

## APPLICATIONS FOR DETERMINATION

### DEVELOPMENT CONTROL COMMITTEE - 9 June 2010

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## **Committee Report**

Printed: 26 May 2010

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Case Officer **Amie Baxter**

**EN/10/00214/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>9 February 2010</b>	<b>15 February 2010</b>	<b>12 April 2010</b>	<b>Prebendal</b>	<b>Nassington</b>

Applicant **Hereward Homes Ltd**

Agent **I Plan**

**Location** Land Rear Of 6A And 6B Station Road Nassington Northamptonshire

Proposal **Change of use from agricultural land to residential garden land**

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**This application is brought before the Development Control Committee due to an objection from Nassington Parish Council.**

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes a garden extension for two dwellings which were recently given consent at appeal (EN/07/00151/OUT and 09/00633/REM) The proposal is to incorporate a piece of land located to the rear of the sites which would be divided into two, to serve each dwelling. The applicant proposes to enclose the northern boundary of the site.

2.2 The area of land the subject of this application was not included as part of the application site area for the previously approved application.

3 The Site and Surroundings

3.1 The subject dwellings are positioned on the eastern edge of the village of Nassington, outside of the village boundary as defined by the Rural North, Oundle and Thrapston Plan.

3.2 The proposal concerns a rectangular piece of land located adjacent to the rear gardens of the properties. The piece of land currently has an agricultural use but does not appear to be used regularly for agricultural purposes.

3.3 The site is bordered by an existing dry stone wall along its southern and western boundary, a 1.4 metre high post and rail fence along its eastern boundary and is open along its northern boundary, where it is proposed that a 1.2 metre high post and rail fence would be erected. The associated dwellings sit to the west of the site and open countryside extends to the east.

## 4 Policy Considerations

### 4.1 National Planning Policy Guidance

PPS1- Sustainable Development

PPS7- Sustainable Development in Rural Areas.

### 4.2 East Midlands Regional Plan

Policy 2- Promoting Better Design

### 4.3 Northamptonshire County Structure Plan

Policy 13- General Sustainable Development Principles.

### 4.4 Other relevant policy.

Welland Partnership Supplementary Planning Guidance on Garden Extensions, February 2004 Rural North, Oundle and Thrapston Plan- Submission Document.

## 5 Relevant Planning History

5.1 07/00151/OUT Residential Development. Refused by the Local Planning Authority but later allowed at appeal. 08/01316/FUL Erection of a pair of semi-detached dwellings. Refused on 22/08/08.

08/01708/FUL Alterations to existing garage roof. Permitted on 05/02/09.

08/01837/LBC Part demolition of single storey annex and widening of vehicular access Permitted on 10/02/09.

08/02065/REM Two dwellings. Withdrawn on 10/10/09

09/00633/REM Two dwellings Permitted on 23/07/09.

## 6 Consultations and Representations

6.1 Neighbours: No objections received.

6.2 Parish Town Council: Object to the proposed development on the grounds that the land is clearly outside of the existing and emerging settlement boundary, The appeal Inspector allowed permission for the development (to which these gardens would be adjoined) at the outline planning stage, indicating that there was sufficient garden space. Nassington Parish Council objected to the application for two dwellings and made the point that the development was cramped. If the gardens were not large enough in the first place, then this is a mistake on behalf of the developers. Nassington Parish Council is concerned about the matter of precedent. The outline application was given consent at appeal for reserved matters with the Inspector recognising that a new dwelling had been constructed at 12 Station Road. This dwelling however, was of the same footprint as a building which previously sat upon the site and the dwelling subsequently erected was only single storey and therefore, not visible from any approach roads into the site

## 7 Evaluation

7.1 The main considerations in the determination of this application are; visual impact, whether the proposal complies with SPG on garden extension and impact on neighbouring amenity.

### 7.2 Principle of a Garden Extension

7.2.1 The application involves the inclusion of agricultural land within the curtilage of two separate dwellings and the SPG lays emphasis on the prevention of the gradual loss of agricultural land or development which would harm the open character of countryside land.

7.2.2 Paragraph 2.3 states that, for a garden extension to be successful, it should relate well with the existing built form of the settlement and the character and landscape of the area are important considerations.

7.2.3 Although the application site falls outside of the settlement limits of the village, as defined in the Preferred Options document for the Rural North, Oundle and Thrapston Plan; consideration would need to be given to the fact that the south and eastern boundaries of the site are already clearly defined by an existing stone wall and 1.4 metre high post and rail fencing and the land is currently grassed over. The existing boundary treatment disassociates the subject land with the surrounding countryside in visual terms and given the boundary treatment, the parcel of land already appears as if belonging as a garden area to the rear of the recently permitted dwellings.

7.2.4 Taking into account the above considerations, it is considered that the location, size and layout of the extension in this case, would be insufficient to warrant a refusal of planning permission.

### 7.3 Visual impact

7.3.1 The application concerns a plot of land situated between the rear gardens of the residential properties recently approved and open fields which are part of the open countryside.

7.3.2 The application site area currently benefits from a defined curtilage, with an existing dry stone boundary wall along the southern and western boundary and fencing along the eastern boundary. Therefore, the piece of land is already visually detached from the open countryside beyond. The existing dry stone wall along the western boundary would be retained but with small access ways formed linking the existing garden areas to the subject site.

7.3.3 Providing General Permitted Development Rights are withdrawn from the site, to prevent any further structure being erected without the need for planning consent, it is not considered that the proposal raises any visual concerns for the character and appearance of the surrounding area as the appearance of the parcel of land would not be altered significantly. A condition is suggested, removing permitted development rights within the site.

7.3.4 Given that the proposal would not alter the existing appearance of the parcel of land and as the land is adjacent and well related to the built up area of Nassington, it is considered that the proposed change of use would not be detrimental to the character and appearance of the Village.

### 7.4 Neighbouring amenity

7.4.1 There would be no significant issues of loss of privacy or overlooking from this proposal, given the nature of the application and the positioning of the site along the edge of the settlement. The condition suggested, removing all permitted development rights, would ensure that no structures were erected in the future which could result in overshadowing, overlooking or an overbearing impact which had not been assessed by the Local Planning Authority.

7.4.2 The garden extension would not have any residential neighbours as all surrounding land would be of agricultural use.

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

8 Other issues

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

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

9 Recommendation

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

**10 Conditions/Reasons -**

1. This permission relates only to the area outlined in red on approved OS Sitemap plan scale 1:2500 as received by the local planning authority on 09/02/2010.  
Reason: To clarify the terms of this consent and to ensure that the development would not harm the character and appearance of the area.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) there shall be no outbuilding, means of enclosure, fencing or any structure erected on the land outlined in red on approved OS Sitemap plan scale 1:2500 as received by the local planning authority on 09/02/2010 unless otherwise agreed in writing by the local planning authority.  
Reason: To retain an open rural character to the site commensurate with its edge-of-settlement location.

Informatives

1. The drawings to which this decision relates are as follows: Drawing no's 2010/15-1 and 2010/15-2 received by the Local Planning Authority on 9 February 2010
2. In approving this application, the relevant planning guidance and policies were identified as PPS1, East Midlands Regional Plan Policy 2 and North Northamptonshire Core Spatial Strategy 2008 policy 13 and the Rural North, Oundle and Thrapston Preferred Options Document and the Welland Partnership Supplementary Planning Guidance on Garden Extensions, February 2004. Having regard to these, the representations received and any other material planning reasons, the main issue was identified as the principle of development, visual impact and impact on residential amenity. The application has been approved as:
  1. The principle of the development is acceptable and is consistent with the development plan.
  2. The development would not result in any visual harm.
  3. The proposal would be in accordance with the advice given within the Welland Partnership Supplementary Planning Guidance on Garden Extensions, February 2004
  4. The proposed development would not harm neighbouring residential amenity.

## Committee Report

Committee Date : 9 June 2010

Printed: 26 May 2010

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Case Officer **Mr Rhys Bradshaw**

**EN/10/00499/OUT**

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Date received                      Date valid                      Overall Expiry                      Ward                      Parish  
**15 March 2010                      25 March 2010                      24 June 2010                      Higham Ferrers                      Lancaster**  
**Higham Ferrers**

Applicant    **Hampton Brook Investments Limited**

Agent        **DLP Planning Limited - Mr J Croucher**

Location    **The Midland Business Centre Midland Road Higham Ferrers  
Northamptonshire NN10 8DN**

Proposal    **Outline: Redevelopment of land and premises for up to 36 dwellings  
(all matters reserved)**

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### 1 Summary of Recommendation

1.1 That subject to the prior completion a Section 106 Agreement and the imposition of planning conditions that the application be APPROVED.

