwater quality.

20. Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority and provision of the fire hydrants shall be made in accordance with the scheme and timetable.

Reason: To ensure a satisfactory form of development.

21. Pedestrian splays of at least 2.4m x 2.4m (2m x 2m where there is turning space within the site) shall be provided on each side of the vehicular accesses prior to the first occupation of the units served by those accesses. These measurements are taken along and to the rear of the highway boundary within the curtilage of the site. 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 interests of highway safety.

22. Sight lines shall be provided to give visibility along the road over a distance of at least 33.0m in both directions, from a point measured 2.4 back along the centre line of the proposed junction and shared vehicle access points. These dimensions to be measured from and along the nearer edge of carriageway.

Reason: In the interests of highway safety.

23. Prior to the commencement of any part of the development hereby permitted, 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:

- i. Overall strategy for managing environmental impacts which arise during construction;
- ii. Measures to control the emission and suppression of dust and dirt during construction;
- iii. Control of noise emanating from the site during the construction period;
- iv. Hours of construction work for the development;
- v. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
- vi. Designation, layout and design of construction access and egress points;
- vii. Internal site circulation routes;
- viii. Directional signage (on and off site);
- ix. Provision for emergency vehicles;
- x. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
- xi. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- xii. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- xiii. and other similar debris on the adjacent public highways;
- xiv. Routing agreement for construction traffic;
- xv. Storage of plant and materials used in constructing the development;
- xvi. Enclosure of phase or development parcel development sites or development parcels and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- xvii. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- xviii. A system to ensure that all operational vehicles arriving at and leaving the site are appropriately sealed or covered so as to prevent material spillage, wind blow and odour nuisance.
- xix. In addition to the above a daily log shall be kept on an ongoing basis to record all vehicles attracted to the site and this log shall be maintained on an annual basis and be available for scrutiny at the request of the planning authority.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the local planning authority.

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

24. Prior to first use or occupation of the dwelling(s) served by a private access, parking and turning facilities shall be provided in accordance with the approved plans and shall thereafter be aside and retained for those purposes.

Reason: In the interests of highway safety.

25. The access gradient of private accesses from the Highway Boundary shall not exceed 1 in 15.

Reason: In the interests of highway safety.

26. Prior to first use or occupation of dwelling(s) served by a private access a positive means of access drainage shall be installed to ensure that surface water from the access or private land does not discharge onto the highway.

Reason: In the interests of highway safety.

27. Prior to first use or occupation of dwelling(s) served by a private access the means of access shall be paved with a hard bound surface for a minimum of 5.0m from the highway boundary and retained as such.

Reason: In the interests of highway safety.

28. Any gates at the point of private accesses shall be hung to open inwards only.

Reason: In the interests of highway safety.

29. Notwithstanding the approved plans final details of the surface treatments for the shared areas, driveways and roads within the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and subsequently implemented and retained in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety.

30. No dwelling shall be occupied until its designated car parking space(s) has been laid out and constructed ready for use in accordance with the approved plans and other approved details pursuant to any other relevant conditions.

Reason: In the interests of highway safety and of ensuring a satisfactory form of development.

31. Prior to the first occupation of any of the dwellings hereby approved details of measures to prevent cars entering or parking on the open space shall be submitted to and approved in writing by the Local Planning Authority. These measures shall not hinder general pedestrian and cycle access and shall be installed in line with a timetable to be agreed by the Local Planning Authority. The measures shall thereafter be retained in the approved manner unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding the public open space for its intended use and in the interests of minimising crime and antisocial behaviour.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no windows or other openings shall be inserted above ground floor level in the side (east) facing elevation of Plot 1 or the rear (east) facing gable end of Plot 79 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) or the details shown on the approved plans and before the dwellings hereby permitted at Plots 80 and 81 are first occupied, the rear (east facing) first floor window in the gable of Plot 80 and the first floor windows in the east facing elevation of Plot 81 shall be provided with obscure glazing in such a manner as would eliminate any over looking of the adjacent properties and shall be provided with top hung and limited opening only; details of which shall be submitted to and approved in writing by the local planning authority prior to the first occupation of those dwellings. The windows shall thereafter be retained in the approved manner unless otherwise agreed in writing by the local planning authority. Notwithstanding the provisions of the Town

and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no further windows or other openings shall be inserted above ground floor level in the rear (east facing) elevation of Plot 80 or the east facing elevation of Plot 81 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the garages hereby approved shall be retained and shall not be converted to living accommodation unless otherwise agreed in writing by the Local Planning Authority.

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

35. Prior the commencement of development a Sustainability Statement shall be submitted to and approved in writing by the local planning authorities. The statement shall demonstrate how the development would be efficient in the use of energy, water and materials. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy 14 of the NNCSS and Supplementary Planning Document Sustainable Construction and Design.

36. At least 10% of the demand for energy shall be met on site and renewably/from a decentralised renewable or low-carbon energy supply (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007). Prior to the commencement of development details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy and the Sustainable Construction and Design SPD.

37. The development shall be carried out fully in accordance with the submitted waste management strategy unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of amenity and sustainability.

38. Development shall not begin until a detailed surface water drainage scheme for the site in accordance with the amended Flood Risk Assessment undertaken by Woods Hardwick Ltd (dated September 2009, ref: CSB/KM/E/15871/B4) has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

39. No development shall commence until 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. No dwellings 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.

Committee Report

Committee Date : 28 April 2010

Printed: 15 April 2010

Case Officer **Anna Lee**

EN/09/00759/FUL

Date received 18 May 2009	Date valid 21 May 2009	Overall Expiry 16 July 2009	Ward Raunds Saxon	Parish Raunds
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Applicant **Mr A Miah**

Agent **Berrys**

Location 77 Brook Street Raunds Wellingborough Northamptonshire NN9 6LL

Proposal **Change of use of ground floor of Nos 77-79 to Hot Food takeaway (A5 Use Class) from Retail use (A1) plus revised shopfront, 3 no fascia lights and alterations to the chimney to house extract duct**

The application has been brought back to Development Control Committee after Members deferred the application on 27th January 2010 for (1) an engineers report on the extraction/ventilation system, in particular whether the chimney can be used, (2) for clarification from Environmental Protection regarding delivery hours and (3) for a Members Site Visit, which took place on 3rd February 2010.

1 Update

1.1 Extraction/Ventilation Report

1.2 The proposal is to provide an extraction/ventilation system to serve the takeaway through the existing chimney, by re-constructing the chimney to house the extraction/ventilation system.

1.3 The Rolton Group Ltd, a Member of the Chartered Institution of Building Services Engineers (CIBSE), was commissioned to carryout an assessment of the extraction/ventilation system for the proposed takeaway and a Report prepared by the Consultant was received on the 26th March 2010. Below is a summary of the Engineers Report:

- (i) The Engineer noted discrepancies between the drawings and the Ventilation and Extraction Statement submitted by the applicant, in terms of the dimensions of the kitchen canopy, duct work and exhaust discharge details;
- (ii) The method of calculating the ventilation rate is acceptable;
- (iii) The proposed ductwork cannot be installed in the existing chimney without extensive demolition and rebuilding of the existing chimney;
- (iv) Whilst the Engineer commented that the proposed ventilation rate appears low, he would agree to the use of duct work velocity proposed by the applicant;
- (v) Doors to provide access to the system for cleaning would be required;
- (vi) In addition, recommendations have been made in respect of length of the duct work, lighting, the type of attenuator and filters used to control noise levels and odour.

- 1.4 Overall, the Engineer has not objected to the proposed extraction/ventilation system and amended drawings were received from the Agent on 26th March 2010 to address some of the concerns raised by the Engineer. The changes shown in these drawing mainly include, the provision of a door in the rear roof slope to provide access to cleaning and confirmation that the extract hood and extraction duct would be installed to the mechanical engineers design and specifications. Furthermore, these drawings would show that the chimney lies within the red line boundaries of the application site.
- 1.5 Members questioned at the last committee whether the existing chimney needed to be demolished or whether it could be used. On this matter, the Engineer has advised (as mentioned in paragraph 1.3 point (iii) above) that it is highly likely that the existing chimney would need to be extensively demolished and rebuilt in order to accommodate a flue which would provide the air flow rates required to support more intensive food cooking, such as Indian and Chinese cooking. In addition, the Engineer comments that the new chimney would only need to be slightly larger than the existing chimney in order to accommodate the extraction/ventilation system.
- 1.6 Providing the extraction/ventilation system be constructed in accordance with the recommendations made in the Engineers Report, it is considered that there would be no significant issues in terms of noise or odour from this proposal and conditions are recommended to ensure this. In addition, conditions are recommended to require the submission of details of the materials to be used for the construction of the new chimney, and final dimension details of the new chimney, in order to ensure that there would be no significant visual impact from the proposal.

2 Delivery Hours

- 2.1 Environmental Protection has considered the delivery hours and has suggested that the delivery hours be changed from the originally recommended hours of 08:30am to 19:00pm Mondays to Sundays, to 08:30am to 18:00pm Mondays to Saturdays and that no deliveries be carried out on Sundays. This is in the interest of preserving the residential amenity of the future occupiers of the flats permitted above the unit under EN/08/01304/FUL and other existing surrounding residents; and the delivery hours suggested by the Environmental Protection Officer are recommended.

3 Crime and Disorder

- 3.1 Concerns were raised during the Members Site Visit about crime and disorder issues associated with site and the town centre, and as such, further consultations were carried out with Northamptonshire Police.
- 3.2 Northamptonshire Police has advised that whilst events of criminal damage and anti-social behaviour were reported in the past at The Square and around the Town Council Offices, these areas were given policing status and over time these have ceased to be an issue. In addition, Northamptonshire Police has advised that majority of the issues reported on Brook Street are from The Square down to the area just south of the Methodist Church and has commented "There is a CCTV camera located just up the street from the site in question and any issues could be monitored by the operators and any police action taken if thought necessary/appropriate."
- 3.3 Northamptonshire Police has no objection to the proposal; and overall, it is considered that there are no crime and disorder issues from this proposal that would be sufficient to justify a refusal of planning permission on this application.

4 Other issues

- 4.1 During the Members Site Visit, concerns were also raised that the Council may have granted planning permission for other A3/A5 uses at the bottom end of Brook Street close to the site. On this matter, no other takeaways or cafes have been granted and Creamers Café (as mentioned in the last committee report) appears to be the only café located within proximity of the site.

5 Recommendation

- 5.1 On the basis of the above information and information available in the previous committee report (appended to this report), it is recommended that the application be GRANTED subject to the following conditions:

6 Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of the development hereby permitted, details and samples of the external roofing and facing materials to be used for the front building alterations, including the chimney, shall have been submitted to and be approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To achieve a satisfactory appearance for the development.
3. In accordance with the submitted Environmental Noise Survey and Impact Assessment received on 25th November 2009, an inductor attenuator shall be installed within the proposed extraction system/extract duct. Details of this inductor attenuator, including its noise reduction level shall be submitted to and be approved in writing by the Local Planning Authority before commencement of development. The level of sound reduction shall be no less than 25dB (A) and the induct attenuator shall thereafter be installed in accordance with the details so approved and be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To preserve the amenities of neighbouring occupiers and in the interest of local amenity.
4. The extraction and ventilation system shall be in accordance with the recommendations made in the Kitchen Ventilation Technical Review Report prepared by Rolton Group Ltd (report number: 10-0139) received by the Local Planning Authority on 26th March 2010, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To preserve the amenities of neighbouring occupiers and in the interest of local amenity.
5. Notwithstanding the submitted details and before commencement of the development hereby permitted, full design details of the extraction system and final external chimney dimensions shall be submitted to and be approved in writing by the Local Planning Authority. The extraction system and chimney shall thereafter be implemented/constructed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To preserve the amenities of neighbouring occupiers and in the interest of local amenity.

6. Before the first occupation of the residential unit at the first floor level, the takeaway hereby permitted shall be adapted so as to provide sound insulation against internally generated noise and to ensure that the external noise levels of the flat comply with BS8233.

Reason: To preserve the amenities of future occupiers of the flat and in the interest of local amenity.

7. The premises shall not be open to customers or any other visiting member of the public except between the hours of 17:30pm to 23:00pm Mondays to Sundays and no deliveries shall be carried out except between the hours of 08:30am to 18:00pm Mondays to Saturdays, and that no delivery be carried out on Sundays.

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

8. The development shall be carried out strictly in accordance with the amended details received by the Local Planning Authority on 26th March 2010, drawing numbers: 957-01 Revision D, 957-02 Revision B, 957-03 Revision B.

Reason: In avoidance of doubt and to clarify the terms of this consent.

9. Prior to the implementation of the takeaway hereby approved, or the first floor flat to be located directly above takeaway as approved under application reference 08/01304/FUL, whichever is the latter, the first floor flat shall be laid out in accordance with drawing number DK957-03B received by the Local Planning Authority 26th March 2010 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

APPENDIX 1 : Report to Planning Committee, 27/01/2010

The application has been brought to committee because Raunds Town Council has objected due to concerns over parking; that the Town Council does not consider that Raunds would benefit from an additional hot food takeaway and at the request of Ward Members.

1 Summary of Recommendation

- 1.1 That permission be GRANTED subject to conditions.

2 The Proposal

- 2.1 This application proposes a change the use to the unit identified as Nos.77-79 on the submitted drawings to a takeaway (A5 use), to create a new shop front to include three fascia lights and to install an extraction system within the existing chimney.
- 2.2 An additional Noise Survey/Impact Assessment was received on 25th November 2009 and amended plans were received on 23rd November 2009. The amendments shown on the drawings mainly comprise of alterations to the internal layout of the first floor flat; a change to the position of the kitchen/dining and bedroom areas.

3 The Site and Surroundings

- 3.1 It is understood that No.77-79 Brook Street was last used as ancillary storage space to No.83 Brook Street – a former television repairs shop. Both No.83 Brook Street and No.77-79 Brook Street are vacant.
- 3.2 The site lies within the town centre of Raunds, along the defined shopping frontage, and is accessible to nearby local services and public transport facilities.

- 3.3 The buildings (No.83 and No.77-79) form part of a terrace and are attached to No.87-89 Brook Street, a coffee house to the south. The Co-op superstore lies some 20 metres further south of the site.
- 3.4 The site fronts onto public buildings to the east (Raunds Town Council and the grounds of Saxon Hall) and is surrounded by a mixture of residential development to the west and north of the site.

4 Policy Considerations

- 4.1 National Planning Policy Guidance:
PPS1– Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPG13 – Transport
PPG24 – Planning and Noise
- 4.2 Regional Spatial Strategy 8: East Midlands Regional Plan, March 2009
Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 22 – Regional Priorities for Town Centres and Retail Development
Policy 45 – Regional Approach to Traffic Growth Reduction
Policy 48 – Regional Car Parking Standards
- 4.3 North Northamptonshire Core Spatial Strategy, June 2008:
Policy 1 – Strengthening the Network of Settlements
Policy 9 – Distribution & Location of Development
Policy 12 – Distribution of Retail Development
Policy 13 – General Sustainable Development Principles
- 4.4 Supplementary Planning Guidance:
Parking SPG, March 2003
Planning Out Crime in Northamptonshire, Feb 2004
- 4.5 East Northamptonshire Adopted Local Plan, 1996
S5 – Non-shopping Uses along the Defined Shopping Frontage
- 4.6 Supplementary Planning Document:
Design SPD, March 2009
- 4.7 Other Documents:
Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008
Raunds Preferred Options

5 Relevant Planning History

- 5.1 Planning permission was granted under reference EN/08/01304/FUL to change the ground floor of No.83 and No.77-79 Brook Street into two separate retail units, with three flats above (one above No.77-79), a new office unit and addition retail/B1 workshop space for No.83, in addition to other external alteration works, on 11.03.2009.
- 5.2 A subsequent application was submitted under reference EN/09/01382/VAR to vary conditions 11, 12 and 13 of the above planning permission. Conditions 11 and 12 related to opening hours for the workshop and rear office. Condition 13 required acoustic testing be carried out to ensure that there is no transmission of sound between the workshop and the surrounding residential premises. The application proposed an alteration to the opening hours and to revise condition 13 to deal with noise levels in connection with the B1 use and not the sound resistance between the residential units (which would be considered under building regulations) and to replace condition 13 with a condition which addresses the construction and operation recommendations set out in the submitted noise assessment. The application was granted on 27.10.2009.

5.3 A non-material amendment was submitted under reference EN/09/01675/AMD. The alterations proposed in this application included 3 swan neck lights on the front elevation, insertion of two new window openings, one door to provide entrance to the flats and a refuse storage door in the northeast side elevation, and the insertion of a window opening in the rear elevation to the ground floor retail unit in the northwest rear elevation. The application was granted on 17.11.2009.

5.4 Recently, the Council received another application (reference EN/09/01955/VAR) which proposes an amendment to the drawings granted under reference EN/08/01304/FUL. The alterations proposed in this application mainly include alterations to the rear extension link, which was granted to be used as a workshop/ancillary retail space for No.83 Brook Street, removal of a rear staircase, in addition to other alterations. This application is still pending consideration.

5.5 The other application relevant to No.77-79 Brook Street is listed below:

85/01192/FUL, Conversion of ground floor to retail use with flat above, Granted on 04.09.1985.

6 Consultations and Representations

6.1 Neighbours:

44 Butts Road (objection), 2 Hill Street (objection), 7 High Street (objection), 7 Red Row (objection), The Folly, Stanwick (comment), 29 Ashfield Avenue (objection),

- There would be too many takeaways in the town centre/along the main High Street
- Does not add to the diversity of uses in the town centre
- More retail shops should be promoted/encouraged
- An alternative use should be considered for the building
- A number of shops have been lost and the town centre is becoming less attractive to shoppers
- A takeaway would mean it would mostly be closed during the day and would harm the vitality and viability of the town centre
- The proposal would increase traffic and congestion/harm highway safety
- Parking
- Harm to other business in the area (a local nearby businessman comments that his profit levels have already dropped by 50% due to current economic conditions)
- Harm to neighbouring amenity i.e. due to deliveries (comment made by a resident of Red Row), noise, odour, smell and other general nuisance
- Harm to the general amenity/environment of the area, i.e. due to litter, odour, smell
- Crime and disorder i.e. gathering of youths outside

6.2 Raunds Town Council: "Strong reservations concerning the proposed use were noted, and countered by observations that these may be an improvement on no use at all and a derelict building remaining so." The Town Council resolved to object on the basis of concerns over parking and the fact that the town would not benefit from an additional hot food takeaway.