### 2. The Proposal

2.1 This is an outline application for the erection of 36 dwellings. All matters have been reserved for future consideration although an indicative layout plan has been submitted to demonstrate that this number of dwellings could be accommodated on the site.

2.2 The scheme includes a mix of dwellings, comprising of 15% affordable.

2.3 The density is 47 dwellings per hectare.

2.4 The indicative dwelling mix is as follows:

Size of Dwelling	Number of properties
1 bed	1
2 bed	16
3 bed	17
4 bed	2
Total	36

2.5 The following reports / information accompany the application:

- Planning Statement
- Design and Access Statement
- Housing Statement
- Drainage Strategy
- Transport Statement
- Initial Bat Survey
- Nocturnal Bat Survey
- Extended Phase 1 Habitat Survey
- Waste Audit
- Ground Water assessment
- Designing Out Crime Statement
- Proposed Heads of Terms for S106 Agreement
- Energy Statement
- Ground Investigation Report
- Noise Survey Tree Survey and Arboricultural Constraints Report

3 The Site and Surroundings

- 3.1 The application site is situated on the eastern side of Midland Road. The site contains a large industrial building which has been subdivided into smaller units. The building is in poor condition and although largely empty, part of it remains in use. The levels within the site are consistent.
- 3.2 The application site lies adjacent to a modern residential development to the south. Completed in 2005, this scheme for 24 dwellings similarly replaced industrial premises. Immediately to the north are the rear gardens of properties fronting Kimbolton Road. To the rear (east) of the site is a modern industrial estate of B1/B8 commercial premises, characterised by frontage parking forecourts. These modern industrial 'sheds' contrast to the redbrick frontage character of the building which is the subject of this application.
- 3.2 The site lies just outside the Higham Ferrers Conservation Area, the boundary of which is defined in part by Midland Road. On the opposite side of Midland Road is a small recreation ground and the site of a former castle, classified as a Scheduled Ancient Monument. These are within the Conservation Area but screened from the application site by mature planting along the boundary with the highway. Views into the recreation ground from Midland Road are limited as a result.

4 Policy Considerations

- 4.1 Planning Policy Guidance
- PPS1 – Delivering Sustainable Development (incorporating new statement on climate change)
  - PPS3 – Housing
  - PPS4 – Planning for Sustainable Economic Growth
  - PPS5 – Planning and the Historic Environment
  - PPS9 – Biodiversity and Geological Conservation
  - PPG13 – Transport
  - PPG16 – Archaeology and Planning
  - 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
  - Policy13- General Sustainable Development Principles
  - Policy 14 – Energy Efficiency and Sustainable Construction
  - Policy 15 – Sustainable Housing Provision
  
- 4.5 East Northamptonshire District Local Plan
  - GEN3 - Infrastructure, services and amenities
  - H4 - Housing types and sizes
  - RL3 – Open space for new development
  
- 4.6 Other Relevant Policies
  - Three Towns Plan (Preferred Options)
  - The application site is not identified as a preferred option in the Three Towns Plan so can be classed as windfall development.
  
  - ENC SPD – Developer Contributions
  - NCC SPG – Crime and Disorder
  - NCC SPG – Parking
  - North Northamptonshire Sustainable Design SPD
  
- 5 Relevant Planning History
  - 5.1 None relevant

## 6 Consultations and Representations

### 6.1 Neighbours: 5 letters received summarised by the following points:

- There are too many houses proposed for the size of the area.
- Insufficient parking
- Castlefields estate to the south is already congested and residents park on the pavements/corners.
- Impact on highway safety
- Who will be responsible for the large trees on the boundary between the site and the residents of Kimbolton Road? Can we put a tree preservation order on them?
- The trees are the only form of privacy and with such a small garden, I cannot see how they will be kept.
- As an industrial estate, the buildings are single storey and we are therefore not overlooked. We can maintain our privacy and the noise generated is kept between office hours, something that cannot be guaranteed with a residential estate.
- Having less buildings will allow for more space between established residential land and the new estate. It will also allow for more realistic parking for family housing.
- Loss of industry.
- Loss of natural light due to the proximity and height of plot 23.

### 6.2 Higham Ferrers Town Council: No objection in principle. Higham Ferrers Town Council would like to see the stone "Victorian Leather Co" sign incorporated into the entrance to the development as this is part of the local history.

### 6.3 NCC Archaeology -

The application is within the medieval borough of Higham Ferrers and adjacent to a Scheduled Monument, Higham Ferrers Motte and Bailey Castle, with Ponds, Warren and Dovecote. I note that the presence of the monument is mentioned within the planning and design statement in sections 2.37-38 and 14. However the Heritage Statement provides no information or assessment of the archaeological potential of the proposed development area. The applicant suggests that the proposed development will have no impact on the setting of the monument however it is unclear within the planning submission if English Heritage were consulted and provided an opinion to this end. If English Heritage has not been consulted I would advise the applicant to contact the regional expert advisor Ben Robinson as a matter of urgency. The applicant also makes reference to PPG16 which has subsequently been replaced by PPS5. It is clear within the Guidance provided within paragraph HE 6.1 of PPS5 that "Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation." The Extensive Urban Survey (2000) identifies that "The investigation of the development of late Saxon settlement, with presumably at its core the castle, church, market place should be given a high priority. The relationship of this to the chronology of the demise of high status or specialist function in the early-middle Saxon focus at the north end of the town is a major research issue"p68. It also notes that a high priority should be given to testing a wide range of sites within the medieval area of the town, even where there has been 19th and 20th century redevelopment.

In light of the information provided within the EUS it is clear that the area has potential to contain archaeological deposits and therefore the development area has the potential to contain several heritage assets not just the one suggested within section 14.3. The development area contains an existing building which is recorded as previously being the Victoria Leather Company one of many shoe making factories within the town. The building was assessed in the Northamptonshire Boot and Shoe Survey 1998-99 however it was not identified as one of the better preserved examples.

The application includes a ground investigation report which suggests that the area

may contain contaminants associated with the former use. However it does not suggest that the entire site is disturbed or contaminated. In light of the information produced within this document I would advise that it is likely that the area has been subject to a moderate amount of disturbance and as such the potential for the survival of significant remains which would preclude development is lower. However despite the identified disturbance the application area still has the potential to contain archaeological remains.

I therefore recommend subject to the confirmation of approval from English Heritage that the archaeological potential can be dealt with by the imposition of a condition which will ensure that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition as per Para HE12.3 of PPS5 Planning for the Historic Environment to any permission granted in respect of this application.

#### 6.4 NCC Highways

##### Transport Statement.

I refer to the applicant's Transport Statement and note that High Density Housing development trip rates has been used to appraise the development traffic during the am and pm peak periods which appears to reduce the current flows by some 83% to its current use, resulting in some 34 two way trips and 10 HGV two way trips. However if the medium Density traffic flows are used this will create an addition 7 two way tips in the peak period and 10 two way HGV movements in the peak periods. With this in mind I will accept that it appears there will be no intensification of traffic being generated by this development on the surrounding highway network.

##### Development layout.

I refer to the submitted layout identified on drawing No 1063-004 where the internal layout would only be indicative, should approval be given noting that plots 10 to 18 are being served from a single shared driveway. Please note that private shared driveways shall serve no more than 5 dwellings and in this instance an alternative access should be promoted in the first instance to overcome this issue.

You are no doubt aware of The "Rushden Greenway" cycle route that is being promoted at this time by ENC and is within 110.0m of access to the Public Right of Way "CV3" from the south eastern side of the proposed development site, giving direct access to Bury Close, where a contribution be sought to promote cycle and walking access to the nearby shopping, commercial developments and local employment areas.

The junction to the proposed development would satisfy current design criteria, although subject to Technical Approval. However, off-site kerbing and surfacing works are required throughout the frontage of the site within Midland Road, which can be incorporated within the scope of the new junction arrangements.

Please note that the gated shared vehicle access serving plots 34, 35 and 35 would need to be a minimum of 5.0m from the rear of the highway boundary and hung to open inwards and not as indicated on drawing |No 1063-04 within 2.5m of the rear of the back of footway. This can be conditioned accordingly.

All other issues relating to the layout can be resolved at the time of the Reserved Matters application, although pedestrian / cycle access to Bury Close should also be considered at this time.

The existing Street Lighting provision may require additional columns and any relocation or new columns required to satisfy the highway authority will be at the sole cost of the applicant and at no cost to either authority.

Sufficient parking and turning space shall be provided within the development site for all vehicles attracted thereto and details shall be submitted and approved in writing by the local Planning Authority. Although being indicative at this time, should the layout be promoted in the long term, the parking area serving plot 22 would have difficulty reversing and manoeuvring to park or reverse from the designated area in its current form. I make no further comment on the layout in its current form at this time.

Recommendation.

No objection in principle to this proposal however if you are minded to give approval to this application please impose the following conditions with any permission granted:-

1. Notwithstanding the submitted details, prior to the commencement of development the following access details shall be submitted to and approved in writing by the local planning authority:-
  - Hard surface materials to form the new junction and off-site kerbing and surfacing works
  - Means of drainage.
  - The maximum gradient 1 in 15 for the first 5.0m from the rear of the highway boundary, to all vehicle access points serving private driveways, in the positive or negative direction from the highway boundary
  - Street lighting.
  - The subsequent submitted details shall illustrate a carriageway which is to the local highway authority's adoptable standard. The hard surfacing shall be completed in accordance with the approved details in accordance with a timetable to be agreed in writing by the local planning authority prior to the commencement of development. Development shall be constructed in strict accordance with the approved details and approved vision splays retained thereafter.

In summary, should you determine to grant consent it should be subject to a Section 106 Agreement which should secure the contributions for: -

"The Rushden Greenway",

- 6.5 Environment Agency: No objection to the application, as submitted, subject to the imposition of the following conditions, detailed under the headings below, on any subsequent planning permission granted.

Groundwater and Contaminated Land

We have reviewed the Ground Investigation Report dated 18/04/2008 and the Initial Groundwater Assessment dated 1/10/08 by Soil Technics. We consider the risk to controlled waters to be unacceptable without the inclusion of the following condition on any subsequent planning permission granted:

Condition:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

A preliminary risk assessment which has identified:

- 1 All previous uses
- 2 Potential contaminants associated with those uses
- 3 A conceptual model of the site indicating sources, pathways and receptors
- 4 Potentially unacceptable risks arising from contamination at the site.
- 5 A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The site investigation results and the detailed risk assessment (2) and, based on these,

an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons:

To prevent the risk of pollution to controlled waters.

Informatives:

We consider that more groundwater sampling should be undertaken. Additionally, a groundwater flow direction should be determined to assess whether or not the boreholes are down hydraulic gradient of potential sources of contamination identified at the site. Depending on the groundwater flow direction, additional monitoring wells may be required.

We understand that some contamination was identified that may be coming from this site during development of land to the south. The southern site boundary area should be investigated.

We consider that any further groundwater samples should be tested for all contaminants of concern including speciated TPH, VOC, pH and metals.

Following the additional sampling, further assessment including quantitative risk assessment and/or remediation may be required. There is a surface water over Midland Road to the west that has not been considered in the conceptual site model. If soakaways are proposed to be used at the site, it would be prudent to take soil samples from any locations proposed for soakaways to ensure that they are not located in potentially contaminated ground.

Any further work should be done in accordance with Planning Policy Statement 23 'Planning & Pollution Control' and CLR 11 'Model Procedures for the Management of Land Contamination'.

#### Water Infrastructure Capacity

The Environment Agency is actively promoting water infrastructure services planning to secure delivery of sustainable development. National and regional planning policy (notably RSS8, PPS12, PPS23 and PPS3) requires a strategic approach to development and water infrastructure planning, in partnership with key delivery bodies (including the Environment Agency, local councils, and Anglian Water). This is particularly important in the case of the boroughs of Kettering, Wellingborough and parts of East Northamptonshire as they all depend upon Broadholme Sewage Treatment Works (STW), which treats the sewage from both boroughs and parts of East Northamptonshire.

The North Northamptonshire Outline Water Cycle Strategy Technical Report, published in January 2007, concluded that Broadholme Sewage Treatment Works (STW) had sufficient hydraulic headroom to accommodate around 5,000 additional dwellings within its catchment. However, 9,290 as then uncompleted dwellings in the catchment already have planning permission or allocations with in existing Local Plans, outstripping this hydraulic headroom. Therefore, the hydraulic headroom capacity of Broadholme Sewage Treatment Works is forecast to be reached even if no more planning permissions were granted. The Outline Water Cycle Strategy further identifies trunk sewer capacity and related flooding issues with the trunk sewer that conveys

sewerage to the Broadholme Sewage Treatment Works.

To address the issues identified, Anglian Water carried out a Wastewater Capacity Study of the Broadholme STW catchment which was reported as 'Interim Findings' in September 2007. The report proposes several strategic measures as a solution to the strategic sewerage infrastructure capacity constraints identified in the earlier Water Cycle Strategy Technical Report in order to accommodate the rate of development identified in the submitted North Northamptonshire Core Spatial Strategy. The interim findings propose potential solutions to the strategic sewerage and sewage treatment infrastructure, recognising that these solutions will be phased over time. The submitted waste water strategy therefore needs considering in respect of Anglian Water's new position in the waste water capacity study.

For the proposed site which would also contribute sewer 'pinchpoints', we similarly advise that the occupation of the proposed development is phased in accordance with the delivery of water infrastructure capacity. We advise that the phasing plan follows a proposed scheme for the provision of new and upgraded infrastructure indicated within the 'Interim Findings' report, or as may otherwise be agreed by the Local Planning Authority in consultation with the water company and the Environment Agency, if any other environmentally acceptable solution is proposed.

Consequently, the Environment Agency has no objection to the development on foul drainage grounds, subject to the following planning condition being implemented:

Condition:

No building works which comprise the erection of a building required to be served by water services shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to the occupation of any buildings within the relevant phase(s) of the development.

Reason:

To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure, irrespective of the provisions of Sections 94, 98 and 106 of the Water Industry Act 1991.

We recommend that the LPA is satisfied that the statutory water company can confirm the prospects for delivery of infrastructure that the development relies upon for environmental protection.

In order to satisfy the above condition an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of the quantity and quality of water within the proposed phasing of development. A review may be required depicting how the infrastructure operates within environmental limits and in light of forecast demand for these facilities.

Flood Risk

The flood risk/surface water drainage aspects of the proposed development falls within cell F5 of the Flood Zone Matrix and should be considered in accordance with the Environment Agency's National Flood Risk Standing Advice delivered to your Authority.

Therefore, given the scale/nature of the proposed application, the Environment Agency requests that your Authority determine this application in accordance with this guidance, which for information can be viewed at <http://www.environment-agency.gov.uk/research/planning/82584.aspx>

#### 6.6 Wildlife Trust:

The Wildlife Trust is pleased to see the preparation of these Habitat Survey and Bat Survey report documents, and we welcome their submission as accompanying and supporting information to this particular Application. However, we also note that these same report documents are dated around September, October and November time in 2008, and that since they are based upon site visits actually undertaken at or just before those times too, please bear in mind that the findings of these survey reports are now around 18 to 20 months old. In point of fact, Paragraph R2 of Section 4.2 under the heading of "Recommendations" in Middlemarch's "Nocturnal Bat Survey" report states "If any works on the buildings, for example demolition, soft strip and refurbishment, etc., are not completed by early September 2009, then an updated bat survey should be undertaken." The Wildlife Trust asks East Northamptonshire Council to consider carefully whether or not all of these ecological surveys will therefore require to be updated in such circumstances as these. Our own view is that, since the findings of these survey reports are based on older visits undertaken in the Autumn time of 2008, and given that one of the most likely ecological constraints that we are potentially dealing with here are such highly-mobile species groups as bats and birds, these ecological surveys will therefore really require to be updated in such circumstances as these.

Since the potential problem that we have highlighted is indeed all to do with highly-mobile, protected species matters, can we please strongly recommend that, if you have not already done so, you consult closely with Natural England in respect of this issue. We suggest that you start by either contacting Natural England and/or the Northants Bat Group

#### 6.7 Northants Bat Group: No objection

6.8 Natural England: We note the content of the protected species reports associated with this application. Whilst they are carried out according to established and recognised methodologies, we note that they were carried out in 2008, and are now over 18 months old. The Middlemarch report itself identifies that were work to be delayed beyond September 2009, further bat survey work would be required.