6.3 Local Highway Authority: no objection, providing the lighting on the signage is of a non-intermittent type.

6.4 Northamptonshire Police: no objection or comments to make on the application on crime and disorder, anti-social behaviour related issues.

- 6.5 Environmental Protection: an objection was initially raised to the proposed ventilation/extraction system, due to its potential noise, vibration and odour impact. Following the receipt of further information on 25th November 2009, the Environmental Protection Officer is satisfied that these impacts can be satisfactorily mitigated and the development can be carried out without having a detrimental impact on the surrounding occupiers, subject to conditions (see recommendations below).
- 6.6 ENC Waste: no comments received.
- 6.7 Environment Agency: has assessed this proposal as having relatively low environmental risk.
- 6.8 Planning Policy: has given advice on the policies relevant to this proposal and which are noted within the content of this report. The following are considered to be the main issues:
- The need to protect and enhance the quality, character and amenity of the urban area as a whole.
 - The vitality and viability of the town centre.
 - The need to bring a vacant building back into use and to make efficient use of buildings within town centres.
 - To encourage a wider range of uses and diversification of uses within the town centre.
 - To consider the impact of the proposed use against the existing uses within the town centre.
 - Policy 1 places an emphasis on regeneration of town centres through environmental improvements and new mixed use developments, incorporating cultural activities and tourism facilities and such an argument can be presented in support of the proposed scheme.
 - The spatial strategy for Raunds is focused on delivering convenience retailing and services.
- 6.9 Site Notice posted: no other representation received.

7 Evaluation

- 7.1 The main considerations in the determination of this proposal are; the principle of development/impact on the town centre; its visual impact; impact on neighbouring amenities/amenity of the area; highway impact; litter; crime and disorder; and other material planning considerations.
- 7.2 Principle of Development/Impact on Town Centre
- 7.2.1 Policy 22 of the Regional Strategy and former PPS6 (now replaced by PPS4) stresses the importance of maintaining the vitality and viability of town centres. Raunds Preferred Options and PPS4 continue this emphasis and the policies within PPS4 relevant to this proposal include policies EC3: Planning for centres, EC4: Planning for consumer choice and promoting competitive town centres, and EC13: Determining planning applications affecting shops and services in local centres. These policies emphasise the importance of encouraging new uses for vacant or derelict buildings (EC2 (i)), encourages the strengthening of decline centres by promoting diversification of uses (EC3 (iii)), makes provision for retail units to change their use whilst retaining opportunities for vital local services (E3 (iv)) and support a diverse range of uses and ensures that these are distributed throughout the centre.

- 7.2.2 The unit concerning this application has been vacant to date from at least February 2006. This is according to the retail surveys carried by ENC from February 2006 to February 2009. According to the planning history for this site, planning permission was granted in 1985 for the building to be used as a shop unit at the ground floor with flat above, under reference 85/01192/FUL. Whilst planning permission was granted for the unit to be used as a shop, according to the submitted information and information submitted with the previous application EN/08/01304/FUL, the unit has remained as ancillary storage space to the TV shop. Without information to suggest that the 1985 permission has been implemented and information to demonstrate the length of time which the unit has been used as a retail unit and has been left vacant; it is considered that whether the unit can be considered as a retail unit and whether the existing unit has contributed to the shopping/retail function of the existing town centre is questionable.
- 7.2.3 Notwithstanding this, the unit falls within the Shopping Frontage, as defined in the Adopted Local Plan and Raunds Preferred Options, and as such, Saved Policy S5 of the Adopted Local Plan should be considered. This policy states that planning permission would be granted for a change of use to an existing A1 unit at ground floor providing the proposal would restore the integrity of a previously sub-divided unit or would result in positive benefit to the vitality and viability of the town centre. This proposal would bring a vacant unit back into use and the proposed new shop front would deliver benefits by improving the physical condition of the building, and for these reasons, is considered to be in accordance with Policy S5 and the advice contained in PPS4 (EC2(i)) mentioned above. However, it is recognised that an over concentration of takeaways within the shopping frontage of the town centre can have an adverse impact on the vitality and viability of the town centre and this matter is addressed in the subsequent sections of this report (as per paragraphs 7.2.5, 7.2.6).
- 7.2.4 Comments were received from local residents that the proposal would lead to too many takeaways within the town centre.
- 7.2.5 In February 2009, there were 5 takeaways and 2 restaurants/cafés in total within the town centre. According to the retail survey carried out at the time, 4 out of the 5 takeaways were located within the Shopping Frontage. The number of takeaways and restaurants/cafés within the town centre of Raunds has remained relatively consistent between 2006 to 2009. The takeaways identified in this survey include: Happy Gardens, Raunds Cottage, Taste of Spice, and the Fish Bar; and the A3 uses identified include Creamers Coffee (a café) and Mughal Dynasty. With exception of Creamers Coffee, most of these businesses are located towards the northern part of the town centre, along the main High Street, and are located some distance away from the application site. No other takeaways have been permitted within the town centre since February 2009.
- 7.2.6 It is considered that the proposal, for one additional takeaway, in addition to the existing 4 located at the northern end of High Street, would not result in a over concentration of takeaways within the town centre. This is given the total number of existing takeaways, the fact that the number of takeaways in Raunds has remained relatively consistent over the last few years and the fact that the proposal would be located some distance away from the existing group of takeaways found in the northern part of the town centre. It is considered that the proposal would add to the range of uses in the southern part of the town centre and the proposal would be well distributed amongst the existing uses. With exception of a coffee house (Creamers Coffee) located one shop unit away from the site, there are no other A3/A5 uses in the southern part of the town centre. As mentioned above, PPS4 (Policy E3 (iv)) supports a diverse range of uses providing that these are distributed throughout the centre. The proposal, for the reasons given, is considered to be in accordance with this policy.

- 7.2.7 Residents feel that a number of shops have been lost, that the town centre is becoming less attractive to shoppers; the proposal would not add to the diversity of uses in the town centre and that a retail use or another alternative use should be considered.
- 7.2.8 Table 1 supplementary to Policy 1 of the North Northamptonshire Core Spatial Strategy (CSS) identifies Raunds as a “localised convenience and service centre” in the town centre hierarchy, entailing a focus upon regeneration and diversification. Policy 12 of the CSS states that Raunds will consolidate its role in “providing mainly convenience shopping and local services” and demonstrates that the spatial strategy for Raunds town centre is focused upon delivering convenience retailing and services.
- 7.2.9 According to the retail survey conducted in 2009, there is a total of approximately 29 retail shops within the town centre, of which 15 are located along the Defined Shopping Frontage. The number of retail units has remained relatively consistent (around this number) since 2006. From all uses within the town centre, 39-40% are retail units, 11% are units occupied by financial services (giving a total of 50% from A1 and A2 uses); takeaways make up 7% and restaurants/cafés make up 3% (giving a total of 10% from A3 and A5 uses). The rest are residential (11%), D1, D2, Sui Generis uses (total to 14%). Given the number of existing retail units in comparison with the number of A3/A5 units and the overall mix of uses within the existing town centre, it is considered that there is insufficient information to justify that that the proposal would adversely affect the shopping function of the town centre or would not add to the diversity of uses within the town centre.
- 7.2.10 In addition, the application unit No.77-79 Brook Street and No.83 Brook Street were previously one shop with storage, and the application in EN/08/01304/FUL granted two retail units. If a change of use is granted to No.77-79 Brook Street, then the number of retail units would be no less than before, as No.83 Brook Street could still be implemented as a shop.
- 7.2.11 In terms of other alternative uses, planning permission was granted for the unit to be used for retail (A1) in EN/08/01304/FUL. However, it is understood that there has been no sale interest for the building with this use and this application has been submitted by an interested purchaser of the building.
- 7.2.12 Residents have also raised concerns that a takeaway would mean that the premises would be closed during the day and would harm the vitality and viability of the town centre.
- 7.2.13 The proposed opening hours for the takeaway are from 17:30pm to 23:00pm. This would mean that the premises would be closed during the day and is unlikely to contribute to the day time activities of the town centre. However, consideration would have to be given to the fact that the existing unit has been vacant since at least 2006 and there has been no interest in the building apart from the application submitted in 2008 (ref: EN/08/01304/FUL). In addition, there have been 9 other vacant units in the town centre of Raunds, at the same time, over this period. It should be recognised that a vacant derelict unit delivers no benefits to the vitality and viability of the town centre and the proposal would at least bring the building back into use. In addition, PPS4 (Policy EC4, 4.2(b)) encourages a diverse range of complementary evening and night time uses within the town centre and it could be considered that this proposal could pay a contribution to the local evening economy, (as supported by Policy 1 of the Core Spatial Strategy).
- 7.2.12 Overall, on the basis of the above information, it is considered that the proposal is acceptable in principle and would be difficult to refuse on planning policy grounds.

7.3 Visual Impact

- 7.3.1 Similar building alterations to that proposed in this application, including the first floor extension, with two front dormer windows and shop front alterations, were granted in EN/08/01304/FUL. The swan neck fascia lights were granted as a minor amendment under reference EN/09/01675/AMD. Therefore, this application mainly proposes an alteration to the position of the front door entrance, to locate it to the right hand side.
- 7.3.2 It is considered that the proposal would restore a building that is in disrepair and would bring a vacant unit back into use. By doing so, it is considered that this would deliver positive visual benefits to the town centre.
- 7.3.3 Subject to the use of appropriate materials in the external alteration works, including the roofing and facing materials for the building, it is considered that there will be no visual harm from this proposal, and a condition to require details of materials to be submitted before commencement of development is recommended.

7.4 Neighbouring Amenity/Local Amenity

- 7.4.1 EN/08/01304/FUL granted a residential flat above No.77-79, and a ground floor shop unit with two flats above at No.83-85 Brook Street, but this consent has not yet been implemented. Initially, the extract duct was proposed to be installed between the chimney which runs in between the walls of the flats and the Environmental Protection Officer was concerned about the impact of noise and odour on the flats. In addition, the Ventilation and Extraction Statement, initially submitted with the application was considered to be inadequate as it did not assess the impact of the development on the flats or put the information in the context of the design and layout of the takeaway.
- 7.4.2 These concerns were later addressed by the amended plans and Noise Survey/Impact Assessment. The original proposal was for a bedroom immediately above the extraction hood and the plans now show a kitchen/dining area in this area. The Environmental Protection Officer considers that this would help minimise disturbance to the future occupiers.
- 7.4.3 In addition, the Environmental Protection Officer considers that the submitted report provides a comprehensive acoustic assessment with respect to the noise from the extraction fans. The report concluded that complaints from noise are likely from the proposed extraction system and noise mitigation would be necessary. In terms of mitigation, the report suggests that an inductor attenuator, capable of reducing the sound power level by 25dB(A), be installed. The Environmental Protection Officer considers that this should bring the noise down to an acceptable level and has no objections to planning permission being granted subject to conditions to require (1) that the duct attenuator be installed, (2) full details of the design of the extractor system be submitted and (3) that the noise insulation be provided in accordance with British Standards (BS 8233:1999).
- 7.4.4 The site is surrounded by other commercial properties along Brook Street and residential properties to the northwest along Red Row; and No.75 Brook Street to the north of the site is also a residential property. Overall, the submitted Noise Survey/Impact Assessment has demonstrated that the ventilation and extraction systems can be accommodated without resulting in undue harm on the surrounding neighbours in terms of noise, smell or odour. Subject to the conditions recommended by the Environmental Protection Officer, it is considered that no harm would result on the future occupiers of the flats, the other surrounding residential properties or the local environment.

- 7.4.5 Overall then the impact on neighbouring amenities is considered insufficient to justify the refusal of planning permission on this application.
- 7.4.6 The proposed opening hours for the takeaway are from 17:30pm to 23:00pm daily, (Monday to Sundays). These opening hours are considered to be acceptable, taking into consideration the location of the proposal, within a town centre and surrounded by mixed use development. However, in order to prevent the business from operating outside of these hours and to safeguard to the amenities of the occupiers of the flats above and the general amenity of the local area, it is recommended that these opening hours be conditioned.
- 7.4.7 In addition, a condition restricting the time of deliveries to hours during the day from 08:30am to 19:00pm is recommended, in the interest of preserving the amenities of the occupiers of the surrounding residential properties.
- 7.5 Highway Impact
- 7.5.1 Neighbours have raised concerns that the proposal would increase parking, traffic, congestion and harm highway safety.
- 7.5.2 National planning guidance contained in PPG13, Parking SPG, Manual for Streets and the East Midlands Regional Plan, advises of the need to consider the availability of alternative on-street parking, the distance of the site to the town centre and its range of amenities and public transport facilities. Paragraph 51 of PPG13, in particular, advises that Local Planning Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety.
- 7.5.3 Parking bays are found directly in front of the site and further along High Street. Three parking spaces were provided in EN/08/01304/FUL to the rear of the site for the three flats at Nos.83-85 Brook Street and No.77-79 Brook Street. However, it was considered in this application that additional parking for the shops and office unit would be difficult to justify and this is similarly considered to be the case in this application. This is given that the site falls within the town centre, is adequately served by existing public transport services and the availability of public parking facilities within the town centre.
- 7.5.4 In addition, the proposed takeaway is only likely to generate parking demand during its opening hours, in the evenings, and the agent considers that this is likely to be at a time when competition for parking spaces is likely to be at the least.
- 7.5.5 Overall, the impact of the development on local parking is considered insufficient to justify a refusal of planning permission on this application and there are no other highway issues relevant highway issues. The Local Highway Authority, furthermore, have not objected to this application.
- 7.6 Litter and Crime and Disorder
- 7.6.1 Litter bins are available close to the site along the High Street and it is considered that the application is unlikely to raise a significant issue.
- 7.6.2 In terms of crime and disorder, some local residents have raised concerns. However, there is sufficient natural surveillance of the shop from the main High Street, where the building is also well lit. The back of the building would also be sufficiently overlooked by the surrounding properties. For the reasons given, it is considered that the application would be difficult to refuse on grounds of crime and disorder. Furthermore, the Crime Prevention Officer has not objected to this proposal.

8 Other issues

- 8.1 Impact on local businesses – Comments were received from a local businessman raising concerns about the impact on other businesses in the local area. Business competition is not a material planning consideration and the impact of the proposal on the town centre/diversity of uses is discussed mainly in paragraphs 7.2.4 to 7.2.13.
- 8.2 Access for Disabled – The internal floor level of the building is at a similar level with the pavement and therefore this application does not raise any significant issues, which cannot be controlled through Building Regulations.

9 Recommendation

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

Conditions/Reasons -

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

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

2. Prior to the commencement of the development hereby permitted, details and samples of the external roofing and facing materials to be used for the front building alterations shall have been submitted to and be approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a satisfactory appearance for the development.

3. In accordance with the submitted Environmental Noise Survey and Impact Assessment received on 25th November 2009, an inductor attenuator shall be installed within the proposed extraction system/extract duct. Details of this inductor attenuator, including its noise reduction level shall be submitted to and be approved in writing by the Local Planning Authority before commencement of development. The level of sound reduction shall be no less than 25dB (A) and the induct attenuator shall thereafter be installed in accordance with the details so approved and be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenities of neighbouring occupiers and in the interest of local amenity.

4. Before commencement of the development hereby permitted, full design details of the extraction system shall be submitted to and be approved in writing by the Local Planning Authority. The extraction system shall be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenities of neighbouring occupiers and in the interest of local amenity.

5. Before the first occupation of the residential unit at the first floor level, the takeaway hereby permitted shall be adapted so as to provide sound insulation against internally generated noise and to ensure that the external noise levels of the flat comply with BS8233.

Reason: To preserve the amenities of future occupiers of the flat and in the interest of local amenity.

6. The premises shall not be open to customers or any other visiting member of the public except between the hours of 17:30pm - 23:00pm Mondays to Sundays and no deliveries shall be carried out except between the hours from 08:30am to 19:00pm Mondays to Sundays .

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

7. The development shall be carried out strictly in accordance with the amended details received on 25th November 2009, drawing numbers: 957-02 Revision A, 957-01 Revision B, 957-03 Revision A.

Reason: In avoidance of doubt and to clarify the terms of this consent.

8. Prior to the implementation of the takeaway hereby approved, or the first floor flat to be located directly above takeaway as approved under application reference 08/01304/FUL, whichever is the latter, the first floor flat shall be laid out in accordance with drawing number DK957-03A received by the local planning authority 25 November 2009 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

Informatives

1. The drawings/information to which this decision relates are as follows:

Drawing numbers: 957-01 Revision D, 957-02 Revision B, 957-03 Revision B received by the Local Planning Authority on 26th March 2010; Design and Access Statement received 9th July 2009; Environmental Noise Survey and Impact Assessment received on 25th November 2009; Ventilation and Extraction Statement received 20th May 2009; and drawing numbers: MS-3039B (Existing main building elevations), MS-3039A (Existing floor plans), MS-3039 (Topographical Survey), received 18th May 2009.

2. In recommending approval to this application, the relevant planning guidance and policies were identified as: PPS1, PPS4, PPG13, PPG24; Policies 1, 2, 3, 22, 45, 48 of the East Midland Regional Plan 2009; Policies 1, 9, 12, 13 of the North Northamptonshire Core Spatial Strategy 2008; Policy S5 of the East Northamptonshire District Local Plan; Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008; and Raunds Preferred Options.

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

The application has been approved as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national and regional planning policies.
2. The proposal is not considered harmful to the vitality and viability of the town centre or other businesses.
3. The development would restore a vacant unit within the town centre and improve the environment.
4. The proposal would have no significant visual impacts.
5. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the surrounding area.
6. The proposal would not have an unacceptable impact on the local highway.
7. The proposal would have no significant crime and disorder issues.

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

Committee Report

Committee Date : 28 April 2010

Printed: 14 April 2010

Case Officer **Mr Rhys Bradshaw**

EN/10/00444/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
8 March 2010	18 March 2010	13 May 2010	Fineshade	Collyweston

Applicant **Conquest Homes LLP**

Agent **Wilmot Partnership Design**

Location The White House And Collyweston Garage 95 Main Road Collyweston
Northamptonshire PE9 3PQ

Proposal **Proposed amendments to Plots 3 and 4 to previously approved scheme - EN/07/02435/FUL**

This application is brought before the Development Control Committee in accordance with the scheme of delegation as the proposal relates to more than one residential unit within a Restricted Infill Village (as formerly classified by policy H10 of the local plan). The previous application was considered by the Development Control Committee as an objection was received from Collyweston Parish Council.