Natural England therefore recommends that your Authority seek confirmation from the applicant, in writing that the protected species information contained in the Middlemarch report remains accurate, and seek confirmation that the further survey work recommended in the Middlemarch report is undertaken and submitted to your Authority.

#### 6.9 Central Networks: No objection

#### 6.10 ENC Environmental Protection

Noise – The applicant has submitted a noise assessment in support of this application as there are industrial units nearby in Bury Close. The report has identified that traffic noise from vehicles going to and from the residential area, next door, and the industrial units is the dominant noise source in the area. There does not appear to be any significant noise from the industrial units or other environmental sources that would affect the development. Therefore, we have no objection to this development on the grounds on noise.

Contamination - This site had for many years been utilised by the leather trade for a number of different uses. Currently it is mostly vacant with just a couple of the units being occupied. The applicant has submitted an environmental assessment in support of the planning application. This has identified some pollution of the groundwater from petrol/oil and some near surface soil contamination. It is thought this may be linked to small vehicle repair/maintenance centres which used to occupy the smaller units on site.

It is considered that measures can be sought through the use of planning conditions to ensure the development can be safely delivered. Therefore, provided conditions are placed on the planning permission to investigate and remediate contamination I have no objection to the planning permission being granted.

#### 6.11 Conservation Officer (Trees)

The site contains a number of trees subject to Tree Preservation Order 0098, made in 1990. The order covers all of the trees along the northern boundary of the site comprised of Birch and Beech.

The applicants have submitted a tree survey and arboricultural constraints plan which I have reviewed. While it has been shown that the development could be physically constructed around the protected trees, I do have concerns that all of the trees are proposed to become part of private garden areas, which are in some areas, are quite modest in size. For example at the eastern end of the site, plots 10-14 have almost half of their rear gardens covered by the trees canopies. This is likely to have a quite an overbearing impact on the gardens and can lead to repeated request for future trees works, which would clearly affect the unity of the group as a whole. While I note this is an indicative layout at this stage, I would strongly suggest that consideration is given to altering the layout to ensure that the trees are appropriately accounted for.

I further note that some aspects of the layout breach the required root protection area of the protected trees. Given this I would again suggest that consideration is given to how these are will be constructed (using alternative construction techniques etc) and these are detailed in an Arboricultural Method Statement if a reserved matters application is submitted. This should also specifically set out how the current hard surfacing to the south of the trees is to be removed etc.

I do have concerns over the general lack of landscape provision demonstrated. Again I appreciate that the layout is indicative, however there appears to be very little in the way of space for street planting and associated features. None of the planted nature of Midland Road appears to have been referenced in the design and the layout as it stands at present is rather bland and dominated by hard surfacing.

#### 6.12 ENC Planning Policy:

Initial objections to the principle of the development as it would result in the loss of employment land and insufficient evidence had been submitted to demonstrate that that site had been marketed for employment use or that the buildings are of such poor standard they are not worthy of retention.

Upon the submission additional marketing evidence and further information, which demonstrates that the buildings are of poor quality, the policy objection to the application was removed. The applicant has considered CSS Policy 11 in the submitted information. The applicant argues that the scheme fulfils criteria (b) and (f) in the application, i.e.:

Alternative use would resolve existing conflicts (environmental problems) between the existing operations and vacant premises at Midland Business Centre, and adjacent residential uses (criterion (b)); and the site is no longer suited to employment uses due to the poor quality of the buildings (criterion (f)).

#### 6.13 ENC Design Officer

Initial response: two principle concerns with the scheme:

Number of units – There was a discrepancy between the number of units shown on the indicative plan (36) and the number of units referenced elsewhere in the application (45). This failed to convince me that more than 36 units could be adequately accommodated on the site in design terms.

Information about the opportunities and constraints and the development of the design - a lack of clear information about the development of the design which would inform a future reserved matters application, and which could be secured through condition as appropriate

Upon receipt of further information:

I am pleased to see a clear assessment of the opportunities and constraints and an indication of how the design of the scheme responds to these, which I specifically discussed with the applicant in our telephone conversation. The submitted plan (drawing 1063-003) can form part of the information used to determine the application, and the addendum to the design and access statement provides useful clarification.

I am broadly satisfied that the additional information submitted addresses the information which was missing/unclear in the lengthy design and access statement originally submitted. It gives me greater comfort that the Council could secure this information as appropriate, through the use of appropriately worded conditions. I am also satisfied that this clarification would better provide a 'bridge' to a reserved matters application as is required by Circular 01/06.

For the reasons outlined above, I no longer oppose the granting of planning permission, subject to securing by condition a maximum number of units permitted in line with that demonstrated on the indicative layout (drawing 1063-004). I am satisfied that the additional opportunities and constraints plan (drawing 1063-003) now forms part of the application to be determined. Furthermore the detail within the addendum to the design and access statement could be secured by condition if considered appropriate.

#### 6.14 ENC Housing Strategy

##### Affordable Housing Contribution

The applicant has proposed to deliver 15% of the total housing units as affordable housing; which equates to 5 units. This is clearly considerably lower than the Council's policy requirement of 40%. As you are aware, where any proposed s106 contribution falls short of policy requirements, a financial viability appraisal is requested.

An appraisal has been submitted by the applicant, which I have analysed using available market data. Quotes have been submitted for abnormal costs associated with the site, and other s106 contributions have been included. It is my opinion that based upon viability appraisal; it would not be possible for the applicant to deliver more than 15% affordable housing without an unacceptable compromise in other areas – such as other s106 contributions, residual land value, or profit. In conclusion on this matter, 15% appears to be the maximum amount of affordable housing that this site can support. A view will need to be taken by officers / Members as to whether this is a sufficient level to permit the application.

##### Housing Mix

The following housing mix has been proposed. As the number of affordable dwellings is so low, I have included them in these figures.

Size of Dwelling	Number of properties
1 bed	1
2 bed	16
3 bed	17
4 bed	2
Total	36

The North Northamptonshire Strategic Housing Market Assessment (2007) concludes that there is generally a need for larger market dwellings in Higham Ferrers. As can be seen in the table above, 53% (19) of the proposed dwellings are 3 or 4 bedroom. Ideally there would be more 4 bed properties, but it is appreciated that the size of the site means that it does not really lend itself to executive style homes. In conclusion, it is my opinion that the housing mix is appropriate.

#### 6.15 Crime Prevention Design Advisor

I appreciate this application is only for outline permission and fully support the comments made in the Design and Access Sec 12 Designing Out Crime. Other document guidance that needs to be considered include "Safer Places - the Planning System and Crime Prevention" (ODPM 2003), Manual for Streets and the Northamptonshire Supplementary Planning Guidance, "Planning out Crime", which has been adopted by all seven district and borough councils, and gives guidance to applicants on incorporating crime prevention measures into developments. I would also strongly recommend that the homes should be built to attain the ACPO SBD Ltd "Secured by Design" award. This is considered to be a minimum standard for safety and security. Please see the website [www.securedbydesign.com](http://www.securedbydesign.com) which includes sections for new homes.

The subsequent reserved matters application which may follow this application needs to particularly include detailed specifications for boundary treatments, lighting, for those areas which are communal but not adopted and the D&A statement should demonstrate how crime prevention measures have been incorporated within the scheme. The future success of this development can be critically influenced by crime, and Northamptonshire Police need to have an input into designing out crime to match the prevention measures with the actual or perceived risk of crime associated with the application area. PPS1 makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.

We are most anxious to work with all parties to secure a sustainable environment for the residents of this new development. For an area to be sustainable, its residents and users need to feel safe and secure when they are going about their daily lives. It is therefore important that architects and developers should consult with the Police Crime Prevention Design Advisor at the earliest opportunity prior to the further submission as recommended in Safer Places.

## 7 Evaluation

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

### 7.2 Principle of Development

7.2.1 National policy (PPS1 and PPS3) lends general support to the principle of locating new residential development on previously developed sites in urban areas with good access to existing services and facilities. The proposed scheme, given its proximity to both town centre services and existing employment uses, would fulfil these criteria. The recently published PPS4 sets out the overall national approach to planning for sustainable economic growth. In particular, where necessary to safeguard particular sites from other uses, a broad range of sites should be identified to facilitate economic development, including mixed use (Policy EC2.1(h)). Policy EC2.1 expects that specific employment land allocations in Development Plan Documents (DPDs) should prioritise previously developed land (EC2.1(d)) and use appropriate planning tools (such as safeguarding existing employment areas).

7.2.2 MKSM Northamptonshire Policy 1 The Spatial Framework, in the East Midlands Regional Plan, 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 smaller service centres of Oundle, Raunds and Thrapston.

7.2.3 The adopted Core Spatial Strategy (CSS) provides the locally distinctive spatial strategy for defined small towns, including Higham Ferrers. The emphasis of the spatial strategy includes mixed use developments, provision of jobs and services, delivery of economic prosperity and supporting the self sufficiency of the network of services (Policy 1). In the case of Higham Ferrers, this includes expansion of employment opportunities (Table 1).

7.2.4 The safeguarding of allocations for specific employment uses is a requirement of Policy 8. The CSS provides further detail in respect of safeguarding existing employment areas, unless it can be demonstrated that an alternative use would not be detrimental to the overall supply and quality of employment land (Policy 11(b)). In order for the proposal to be acceptable, it will be necessary for the applicant to satisfactorily demonstrate compliance with Policy 11. In this regard, the applicant has submitted evidence to show that the current employment use is not viable on this site as well as evidence of the poor state of the buildings on site. Survey work for the Employment Land Review was undertaken four years ago. The Midland Business Centre buildings have deteriorated further during this time

7.2.5 The site is not a current allocation in the adopted Development Plan and as such could be considered as windfall development. However for the reasons above, the principle of development is considered acceptable.

### 7.3 Section 106 contributions

7.3.1 In accordance with the Council's adopted Supplementary Planning Guidance on Developer Contributions, contributions should be sought for the following:

- Education provision
- Public Open Space
- Affordable housing
- Health
- Rushden Greenway contribution

7.3.2 The applicant had been advised of the requirement for a Section 106 agreement to secure the above contributions at pre-application stage and heads of terms for such an agreement were submitted with the application. The applicant was of the view that the full contributions requirement as set out in the SPG would render the scheme unviable and so submitted a viability assessment to demonstrate this. Whilst the figures contained within the report are confidential, Officers are of the opinion that they are realistic assumptions on land value, construction costs and developer profits.

Taking into account the details of the assessment the applicant has proposed the following contributions. Each of these has been agreed by the relevant consultee:

- Education contributions – £2142 per unit, £74,940 total
- Public Open space – £1250 pre unit, £45,000 total
- Affordable Housing – 15%
- Heath - £424 per unit, £18,900
- Rushden Greenway - £525 per unit. £15,264 total

7.3.3 Taking into account the circumstances of the current economic climate, the Department for Communities and Local Government advised in May this year that local authorities could reduce contributions in these instances where they would affect viability. Circular 05/05: Planning Obligations recognises the need to investigate the viability of a proposed development when negotiating planning obligations. It supports the use of needs and cost assessments commissioned from consultants and advises that the responsibility for the assessment of such reports and the determination of the application remains with the local planning authority. Having had regard to the findings of the submitted viability report and Officers own modelling, it is difficult to see how full section 106 contributions could be justified in this instance.

## 7.4 Housing Mix

7.4.1 Saved policy H4 in the Local Plan requires that development incorporates a mix of dwelling types and styles. The following mix of units is included within the development:

- 2 x 4 bed
- 17 x 3 bed
- 16 x 2 bed
- 1 x 1 bed

7.4.2 As highlighted by the Council's Housing Strategy Manager, the North Northamptonshire Strategic Housing Market Assessment (2007) concludes that there is generally a need for larger market dwellings in Higham Ferrers. 53% (19) of the proposed dwellings are 3 or 4 bedroom. Whilst it is proposed to provide a lower percentage of affordable housing as described in 7.3 above, the Council's Housing Strategy Manager has analysed the Viability assessment using available market data and has concluded that it would not be possible for the applicant to deliver more than 15% affordable housing without an unacceptable compromise in other areas – such as other s106 contributions, residual land value, or profit

## 7.5 Means of Access and Highway Matters

7.5.1 The means of access is a reserved matter, although the indicative layout plan shows the access to the proposed development in roughly the same location as the existing with a secondary gated access in the southwest corner of the site to allow for parking at plots 34-36. The county highway Officer has no objections to the scheme and is satisfied that there would be no intensification of traffic being generated by the proposed development on the highway network, although the following points are highlighted:

- Plots 10-18 should not be accessed via a shared drive as this exceeds the maximum of 5 units.
- The gated access to plots 34-36 should also be set back some 5m.
- Pedestrian / cycle access to Bury Close should be considered.

Whilst these elements of the scheme would need addressing, the layout is indicative only at this stage. Detailed access and layout issues can be considered under a reserved matters application.

## 7.6 Visual Impact

7.6.1 The application is outline where full details of the layout of the development and design details of the dwellings would be considered under a reserved matters application. However, the Council would need to consider whether it has been sufficiently demonstrated that 36 dwellings can be accommodated on this site without resulting in

an adverse visual impact or impact on the character and appearance of the surrounding area and the site itself. The initial proposal was for a maximum of 45 units. Whilst all technical assessments were based on this figure, the indicative layout plan shows only 36 units. The applicant has agreed to a condition and amended description limiting the number of units on site to 36.

- 7.6.2 In response to the concerns raised by the Council's Design Officer, an updated Constraints and Opportunities Plan' together with a supplement to the Planning, Design and Access Statement were submitted to explain in more detail how the site constraints informed the indicative layout.
- 7.6.3 Whilst the information provided within these documents does not confirm the final layout of the development, it has nevertheless demonstrated the following;
- 7.6.4 The application site lies immediately adjacent to existing residential development to the north and south, and therefore could be considered to be in character with the prevailing built form. The belt of protected trees bordering the site to the north currently provide a physical barrier and screening to the residential properties fronting Kimbolton Road and their retention will help future development to sit comfortably into the street scene.
- 7.6.5 The indicative layout is considered acceptable and has been developed through extensive pre application discussions. The additional constraints and opportunities information demonstrates that the layout has been dictated in part by the physical constraints of the site such as the protected trees, a surface water sewer, land ownership and adjacent development. The indicative layout plan demonstrates that a density in-keeping with the surrounding area can be achieved without appearing too cramped. According to information provided the site measures some 0.76 hectares in area, equating to a density of 47 dwellings per hectare. Whilst this exceeds the national minimum by some way (30 dwellings per hectare) the proposed development satisfies the aims of PPS3 which seeks to make most efficient use of land. Whilst it is acknowledged that adjacent occupiers have concerns regarding the number of proposed dwellings on site, the density is considered acceptable for the above reasons.
- 7.6.6 The proposed building heights of two, two and a half and three storeys are considered to be acceptable given the presence of similar scale development to the south. In any future reserved matters application it will be important to ensure that the building heights closer to the northern boundary with Kimbolton road reflect the two storey heights of the existing dwellings.
- 7.6.7 The final design and housing mix would be considered at the reserved matters stage. However, the submitted indicative layout plan and indicative dwelling mix listed under paragraph 7.4 of this report would demonstrate that a variety of dwelling types and styles can be included within the development, in compliance with Saved Policy H4 of the Adopted Local Plan.
- 7.6.8 The Design Officer has assessed the proposed development against the Building for Life Criteria and advises that the criteria is an evidence based assessment which considers how well a development performs in four categories, where each category relates to different aspects of sustainable design. It is the Council's aspiration that all developments achieve a minimum score of 14/20 against the criteria. Although the proposed scheme scores very low (6), the Design Officer acknowledges that the application is in outline and therefore there is potential for this score to be improved at the reserved matters stage.

7.6.9 The site lies directly opposite a Scheduled Ancient Monument (SAM), a motte and bailey castle. The application site is physically separated from this site by Midland Road. Well established planting acts as a buffer when viewing the site of the SAM from Midland Road and it is therefore considered that development on this site would have an acceptable impact on its character.

7.6.10 Higham Ferrers Town Council has requested that the stone "Victoria Leather Co" sign, which is set in the façade of the existing building, is retained in any future redevelopment of the site. It is agreed that this is desirable to maintain a link to the past use of the site and the applicant has alluded to this in the Design and Access Statement. As the condition of the stonework on the existing building is not known at this stage, a suitably worded condition can be attached to any consent given to require the submission of report which investigates the practicality of the re-use of the sign.