1 Summary of Recommendation

1.1 The application be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes an amendment to a previously approved scheme for redevelopment of the former garage site involving the erection of nine dwellings. The proposed amendments relate specifically to plots 3 and 4.

3 The Site and Surroundings

3.1 The site comprises land formerly used as a commercial garage including a petrol station on the edge of the village. The site has been cleared.

3.2 The plot is prominent when travelling through Collyweston via the busy A43. Large two storey detached dwellings stand directly adjacent to the south west and north east, while terraced properties stand to the rear of the site. The opposing side of the A43 is largely undeveloped other than for Collyweston Primary School.

3.3 Land levels slope upwards to the south east.

3.4 The site falls outside of the conservation area for Collyweston.

4 Policy Considerations

4.1 National policy

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS7 – Sustainable Development in Rural Areas

PPG13 – Transport

PPS5 – Planning and the Historic Environment

4.2 East Midlands Regional Plan (RSS8)

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 13b – Housing Provision (Northamptonshire)

Policy 14 – Regional Priorities for Affordable Housing

- Policy 17 – Regional Priorities for Managing the Release of Land for Housing
- Policy 48 – Regional Car Parking Standards
- Policy MKSM SRS Northamptonshire 1
- Policy MKSM SRS Northamptonshire 2
- 4.3 North Northamptonshire Core Spatial Strategy
 - Policy 1 – Strengthening the Network of Settlements
 - Policy 7 – Delivering Housing
 - Policy 9 - Distribution and Location of Development
 - Policy 10 – Distribution of Housing
 - Policy 13 – General Sustainable Development Principles
 - Policy 14 – Energy Efficient and Sustainable Construction
 - Policy 15 - Sustainable Housing Provision
- 4.4 Rural North, Oundle and Thrapston Plan (Inspector’s modifications 8th July 2009)
 - Policy 1 – Settlement Roles
 - Policy 2 – Windfall Development in settlements

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

5 Relevant Planning History

- 5.1 EN/07/02435/FUL - Redevelopment of site, comprising of nine dwellings and associated works. APPROVED 23/05/08

6 Consultations and Representations

- 6.1 Neighbours – one letter received at the time of writing this report. Any further representations will be reported to the Committee via the update sheet.
 - 95 Main Road Collyweston - We object strongly to this application for the following reasons:
 1. The single storey extension to Plot 3 is shown on the garden of our land. This extension could never be built as a result. The size of garden is misrepresented as being bigger than what it actually is. The garden is shown as encroaching well into our garden which clearly the developer does not own. In our opinion this will leave the house with a garden that is clearly too small. This scheme can not be built in its current form and will waste the time of ENC planning dept.
 2. The garden to plot 4 has also been misrepresented as being bigger than what it actually is. The garden is shown as extending by approx 2 metres north into land not owned by the developer.
 3. The northern wall of the home proposed for plot 1 is shown sitting on the pedestrian path to the south of the White House. This house can not be built in this current position and needs to be moved south in accordance with the boundary stipulated by the land registry. Plot 1 is shown without a garage. In our opinion a 6 bedroom home as proposed will require more car parking space than is currently proposed. 2 car parking bays is insufficient and could lead to inevitable parking on footpaths which will be a safety and aesthetic issue to the street. The front stone wall is misrepresenting the size of the front garden as the northern boundary stone wall is extending onto land not owned by the developer.
 4. Plot 2 is shown as occupying land that is not owned by the developer and as a result can not be built in its current form.
 5. In our opinion this planning decision should be rejected on legal and planning reasons. We have not granted or implied in any way permission for our home or garden to be used as part of this development.
- 6.2 Collyweston Parish Council – No comments received at the time of writing this report. Any representations will be reported to the Committee via the update sheet.
- 6.3 Local Highway Authority (NCC) – No comments received at the time of writing this report. Any representations will be reported to the Committee via the update sheet.

- 6.4 Environmental Services – No comments received at the time of writing this report. Any representations will be reported to the Committee via the update sheet.
- 6.5 Housing Strategy – No comments received at the time of writing this report. Any representations will be reported to the Committee via the update sheet. Previously, Housing Strategy commented that the site area and number of dwellings falls below the thresholds for affordable housing prescribed by the Council SPD and as such the proposed provision of market housing is considered acceptable.
- 6.6 Conservation Officer (trees) – No comments received at the time of writing this report. Any representations will be reported to the Committee via the update sheet.

7 Evaluation

- 7.1 The following issues are relevant to the determination of this application:
 - 7.2 Principle of development:
 - 7.2.1 The previous permission on this site as outlined in paragraph 5 has established the principle of residential development on this site.
 - 7.2.2 PPS3 encourages the re-use of brownfield sites within existing settlements where good use can be made of land served by existing services. The land the subject of this planning application fulfils this criterion and can be considered a suitable site for residential development subject to weighing against normal planning considerations.
 - 7.2.3 The development site falls within the settlement boundaries defined by the existing built form of the village. It would also fall wholly within the settlement boundary defined by the emerging Rural North, Oundle and Thrapston Plan. The proposal does not therefore conflict with PPS7 which seeks to protect open countryside.
 - 7.2.4 The Rural North, Oundle and Thrapston (RNOT) Plan identifies Collyweston as a 'Category A' Network Village. Policy 1 of the plan suggests that opportunities for windfall developments within such villages may exist and should be viewed favourably where in compliance with policy 2 of the plan.
 - 7.2.5 Policy 2 deals specifically with windfall development and defines a number of criteria against which proposals should be assessed. These criteria seek to ensure that balanced and mixed communities are created, the character of the village is protected, local services are capable of serving the development and that important views and vistas are appropriately protected.
 - 7.2.6 The proposals comply with the requirements of the plan along with national guidance and adopted local plan policy and the proposal should therefore be viewed favourably in principle.
 - 7.3 Design and materials:
 - 7.3.1 The unit numbers and layout remain the same. The design of plots 1, 2, 5, 6, 7, 8 and 9 also remain as originally approved under EN/07/02435/FUL. Notwithstanding this, as this application effectively replaces the former, a full assessment is made below
 - 7.3.2 The site is currently vacant and has been partly cleared. The redevelopment therefore presents opportunity for visual improvement. The built form along Main Road, particularly in the area immediately surrounding the site is of relatively modern design and appearance, contributing little to the vernacular style of the village core. Given the prominent location of the site, a high standard of design had been sought through pre-application discussions and subsequent amendment to the previous application so as to improve the appearance of the street scene and promote more of a relationship with the traditional character of the village.
 - 7.3.3 The surrounding development density along Main Road is currently lower than that of the more historic buildings towards the centre of the village although the properties to the rear comprise higher density terraced properties. The proposed density equates to approximately 36 dwellings per hectare; this density is considered to make an efficient use of brownfield land in accordance with Planning Policy Statement 3 while respecting the rural setting and the surrounding development form.

- 7.3.4 The proposed buildings take account of the differing land levels within the site, reducing in scale as land levels increase to the south east. Two large properties would provide a strong presence and active frontage to Main Road and would be of a height commensurate with the adjacent properties, 95 and 97 Main Road. While rooms are to be included within the roof space of the two properties, these would be served by small dormer windows reflecting those apparent in more historic properties nearby and would not significantly add to the mass of the building. The steeply pitched roofs are considered characteristic of local building style and are supported by the Rockingham Forest Design Guide.
- 7.3.5 Five substantial dwellings are proposed towards the front of the site (towards Main Road) in order to reflect the scale of existing properties in this part of the village. Three more modest dwellings and a first floor flat are proposed towards the rear of the site resulting in a good mix of house types and promoting a balanced community.
- 7.3.6 The layout of the site follows a meandering road off of Main Road (A43) leading to a paved courtyard. Plots 1 and 2 maintain the building line created by the existing properties along Main Road while the remaining properties follow the line of the proposed estate road along with a small area to be landscaped to the frontages. Plot 6, 7, 8 & 9 present an L-shaped form towards the north east end of the site which have been designed to present an agricultural appearance offering variety and character to the development.
- 7.3.7 The buildings each take on a relatively simple plan when viewed from the public realm reflecting the traditional form and layout of local buildings. The proposed design has clearly taken account of local vernacular and character incorporating small vertically emphasised openings, steeply pitched roof slopes and substantial chimney stacks.
- 7.3.8 The properties would each be constructed from limestone, with a mix of imitation Collyweston slate, natural blue slate and clay pantiles. While it is noted that the majority of buildings within the core of the village present Collyweston Slate roofs, it would not be reasonable to impose a requirement for this costly and scarce material outside of the conservation area and in respect of new build properties.
- 7.3.9 The most prominent properties would incorporate imitation Collyweston slate as suggested previously by the Parish Council, while blue slate would provide a degree of visual interest and variation to other properties. Clay pantiles are not a common material for dwellings within the village; however plots 6, 7, 8 and 9 have been designed so as to create an appearance of a rural courtyard of agricultural form. Traditionally, lower status and ancillary buildings have often incorporated a lesser material such as pantiles and indeed, the applicant submits that this is part of the design concept. While the proposed materials are considered acceptable, a condition is suggested requiring submission of details for approval. Such a condition would also control the use of render within the development, a further issue raised by the Parish Council on the previous scheme
- 7.3.10 Mindful that the development would occupy a site on the edge of the village, particularly visible at its southeast extent, the scale of properties reduces accordingly towards this periphery. Sufficient space for planting to the rear boundaries of plots 6 – 9 has been allowed in order to soften views of the development upon approach to the village from the A43.
- 7.3.11 The proposed amendments involve the construction of a timber canopy between plots 3 and 4 in place of a detached garage as previously approved. This would cover the approved driveways for these plots and act as carports. The roof of the canopy would have slates to match those proposed on the main roofs either side. The remaining alteration is to the western side of plot 3 to incorporate a single storey extension that would wrap around the north western corner to extend into the rear garden. This extension would compliment the host dwelling in terms of materials and roof pitch whilst appearing subservient to it. Given the scale and location of these amendments, the impact on the character of the development and the wider street scene is considered acceptable.

7.4 Effect on neighbours:

- 7.4.1 Having considered the most recent use of the site as a commercial garage and petrol filling station, redevelopment for residential purposes is considered to be a more compatible use with neighbouring residential properties and is likely to reduce levels of noise and disturbance.
- 7.4.2 The two properties proposed to the front of the site would stand relatively close to those either side. No openings oppose the site from the gable end of number 97 and as such, no adverse impact will result in terms of overshadowing or overbearing impact. A tall boundary wall surrounds the rear garden curtilage of this property retaining adequate private amenity space along with existing planting.
- 7.4.3 Number 95, presents a number of small windows within the opposing gable although these all appear secondary to larger openings within the front and rear of the property where serving habitable rooms. The resulting loss of light and visual impact is therefore considered acceptable and would not result in such detriment as would warrant refusal of the application. Whilst the occupier of 95 Main Road has raised concerns regarding the ownership of land on this occasion, this is a civil matter with the applicant. The boundaries of the site remain as originally approved and the Ownership Certificate A has been completed in full to indicate that the applicant owns the land. The applicant has been notified of this dispute and any comments will be reported to the Committee via the update sheet.
- 7.4.4 The rear elevations of plots 3, 4 and 5 are separated from the side gable of 21 Westonville by 14 - 17 metres. The opposing elevation contains one obscure glazed bathroom window at first floor level and no overlooking to habitable rooms would therefore occur. It is likely that a degree of overlooking will occur to the garden curtilage of this property though landscaping has been proposed and can be secured by condition to prevent undue adverse impact.
- 7.4.5 Openings within the rear elevations of plots 6, 7 and 8 will each enjoy views across the open countryside only.
- 7.4.6 Plot 9 contains five roof lights and three first floor windows offering views over the adjacent garage block and towards 19 Westonville. Each of these openings serves a non-habitable room such as a bathroom or hallway or is secondary to other openings and it is therefore considered reasonable to impose a condition requiring obscure glazing and restricted opening.
- 7.4.7 The relationship between buildings within the site is typical of residential development but allows appropriate levels of private amenity space to each dwelling.

7.5 Highway issues:

- 7.5.1 The properties would be served by a new vehicular access of adoptable standard. Whilst comments had not been received at the time of drafting this report, the Local Highway Authority previously suggested that the access incorporate pedestrian (2m x 2m) and vehicular visibility splays (2m x 43m), both of which are achievable and can be secured by way of condition. Details of appropriate street lighting, hard surfacing and drainage facilities to prevent the discharge of water onto the public highway would also be necessary. Works to the pedestrian footpath at the front of the site should be required by Grampian condition.

7.6 Effect on the character of the Conservation Area:

- 7.6.1 The site falls just outside of the conservation area for Collyweston but does not present a particularly strong visual relationship. Redevelopment of the site will however introduce development of a design and appearance reflecting the traditional character and appearance of the village and incorporating appropriate design features as discussed above. It is considered that the development will improve the street scene upon entry along the A43 and enhance the approach to the conservation area.

7.7 Contamination:

7.7.1 An environmental report was submitted in support of a previous planning application. While this is so, a number of uncertainties with respect to the extent and nature of any contamination present remain, especially in and around the fuel dispensing area. Further work is necessary to investigate contamination at the site and develop a remedial scheme. During the previous application, the Council's Environmental Health team suggested that conditions be attached to any planning permission to secure these works in order that end users are not at risk from contamination.

7.8 Trees:

7.8.1 Given that the site is previously developed as a garage, limited planting exists, none of which is of particular quality or significance. A landscaping scheme should be secured by way of condition so as to achieve appropriate quality of development.

8 Other Issues

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

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

9 Conclusion

9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS5, PPG13 Policies 1, 2, 3,13b, 14, 17 and 48 of the East Midlands Regional Plan, North Northamptonshire Core Spatial Strategy 2008 policies 1, 7, 9, 10, 13, 14 and 15 and policies 1 and 2 of the Rural North, Oundle and Thrapston Plan (Inspector's modifications 08/07/09). Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenity, the design and visual impact and the highway implications. The application has been recommended for approval as:

- The principle of the development is acceptable and is consistent with the development plan.
- The proposal comprises the development of suitable previously developed site in a sustainable location within the village of Collyweston.
- The proposal would not have an unacceptable impact on the local highway.
- The development would not harm the visual amenity or character of the area.
- The proposal would not have a significant impact on the amenities of neighbouring occupiers.

Recommendation

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

Conditions/Reasons -

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

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

2. Prior to the commencement of development, a schedule and samples of all external materials to be used within the development including facing, roofing and fenestration shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved details. Notwithstanding the information already submitted, blue slate shall not be used as a roofing material within the development.

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

3. Prior to the commencement of development, details of the proposed boundary treatments for the site shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure an acceptable elevational appearance and to protect neighbouring amenity.

4. Prior to the commencement of development, details of the proposed finished floor levels of each building hereby approved in relation to the existing and proposed levels of the site and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall thereafter be constructed in accordance with these approved details.

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

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

Reason: To ensure a reasonable standard of development.

6. The landscaping scheme required by condition 5, shall incorporate substantial planting to the north east boundary of the site adjoining 21 Westonville and to the southern most boundary of the site to the rear of plots 6 – 8.

Reason: To protect neighbouring amenity and to achieve appropriate screening and transition between the built and undeveloped environment.

7. Pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular access hereby approved and thereafter retained. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be reduced to and maintained at a height not exceeding 0.6m above the carriageway level.

Reason: In the interests of highway safety.

8. Vehicular visibility splay of at least 2.0m x 43.0m shall be provided on each side of the vehicular access and thereafter retained. These measurements are taken from and along the carriageway. The areas of land forward of these splays shall be reduced to and maintained at a height not exceeding 0.6m above the carriageway level.

Reason: In the interests of highway safety.

9. No work shall commence until details, including a layout plan demonstrating works to improve the public footpath fronting the site have been submitted to and approved in writing by the local planning authority. Works shall thereafter be carried out in accordance with these details and the footpath brought into use prior to first occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety.

10. Prior to the commencement of development, details of all proposed surfacing materials, means of drainage to prevent the discharge of water to the public highway and street lighting facilities shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.

Reason: In the interests of highway safety.

11. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing: A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

Reason: To ensure potential risks arising from previous site uses have been fully assessed.

12. Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.

Reason: To ensure the proposed remediation plan is appropriate.

13. Remediation of the site shall be carried out in accordance with the approved remediation strategy. No deviation shall be made from this scheme without the express written agreement of the LPA. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

14. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

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

15. Notwithstanding the submitted information, all roof lights and first floor windows within the east facing elevation of plots 8 and 9 shall be fitted with obscure glazing and a means of restricted opening, details of which shall have been submitted to and approved in writing by the local planning authority prior to the commencement of development. The windows shall thereafter be retained in this manner unless otherwise agreed in writing by the local planning authority.

Reason: To protect neighbouring amenity.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order amending or re-enacting that order with or without modification), no additional openings shall be inserted within the east facing elevations of plots 8 and 9 unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard neighbouring amenity.

Informatives

1. The drawings to which this decision relates are as follows:
 - 2709 - 15
 - 2709 - 3b
 - 2709 - 5c
 - 2709 - 7d
 - 2709 - 8c
 - 2709 - 11aReceived by the Local Planning Authority on 18.03.10

2. In approving this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS5, PPG13 Policies 1, 2, 3, 13b, 14, 17 and 48 of the East Midlands Regional Plan, North Northamptonshire Core Spatial Strategy 2008 policies 1, 7, 9, 10, 13, 14 and 15 and policies 1 and 2 of the Rural North, Oundle and Thrapston Plan (Inspector's modifications 08/07/09). Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenity, the design and visual impact and the highway implications. The application has been approved as:
 - The principle of the development is acceptable and is consistent with the development plan.
 - The proposal comprises the development of suitable previously developed site in a sustainable location within the village of Collyweston.
 - The proposal would not have an unacceptable impact on the local highway.
 - The development would not harm the visual amenity or character of the area.
 - The proposal would not have a significant impact on the amenities of neighbouring occupiers.