## 7.7 Effect on Residential Amenity

7.7.1 There are residential properties to the north on Kimbolton Road and to the south on Castlefields Close. The indicative layout shows separation distances in excess of 30m between the rears of existing properties on Kimbolton Road and the rear elevations of the nearest proposed dwellings. The boundary between the two sites is defined by a row of protected trees. Taking this into account, the impact on the occupiers of these properties is considered acceptable. To the south, the indicative layout presents side elevations to the boundary with the adjacent new development, where the opposing elevations are side elevations. At this outlines stage, the impact on the dwellings to the south is therefore considered acceptable.

## 7.8 Ecological Issues

7.8.1 The applicant has submitted an Extended Phase 1 Habitat Survey, which specifically investigates Badgers, Brown Hares, Hedgehogs, Song Thrush and Great Crested Newt as protected species. The survey recommends a bat survey, which has been submitted as part of the application. No evidence of the other species were found within the site, although there were recordings outside the site the closest being Great Crested Newts some 400m to the northeast. The report makes several recommendations with regard to these species, mainly precautionary actions during site clearance.

### 7.8.2 Bats

The applicant has submitted an independent Initial and Nocturnal Bat Survey dated November 2008. No evidence of roosting bats were recorded within the site, although it was concluded that suitable bat roosting features are present which could be colonised at a future date. Recommendation R2 advises that if the works are not completed by September 2009, an updates survey should be undertaken. Whilst the Northants Bat Group have no objections to the proposal, an updated survey in accordance with the findings of the report should be required by way of condition.

## 7.9 Contamination

7.9.1 A Ground Investigation Report has been submitted and assessed by the Council's Environmental Protection Officer. This has identified some pollution of the groundwater from petrol/oil and some near surface soil contamination. It is thought this may be linked to small vehicle repair/maintenance centres which used to occupy the smaller units on site. It is considered that measures can be sought through the use of planning conditions to ensure the development can be safely delivered. It has been recommended that conditions are placed on the planning permission to investigate and remediate contamination.

## 7.10 Drainage and Flooding

7.10.1 The Environment Agency's standing advice advises that no consultation is necessary on flooding matters. The EA has recommended conditions to secure the following:

- A scheme, including phasing, for the provision of mains foul water drainage
- A scheme to deal with the risks associated with contamination of the site

## 7.11 Noise

7.11.1 A Noise Assessment was submitted with the application given the proximity of the site to industrial units on Bury Close. The report has identified that traffic noise from vehicles going to and from the residential area, next door, and the industrial units is the dominant noise source in the area. The Environmental Protection Officer has concluded that there does not appear to be any significant noise from the industrial units or other environmental sources that would affect the development.

## 7.12 Crime and Disorder

7.12.1 The Crime Prevention Design Advisor is supportive of the scheme and recommends conditions to secure lighting and boundary treatment details.

## 7.13 Trees

7.13.1 A Tree Survey and Arboricultural Constraints Report was submitted with the application and the Council's Conservation Officer (Trees) has concerns regarding the proximity of the proposed dwellings to the protected trees on the northern boundary and the possibility that they may come under pressure to be removed by future occupiers as they would be situated in private gardens. Whilst this is so, the layout is indicative only and any future detailed application would need to demonstrate that the dwellings can be sited without adverse impact on the protected trees. It is also noted that some aspects of the layout breach the required root protection area of the protected trees and that an Arboricultural Method Statement should be submitted. In light of these concerns, conditions will be attached to any consent to ensure an Arboricultural Method Statement and Tree Protection Plan is submitted to and approved by the Council.

## 7.14 Sustainable Design

7.14.1 Policy 14 in the North Northamptonshire Core Spatial Strategy requires that proposals of this size should 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

7.14.2 Policy 14 of the North Northamptonshire Core Spatial Strategy seeks to ensure that new development incorporates sustainable construction and energy efficiency measures, make provision for waste reduction and recycling, and water efficiency and recycling. The submitted sustainability appraisal and energy statement makes a commitment to investigate the following at the reserved matters stage:

- Ground source heat pumps
- Air-source heat pumps
- Solar water heating
- Photovoltaics

A condition will also be attached to any consent to ensure that at least 10% of the demand for energy shall be met on site and renewably/from a decentralised renewable or low-carbon energy supply

## 7.15 Archaeology

7.15.1 The County Archaeologist recommends a condition in accordance with PPS5 to ensure that adequate provision is made for the investigation and recording of any remains that are affected. English Heritage have been consulted on this application, however a response had not been received at the time of writing this report.

## 8 Other issues

8.1 Waste – The submitted Design and Access Statement confirms that during construction opportunities for recycling construction waste will be utilised. In terms the provision of waste storage for the dwellings, it is advised that the dwellings would also benefit from recyclables separation and storage.

8.2 Access for Disabled – the buildings relating to this application would not be subject to any public access and therefore does not raise any significant issues.

## 9 Conclusion

9.1 In recommending approval of this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPG16, PPG17, PPS23, PPG24, PPS25, Policies 1, 2, 3, 13b, 14, 17, 26, 28, 29, 32, 35, 36, 39, 40, 41, 43, 45, 46, 48, 49, 53, 54, Policy MKSM SRS Northamptonshire 1 and 2 of the East Midlands Regional Plan, MKSM Sub-Regional Strategy Strategic Policy 3, North Northamptonshire Core Spatial Strategy 2008 policies 1, 6, 7, 9, 10, 13, 14 and 15, policies GEN3, H4, RL3, RL4 of the East Northamptonshire District Local Plan. 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, the highway implications and the impact on trees and vegetation. The application has been recommended for approval as:

- The principle of the development and loss of the existing employment use is acceptable.
- The proposal would not have an unacceptable impact on the local or strategic highway network.
- The indicative layout is acceptable and demonstrates that development would not harm the visual amenity or character of the area.
- The development provides for an acceptable level of affordable housing and mix.
- The development would not have an adverse impact on ecology and biodiversity.
- The development will not have an adverse effect on flood risk and sewage capacity subject to the imposition of conditions.
- The development would not be exposed to significant levels of contamination.
- The proposal would not harm or result in the loss of any trees worthy of retention.
- The proposal would not have a significant impact on the amenities of neighbouring occupiers

- The development provides adequate social and community infrastructure in accordance with the Council's adopted SPD in respect of developer contributions, having regard to the submitted viability assessment.

## 10 Recommendation

- 10.1 It is therefore recommended that, subject to the prior completion of a Section 106 Agreement and the imposition of planning conditions that the application be APPROVED.

## 11 Conditions/Reasons -

1. Development shall not commence until details of:
  - a) the layout of the new development;
  - b) the scale of the new development;
  - c) the appearance of the new development;
  - d) the means of access, not approved by this permission; and
  - e) the landscaping of the site.(hereinafter called the reserved matters) shall be obtained from the local planning authority.  
Reason: The application is in outline only and the reserved matters referred to will require full consideration by the local planning authority.
2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.  
Reason: Statutory requirement under Section 51 of the Planning and Compulsory Purchase Act 2004.
3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
Reason: Statutory requirement under Section 51 of the Planning and Compulsory Purchase Act 2004.
4. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land. The buildings shall thereafter be constructed in accordance with the slab levels that have been approved in writing by the local planning authority.  
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 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 interest of amenity
6. Prior to the commencement of the development hereby permitted, details 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). Such approved details shall be erected and retained in perpetuity thereafter.  
Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy.

7. In accordance with condition 1, 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.
8. Notwithstanding the submitted details, a Tree Protection Plan for the onsite trees shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be in accordance with BS5837:2005. The development shall thereafter be carried out in accordance with these details.  
Reason: To ensure the protection of trees on site
9. Notwithstanding the submitted details, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This statement shall be in accordance with BS5837: 2005 and shall include but not be limited to details of the removal of the existing hard surfacing around the Beech trees and a statement of demolition for the existing onsite buildings. The development shall thereafter be carried out in accordance with these details.  
Reason: To ensure the protection of trees on site
10. Prior to the commencement of development a scheme for lighting the private parking areas and footpaths 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 interest of amenity and crime prevention.
11. 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.
12. No building works which comprise the erection of a building required to be served by water services shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to the occupation of any buildings within the relevant phase(s) of the development.  
Reason: To prevent flooding, pollution and detriment to public amenity and biodiversity through provision of suitable water infrastructure, irrespective of the provisions of Sections 94, 98 and 106 of the Water Industry Act 1991.
13. Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: To prevent the risk of pollution to controlled waters.

14. 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
15. 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.
16. 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.
17. 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.

18. 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.
19. Notwithstanding the submitted details, prior to the commencement of development the following access details shall be submitted to and approved in writing by the local planning authority:-
- Hard surface materials to form the new junction and off-site kerbing and surfacing works
  - Means of drainage.
  - The maximum gradient 1 in 15 for the first 5.0m from the rear of the highway boundary, to all vehicle access points serving private driveways, in the positive or negative direction from the highway boundary
  - Street lighting.
  - Provision of vehicle visibility splays at the junction with the public highway and forward visibility splays within the estate street.
  - 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 access. 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.  
The subsequent submitted details shall illustrate a carriageway which is to the local highway authority's adoptable standard. The hard surfacing shall be completed in accordance with the approved details in accordance with a timetable to be agreed in writing by the local planning authority prior to the commencement of development. Development shall be constructed in strict accordance with the approved details and approved vision splays retained thereafter.  
Reason: In the interests of highway safety.
20. Notwithstanding the submitted surveys, an updated Nocturnal Bat Survey and Habitat Survey shall be submitted to and approved in writing by the Local Planning Authority Prior to the commencement of development.  
Reason: In order to safeguard protected species and because those surveys submitted with the application are out of date.
21. No works shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist so that works are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.  
Reason: To ensure that features of archaeological interest are properly examined and recorded.
22. The development hereby permitted shall not exceed 36 dwellings.  
Reason: It has not been demonstrated that more than 36 dwellings can be accommodated on site.
23. Prior to the commencement of development, the practicality of retaining and re-using the stone "Victoria Leather Co" sign shall be investigated and a written report shall be submitted to the Local Planning Authority. Unless this written report demonstrates that it would not be practical to retain and re-use the sign then the sign shall be incorporated within the development in accordance with a scheme, which shall include a timetable for works. This scheme shall have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the demolition of the building which the sign is contained within. Development shall be carried out in accordance with the approved scheme.

Reason: The sign is of historical interest and would enhance the character of the development.

## Informatives

1. The drawings to which this decision relates are as follows:  
Drawing No.s  
DLP/N193  
1281.TCP  
Received by the Local Planning authority on 22.03.2010  
1063-004  
Received by the Local Planning authority on 15.03.2010  
1063-003  
Received by the Local Planning authority on 14.05.2010
2. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPG16, PPG17, PPS23, PPG24, PPS25, Policies 1, 2, 3, 13b, 14, 17, 26, 28, 29, 32, 35, 36, 39, 40, 41, 43, 45, 46, 48, 49, 53, 54, Policy MKSM SRS Northamptonshire 1 and 2 of the East Midlands Regional Plan, MKSM Sub-Regional Strategy Strategic Policy 3, North Northamptonshire Core Spatial Strategy 2008 policies 1, 6, 7, 9, 10, 13, 14 and 15, policies GEN3, H4, RL3, RL4 of the East Northamptonshire District Local Plan. 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, the highway implications and the impact on trees and vegetation. The application has been approved as:
  - The principle of the development and loss of the existing employment use is acceptable.
  - The proposal would not have an unacceptable impact on the local or strategic highway network.
  - The indicative layout is acceptable and demonstrates that development would not harm the visual amenity or character of the area.
  - The development provides for an acceptable level of affordable housing and mix.
  - The development would not have an adverse impact on ecology and biodiversity.
  - The development will not have an adverse effect on flood risk and sewage capacity subject to the imposition of conditions.
  - The development would not be exposed to significant levels of contamination.
  - The proposal would not harm or result in the loss of any trees worthy of retention.
  - The proposal would not have a significant impact on the amenities of neighbouring occupiers
  - The development provides adequate social and community infrastructure in accordance with the Council's adopted SPD in respect of developer contributions, having regard to the submitted viability assessment.

## **Committee Report**

Committee Date : 9 June 2010

Printed: 27 May 2010

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Case Officer **Carolyn Tait**

**EN/10/00504/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>15 March 2010</b>	<b>16 March 2010</b>	<b>11 May 2010</b>	<b>Higham Ferrers</b>	<b>Lancaster Higham Ferrers</b>

Applicant **Mr And Mrs Adrian Lewis**

Agent **Sidey Design Architecture - Mr Jon Sidey**

Location **7 Teal Close Higham Ferrers Rushden Northamptonshire NN10 8NE**

Proposal **Two storey side extension**

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**This application is brought before Development Control Committee at the request of the local ward member as there are concerns relating to the proposed extension and it is felt that it looks like a separate annexe.**

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes a two storey side extension to provide a ground floor garden room and 6th bedroom to the first floor with an en-suite.

2.2 The proposal will measure approximately 3.5 metres in height to the eaves and approximately 5.7 metres to the ridge. The proposal is located at an angle to the main dwelling and will measure approximately 8 metres in width from the main house and approximately 4 metres in depth.

3 The Site and Surroundings

3.1 The application site accommodates a large two-storey detached property constructed of red and yellow brick with cream render under brown concrete tiles. It is located within a large plot which includes a detached double garage to the south west of the site.

3.2 The property does not appear to have been extended previously.

3.3 The site is surrounded by residential development of similar character and style. The plots are spacious with large front and rear gardens. All properties in Teal Close and Swans Way have off road parking. They are all of a similar design and constructed using similar materials.

4 Policy Considerations

4.1 National Planning Policy Guidance  
PPS1– Sustainable Development

- 4.2 East Midlands Regional Plan  
Policy 2 – Promoting Better Design
- 4.3 North Northamptonshire Core Spatial Strategy  
Policy 13 – General Sustainable Development Principles
- 4.4 Supplementary Planning Guidance  
Residential Extensions and Alterations Design Guide, Oct 1998
- 4.5 Other Documents  
None relevant
  
- 5 Relevant Planning History
  - 5.1 There is no relevant planning history.
  
- 6 Consultations and Representations
  - 6.1 Neighbours: No comments received.
  - 6.2 Higham Ferrers Town Council: Comments received. Can be summarised as:
    - Large, obtrusive and out of character with the street scene.
    - Should permission be granted then a condition should be added for the property to remain as a single unit.
  - 6.3 Site Notice posted: 31 March 2010 on a lamp post to the front of the site.
  
- 7 Evaluation
  - 7.1 The main considerations in the determination of this proposal are its visual impact and the impact on neighbouring amenities.
  - 7.2 Visual impact
    - 7.2.1 The proposed two storey side extension will be visible in the street scene. However, it will be set back from the highway and will remain subservient to the existing building. The proposed ridge height would be approximately 2.5 metres lower than the existing dwelling. As such the proposal would not be harmful to the character or appearance of the surrounding area or the street scene.
    - 7.2.2 The design of the proposed two storey extension is in keeping with the existing building as it includes a pitched roof and matching fenestration.
    - 7.2.3 Subject to the use of appropriate external materials, no visual harm is considered to result from this proposal.
  - 7.3 Neighbouring amenity
    - 7.3.1 The only property that is likely to be affected by the proposal is No.10 Swans Way. This property is to the south of the proposal site.
    - 7.3.2 It is considered that the proposal will cause no issues of overlooking to the neighbouring property as the proposed dormer windows which serve bedroom six look into the front and rear gardens of the application site and do not face No.10 Swans Way.
    - 7.3.3 Due to the proposal being located to the north of the neighbouring property, there will be no issues of overshadowing.

7.3.4 At the nearest points the proposal and the neighbouring property will be approximately 9.5 metres apart. Although this is a relatively short distance, due to the siting of the proposal it is considered that it will not have an overbearing impact. The proposal is at an oblique angle to the neighbouring property and therefore this will reduce the amount of overbearing impact. The windows in the north west elevation of the neighbouring dwelling at No.10 Swans Way are the most likely to be affected by overbearing. However the orientation of these windows means that they are unlikely to be affected by the proposal. In addition to this no objections have been received from the neighbouring property.