Committee Report

Committee Date : 28 April 2010

Printed: 15 April 2010

Case Officer **Anna Lee**

EN/09/00405/REM

Date received	Date valid	Overall Expiry	Ward	Parish
20 March 2009	9 April 2009	9 July 2009	Higham Ferrers	Lancaster

Applicant **Ashgate Mount Homes Ltd**

Agent **Len Mason Consultant**

Location 77 Kimbolton Road Higham Ferrers Rushden Northamptonshire NN10 8HL

Proposal **Reserved Matters: Landscaping associated with demolition of existing buildings and redevelopment of twenty four dwellings with associated external works pursuant to outline planning permission EN/04/02158/OUT dated 21/3/06**

The application has been brought back to Development Control Committee after the application was deferred at Committee on 2nd December 2010 for the Case Officer to further investigate a landscaping/boundary screening matter.

1 Update

- 1.1 Due to the difference in levels between the northeast side of the application site and Peverel Close, the agent was requested to investigate the difference in levels and to provide further information to demonstrate why the proposed 1.8 metre high brick wall was considered suitable for this boundary. Amended plans were received by the Council on 15th March 2010; where a 1.8 metre high retaining wall with a 1.2 metre high timber fence on top has been proposed instead of just the 1.8 metre high wall. Surrounding neighbours were re-consulted on the amended details received.
- 1.2 From the re-consultations, one letter was received from the occupiers at No.9 Peverel Close: "my concerns are allayed provided that particular care and respect is given to the hedge root systems whilst preparing the ground work for the retaining wall such that further growth of the hedge is not impeded."
- 1.3 A site visit was carried out by the Case Officer and Tree Officer on 8th April 2010 to view the boundary to Peverel Close from the application site. The difference in ground levels between the application site and Peverel Close is some 1.4 metres, where Peverel Close is located at higher level and the north eastern boundary of the site is covered by planting, including conifers, brambles and shrubs.
- 1.4 Given the difference in levels between the application site and Peverel Close, it is considered that the proposed 1.8 metre high retaining wall would be sufficient to address the difference in levels and would be an appropriate form of treatment for this boundary. The addition of a 1.2 metre high fence above the wall would not result in any harm in terms of overshadowing or overbearing on the neighbouring properties or gardens of No.9 Peverel Close or No.25 Chichele Street and would help to enhance the privacy of the site from Peverel Close. Furthermore, the trees/planting to be removed all fall within the boundary of the application site, and as such, it is not considered that the planting within the neighbouring garden of No.9 Peverel Close

would be significantly affected. In terms of the impact of the proposed retaining wall; whilst this would be positioned against the boundary of No.9 Peverel Close, it is unlikely that significant ground excavations would be required to install the retaining wall, given the existing levels in the land.

- 1.5 The Tree Officer considered the impact of the proposal on the two protected trees located in Peverel Close. Both of these are Ash Trees (T2 and T3) and lie outside of the application site. In order to accommodate the garage and residential units permitted adjacent to the north eastern boundary, the applicant proposes to remove the brambles, shrubs and conifers located along the boundary. Overall, the Tree Officer is satisfied with the relationship of the proposed retaining wall with the protected trees and has no objection to the removal of the brambles, shrubs and conifers located against the boundary.
- 1.6 In conclusion, it considered that no harm would result on neighbour amenity and the proposal would not have an adverse effect on the visual amenity of the area, as sufficient planting would remain adjacent to the site at Peverel Close.

2. Recommendation

- 2.1 It is recommended that the application be GRANTED subject to the conditions in the attached report.

APPENDIX 1: Report to Committee, 02/12/2009

This application is brought before Development Control Committee for determination as the number of dwellings proposed in the previous application (reference EN/04/02158/OUT) exceeded the number which may be determined by the Head of Planning Services under the Scheme of Delegation. In addition, the previous application was refused by Members at Committee on 16.12.2004 and was subsequently allowed at appeal on 21.03.2006.

1 Summary of Recommendation

- 1.1 That permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application seeks reserved matters approval for landscaping, pursuant to conditions 1, 2 and 3 of the Planning Inspectorate's decision.
- 2.2 The submitted landscaping details include planting areas in front of the buildings to Kimbolton Road and Chichele Street, with the incorporation of 1.2 metre high railings to both roads, and to include planting areas within the courtyard of the development.
- 2.3 Amended plans were received on 20.10.2009 and on 21.10.2009. The amended details include revised landscaping proposals and additional street scene elevations to provide a visual illustration of the proposal. The Town Council, neighbours and other consultees were re-consulted on 22.10.2009.

3 The Site and Surroundings

- 3.1 The application site measures approximately 0.28 hectares in area and is prominently located on the corner of Chichele Street and Kimbolton Road. From the previous Committee report, it is understood that the site was previously occupied by a three-storey factory building, but this building has since been demolished. At present, the site is vacant and is boarded up on both sides facing Chichele Street and Kimbolton Road and a row of conifers/shrubs can be found located towards the eastern boundary of the site.
- 3.2 Surrounding the application site; to the south along Kimbolton Road are mainly 1960's style semi-detached residential properties. In between the properties are mature trees which are regularly distributed within the highway verge and these currently add to the green and suburban character of Kimbolton Road.
- 3.3 To the west of the site along Chichele Street are mainly industrial/commercial buildings. 1960s style residential development can be found further north of the site. There are no parking restrictions along the surrounding roads and on-street parking can be found on both Chichele Street and Kimbolton Road.

4 Policy Considerations

- 4.1 National Planning Policy Guidance:
PPS1– Sustainable Development
PPS3 – Housing
PPS9 – Biodiversity and Geological Conservation
- 4.2 Regional Spatial Strategy 8: East Midlands Regional Plan, March 2009
Policy 1 – Regional Core Objectives
Policy 2 – Local Priorities for Development
Policy 3 – Sustainability Criteria
Policy 4 – Promoting Better Design
Policy 5 – Concentrating Development in Urban Areas
- 4.3 North Northamptonshire Core Spatial Strategy, June 2008:
1 – Strengthening the Network of Settlements
7 – Delivering Housing
9 – Distribution & Location of Development
13 – General Sustainable Development Principles
- 4.4 Supplementary Planning Guidance:
Parking SPG, March 2003
Planning Out Crime in Northamptonshire, Feb 2004
- 4.5 Supplementary Planning Document:
Design SPD, March 2009
- 4.6 Other Documents:
Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008
- 4.7 Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough

5 Relevant Planning History

- 5.1 The original application reference EN/04/02158/OUT granted a scheme of 24 residential units on the former factory site. The buildings granted in this application consists of an L-shaped apartment block on the corner of Chichele Street with Kimbolton Road; a terrace of six townhouses facing Chichele Street; and a smaller block of houses to the rear of the site near the boundary with Peveril Close. In terms of access and parking, two new accesses were permitted off Chichele Street and 28 onsite car parking spaces (including two spaces within a double garage) were also approved in this application.

5.2 Other applications proposing residential development on this site were submitted and withdrawn under references EN/04/01019/OUT and EN/03/00805/OUT, and the details are provided as follows:

- EN/04/01019/OUT, Demolition of existing factory and replacement with 40 1, 2 and 3 bed flats and associated works, Withdrawn on 16.07.2004.
- EN/03/00805/OUT, Residential development, Withdrawn on 07.12.2005.

5.3 The last lawful use of the site is believed to be a warehouse/office as application was granted under reference 79/00265/FUL, for 'Change of use from factory and office to warehouse and office', on 28.03.1979.

6 Consultations and Representations

6.1 Neighbours:

9 Peverel Close: objection for the following reasons:

"We are particularly concerned that the hedgerow, lining the border between Peverel Close and the proposed application, carefully regenerated by us over the last 6 years now reaching over eight feet in height, will be destroyed at the very least by root damage or at worst by total removal, the consequence of which will greatly diminish the existing privacy enjoyed by the three dwellings and greatly damage the micro environment including ideal nesting areas and abundant wildlife".

6.2 Higham Ferrers Town Council:

During the initial round of consultations carried out in May 2009, the Town Council did not consider that there was sufficient information for them to consider the proposal and requested that further information be provided.

In the second round of consultations carried out in October 2009, the Town Council considered the amended details and has confirmed that they have no objection or comments to the application.

6.3 Conservation Officer (Trees): Concerns were raised to the initial proposals. However, the Conservation Officer is now content with the amended landscaping proposals received in October 2009, (see recommendations below).

6.4 Local Highway Authority: Concerns were raised by the Highway Officer in May 2009 that the boundary of the application site is inaccurate and that they would wish to see the existing splays provided at the junction to Kimbolton Road and Chichele Street retained. However, no objections were raised to the amended proposals submitted in October 2009, (see recommendations below).

6.5 Northamptonshire Police (Crime Prevention Officer): no objections or comments to make on this application.

6.6 NCC Education Officer: The Education Officer notes that the Section 106 includes an educational contribution that is index-linked and confirms that NCC would still require contributions for school places.

6.7 Site Notice posted: no other representations received.

7 Evaluation

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

7.2 Principle of development

7.2.1 Members should be aware that all that can be considered in this application is landscaping as all other matters, including, access, siting and external appearance of the buildings were approved in the previous outline application reference EN/04/02158/OUT.

7.2.2 The conditions on the Planning Inspectorate's decision notice dated 21.03.2006 sets out the framework for the submission of reserved matters. The relevant conditions include condition 1 and condition 3 and these conditions require the applicant to obtain landscaping approval from the Local Planning Authority and an application needs to be submitted before the expiration of three years from the date of 21.03.2006. This reserved matters application was received by the Council on 20.03.2009.

7.2.3 In addition, condition 2 states that the details of landscaping to be submitted shall include boundary screening details and "the boundary screening shall be completed before the buildings are first occupied or in accordance with a timetable to be approved by the Local Planning Authority". The information submitted with this application includes details of planting proposals, as well as details of boundary screening details for the site.

7.2.4 Overall, the submitted application and accompanying details would appear to be in-line with the conditions set in the outline planning permission granted by the Planning Inspectorate and there are no objections to the principle of providing landscaping for this residential development.

7.3 Visual impact

7.3.1 Concerns were initially raised by the Conservation Officer to the details submitted in April 2009, as the landscaping scheme submitted at the time was considered (1) to be too varied and the species proposed at the front would crowd-out and dominate those species proposed to the rear, (2) not to have a clear design and layout, (3) the grassed areas proposed to Chichele Street would have issues in terms of practicalities for mowing, and (4) the scheme would be likely to propose management issues.

7.3.2 Discussions were carried out between Officers and the agent and the agent was advised to consider a scheme that would be better related with the more ordered character of planting along Kimbolton Road and to consider more structured planting to replace the grass sections proposed towards the northern section of the site along Chichele Street. In addition, the agent was requested to provide further details of the management proposals.

7.3.3 The landscaping proposals were revised in accordance with the recommendation of Officers. The Conservation Officer has made the following comments in respect of the revised scheme: "Having looked at the amended planting details, I would suggest that these now meet the requirements of this Reserved Matters application. The colour elevations demonstrate how the compartments of planting will create the repeat pattern which is a characteristic of the area and how the small shrubs will help to give some planting space to plots 10-23 along Chichele Street. In addition, the management operations proposed to be incorporated into the management plan demonstrate how the area will be appropriately maintained." Overall, the Conservation Officer, has no objections to planning permission being granted for the application.

7.3.4 The subsequently submitted street scene elevations show that the planting proposed along Kimbolton Road and Chichele Street now follows a more coherent structure of planting. This planting would also relate well with the 1.2 metre high, black finished railings proposed along Kimbolton road and Chichele Street. There are no objections to the planting areas proposed within the site, as these would be mostly concealed away from the street scene by the apartment blocks.

7.3.5 Overall, it is considered that there would be no significant visual impact from this proposal and the landscaping and boundary treatment details proposed in this application would visually enhance the housing development scheme already approved.

7.4 Neighbouring amenity

7.4.1 Railings measuring some 1.8 metres in height were shown on the drawings submitted for EN/04/02158/OUT. The railings proposed in this application, on the other hand, measure 1.2 metres in height. This height of railing is considered to have less of an impact on the outlook from the front windows of the permitted apartments and would have a more acceptable impact on the residential amenity of the future occupiers of the apartments.

7.4.2 The submitted boundary screening details shows retention of the existing 2.2 metre high brick wall to the northern boundary and retention of the existing 1.6 metre high close-boarded fencing for majority of the eastern boundary. A new brick wall measuring 1.8 metres in height is proposed to provide screening for the site for the northern section of the eastern boundary. Overall, it is considered that this screening would be sufficient for preserving the privacy and amenity of the neighbouring properties which adjoin the site to the north, northeast and eastern boundaries. This includes No.25 Chichele Street to the north, No.79 Kimbolton Road to the east and the properties along Peveril Close to the northeast. A condition to require the provision and retention of the proposed boundary screening is recommended to safeguard the residential amenities of the existing surrounding occupiers, as well as the amenities of the future occupiers of the dwellings.

7.4.3 Whilst the concerns of the occupants at No.9 Peveril Close are noted, in terms of the impact of the development on the roots of the trees located towards the north/eastern corner of the site; the Council cannot request that details be submitted to ensure protection of the trees (i.e. in the form of a Tree Protection details or an Arboricultural Method Statement) in this reserved matters application. The impact of the development on the trees surrounding the site was considered in the original outline planning application when consideration was given to the siting of the buildings. As no conditions were imposed on the outline planning permission by the Planning Inspector, it would be unreasonable for the Council to request for these details at the reserved matters. This is particularly given that landscaping is the only reserved matter on this application. Furthermore, given that a double garage and parking court was approved in the north eastern corner of the site, it is considered that the risk of damage to tree roots from this development would be much less than anywhere else on the site.

7.4.4 Overall, there will be no issues of overlooking, overshadowing or overbearing impact from this proposal and the impact on neighbouring amenities is considered insufficient to justify the refusal of planning permission on this application.

7.5 Highway impact

- 7.5.1 The Highway Officer initially raised concerns that the proposed landscaping would encroach onto the highway on the southern side of the site to Kimbolton Road. The Officer advised that "The footway on the south western side of the development on Kimbolton Road is 4.5 metres in width and on the south eastern side of the site is some 1.8 metres in width. The nominal 1.8 metre wide footway fronting the western side of the development site within Chichele Street." The site plan was later amended to address the concerns of the Highway Officer in terms of defining the boundary of the site and the highway boundary. The Highway Officer is now content that the proposed landscaping and boundary screening would not encroach upon the highway.
- 7.5.2 In addition, the Highway Officer has advised that the Local Highway Authority would wish to see the existing visibility splays at the junction between Chichele Street and Kimbolton Road retained and would not wish to see planting in these areas that would affect the inter-visibility of drivers emerging from Chichele Street to Kimbolton Road. As the boundary of the site has been set back from Kimbolton Road, the width of the existing public footpath to Kimbolton Road would maintain the required pedestrian and vehicle visibility splays. As such, the Highway Officer is satisfied that the visibility splays would not be adversely affected by the development and that adequate visibility splays would be maintained at the junction between Chichele Street and Kimbolton Road.
- 7.5.3 Two new vehicular access points accessed from Chichele Street were approved in the outline application. In terms of the planting proposed within the areas of visibility splays on both sides of the access points, the Highway Officer has suggested a condition to ensure that planting within these areas do not exceed 600mm in height, in order to maintain satisfactory pedestrian visibility, and a condition has been recommended accordingly. Whilst the Highway Officer has also requested a condition to require that the vehicular access points be constructed with pedestrian visibility splays on both sides measuring 2.4 metres x 2.4 metres, this condition is considered to be unreasonable because the vehicular accesses have already been granted planning permission and this application is for landscaping only.
- 7.5.4 Overall, there are no other significant highway issues.

8 Other issues

- 8.1 Management Agreement - The application was submitted without a Management Agreement. However, a management operations schedule was submitted later with the application and the agent explains that this would form the basis of the management plan. The Conservation Officer is satisfied that this information would adequately demonstrate how the area would be maintained and a condition to require the submission of a management agreement is not considered to be necessary given the small scale nature of the planting proposals.
- 8.2 Impact on local wildlife – Whilst the concerns of the occupants at No.9 Peverel Close are noted, it is considered that the landscaping proposals proposed in this application are unlikely to have an adverse effect on existing local wildlife.
- 8.3 Crime and Disorder - this application does not raise any significant issues.
- 8.4 Access for Disabled – this application does not raise any significant issues.

9 Recommendation

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

Conditions/Reasons -

1. The railings along the southern and western boundaries of the site to Chichele Street and Kimbolton Road shall be provided in accordance with the details received by the Local Planning Authority on 20th October 2009, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory elevational appearance for the development and in the interest of visual amenity.
2. The boundary screening and planting details shown on drawing numbers: 451/01B (changes made 24.02.10) and 07-072-06 Revision C, received by the Local Planning Authority on 15th March 2010, shall be provided in accordance with the submitted details before the first occupation of the dwellings and shall thereafter be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure adequate standards of privacy for neighbours and future occupiers and to safeguard the amenity of the area.
3. Notwithstanding the submitted details, any planting within the areas forward of the pedestrian visibility splays of the vehicular access points along Chichele Street shall be reduced and maintained at a height not exceeding 0.6 metres above carriageway level.
Reason: In the interest of highway safety.

Informatives

1. The drawings to which this decision relates are as follows:
Amended plans received by the Local Planning Authority on 21st October 2009, drawing number: 04020A(D)098 Revision B; and amended details received on 15th March 2010: drawing numbers: 451/01B (changes made 24.02.10) and 07-072-06 Revision C; and Elevations 'Units 13-24 Kimbolton Road', Elevations 'Units 10-23 along Chichele Street', Maintenance details produced by Lesley Keck garden Design and photograph of railings - received 20th October 2009.
2. In recommending approval to this application, the relevant planning guidance and policies were identified as: PPS1, PPS3, PPS9; Policies 1, 2, 3, 4, 5 of the East Midland Regional Plan 2009; Policies 1, 7, 9, 13 of the North Northamptonshire Core Spatial Strategy 2008; Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008; and Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough.
Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on neighbouring amenities; highway impact; impact on wildlife; impact on trees; crime and disorder; and access for the disabled.
The application has been recommended approval as:
 1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national and regional planning policies.
 2. The proposal would have no significant impacts on visual amenity or the character and appearance of the area.
 3. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.

4. The proposal would not have an unacceptable impact on the local highway.
5. The proposal would have no significant impact on wildlife.
6. The proposal would not result in an unacceptable loss or harm to trees.
7. The proposal would have no significant crime and disorder issues.
8. The proposal would have no significant disabled access issues.

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