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

## 8 Other issues

- 8.1 The property would retain adequate off road car parking given its resultant size.
- 8.2 Adequate private amenity space would remain.
- 8.3 Crime and Disorder - this application does not raise any significant issues.
- 8.4 Access for Disabled - this building would not be subject to any public access and therefore does not raise any significant issues.
- 8.5 The ground floor plans show a new car port. No elevations have been provided to show how the car port will look and as such this does not benefit from planning permission. It may be that it is permitted development, but no details have been submitted to show its measurements and therefore it may require planning permission. An informative is recommended to any permission granted for the two storey side extension.

## 9 Conclusion

In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, East Midlands Regional Plan Policy 2, North Northamptonshire Core Spatial Strategy 2008 policy 13 and the Residential Extensions and Alterations Design Guide. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the visual impact, the impact on neighbouring amenity, the impact on flood risk and the impact on the important open land. The application has been recommended for approval as:

- 1. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.
- 2. The proposal would not have a significant impact on the amenities of neighbouring occupiers.

## 10 Recommendation

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

### 11 Conditions/Reasons -

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

3. The development hereby permitted shall be used for domestic purposes only ancillary to the occupation of the single family dwelling within the curtilage of which it is located.  
Reason: In order to safeguard the amenity of adjacent residential properties.

#### Informatives

1. The drawings to which this decision relates are as follows:  
Plans received by the Local Planning Authority on 15 March 2010, drawing numbers: 09-096-01 Existing plans and elevations and Existing site and location plans and 09-096-02 Proposed plans and elevations.

2. In approving this application, the relevant planning guidance and policies were identified as PPS1, East Midlands Regional Plan Policy 2, North Northamptonshire Core Spatial Strategy 2008 policy 13 and the Residential Extensions and Alterations Design Guide. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the visual impact, the impact on neighbouring amenity, the impact on flood risk and the impact on the important open land. The application has been approved as:

1. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.

2. The proposal would not have a significant impact on the amenities of neighbouring occupiers.

3. Please note that the car port as shown on drawing no. 09-096-02 does not benefit from planning permission and as such a separate application may be required.

# Committee Delegated Report

Committee Date : 9 June 2010

Printed: 28 May 2010

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Case Officer **Carolyn Tait**

**EN/10/00529/RWL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>19 March 2010</b>	<b>21 April 2010</b>	<b>16 June 2010</b>	<b>Barnwell</b>	<b>Aldwinckle</b>

Applicant **Society Of Merchant Venturers**

Agent **Carter Jonas - Miss K Barnes**

Location **Barns South Of Lowick Road Aldwinckle Northamptonshire**

Proposal **Replacement of extant planning permission EN/05/00031/FUL Change of use of redundant agricultural building to two units of holiday accommodation dated 23/03/2005**

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**This application is brought before Development Control Committee as the previous application EN/05/00031/FUL was determined at Development Control Committee on 23 March 2005.**

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes the replacement of extant planning permission EN/05/00031/FUL – Change of use of redundant agricultural building to two units of holiday accommodation dated 23/03/2005. This application also included the erection of a small single storey extension to the east elevation.

3 The Site and Surroundings

3.1 The application site is located approximately 1000 metres outside the village of Aldwinckle within the open countryside, and situated to the South of Lowick Road. The site is accessed via a single lane unmade track which also provides access for the trout fishery.

3.2 The barn is currently disused, but it is clear that at least part of it was used for the keeping of livestock at some time. The south west elevation is open sided.

3.3 The building is constructed from stone under creamy-pink pantiles with quoins and door surrounds constructed from buff bricks.

3.4 The site slopes slightly to the south and east and the eastern section of the barn is stepped to reflect this. The wider setting of the barn undulates significantly. The immediate curtilage in front of the barns is enclosed in the main by a 1.8 metre high wooden post and fence. The fence is proposed to be removed (part of it will be replaced by the proposed extension) and the barns will form a square horse shoe shape.

## 4 Policy Considerations

### 4.1 National Planning Policy Guidance

PPS1– Sustainable Development  
PPS4 – Planning for Sustainable Economic Growth  
PPS7 – Sustainable Development in Rural Areas  
PPS9 – Biodiversity and Geological Conservation  
Good Practice Guide on Planning for Tourism

### 4.2 East Midlands Regional Plan

Policy 2 – Promoting Better Design  
Policy 3 – Distribution of New Development  
Policy 18 – Regional Priorities for the Economy  
Policy 24 – Regional Priorities for Rural Diversification  
Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage  
Policy 42 – Regional Priorities for Tourism

### 4.3 North Northamptonshire Core Spatial Strategy

Policy 11 – Distribution of jobs  
Policy 13 – General Sustainable Development Principles

### 4.4 Supplementary Planning Guidance

Residential Extensions and Alterations Design Guide, Oct 1998

### 4.5 Other Documents

Rural North Oundle and Thrapston Plan (Inspectors Modifications, 8 July 2009)

Policy 23 – Rural Buildings – General Approach

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.

East Northamptonshire Local Plan

Policy AG4 – Re-use and adaptation of buildings in the Countryside

## 5 Relevant Planning History

5.1 02/00471/FUL Change of use of redundant agricultural building B1 (office use). PERMITTED.

5.2 05/00031/FUL Change of use of redundant agricultural building to two units of holiday accommodation. PERMITTED.

## 6 Consultations and Representations

The deadline date for consultation comments is 27 May 2010. Therefore any further comments that are received will be added to the update sheet.

6.1 Neighbours: At the time of writing this report no comments have been received. Any comments that are received will be added to the Committee update sheet.

6.2 Parish Town Council: At the time of writing this report no comments have been received. Any comments that are received will be added to the Committee update sheet.

6.3 Site Notice posted: 6 May 2010 on a post at the entrance to the site.

6.4 The Ramblers Association: No comments to make.

- 6.5 Northants Bat Group: Have read the report and have no comments to make. Therefore a condition is recommended to ensure that the development is carried out in accordance with the recommendations within the Bat and Barn Owl Search Survey received on 21 April 2010.
- 6.6 Natural England: At the time of writing this report no comments have been received. Any comments that are received will be added to the Committee update sheet.
- 6.7 Northamptonshire Wildlife Trust: At the time of writing this report no comments have been received. Any comments that are received will be added to the Committee update sheet.
- 6.8 Head of Environmental Services: At the time of writing this report no comments have been received. However, conditions were added to permission granted, reference EN/05/00031/FUL to ensure that prior to the commencement of development a fully detailed contamination assessment survey and mitigation strategy are undertaken. Therefore it is recommended that this condition be added to any permission granted. A condition was also added to ensure that if during the construction of the development any evidence of new, previously unidentified areas of contamination are discovered, then the extent and nature of the contamination and a mitigation strategy shall be submitted to the Local Planning Authority. Therefore it is recommended that this condition be added to any subsequent planning permission that is granted.
- 6.9 Planning Policy Manager: Comments received to explain how planning policy has significantly changed over the past 5 years since the previous permission was granted. Can be summarised as follows:
- Policy EC6.2 of PPS4 emphasises that local planning authorities should support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside.
  - Policy EC7.1 of PPS4 specifically relates to tourism in rural areas, including a requirement for local planning authorities to support sustainable rural tourism.
  - Policy EC12.1 (d) of PPS4 sets a criteria based approach for determining applications for the conversion and re-use of buildings in the countryside for economic development.
  - Policy 24 of the Regional Plan states that local authorities should work to promote the continued diversification and further development of the rural economy.
  - The site is located close to the proposed Upper Nene Gravel Pits SPA/Ramsar site. The application will need to be determined in conjunction with Natural England and the proposal should be considered against PPS9 and policy 26 of the Regional Plan. Similarly Policy 33 of the Regional Plan is a relevant consideration in the delivery of economic diversification and recreation.
  - Policy 42 of the Regional Plan stresses the role of local authorities in maximising economic benefits of tourist development while minimising adverse impacts. The importance of seeking Natural England's views is emphasised.
  - Policy 13 of the North Northamptonshire Core Spatial Strategy sets out the generic development control decision making criteria. Policy 11(g) of the document is relevant in respect of the proposal, i.e. "The conversion of existing buildings and infrastructure for employment and tourism related development will be encouraged in locations within and adjoining settlements. In order to support farm diversification in the open countryside, conversion to employment uses of buildings worthy of retention will be supported where proposals are in accordance with the criteria set out in Policy 13".
  - Overall, it is considered that the adopted Core Spatial Strategy sets out a clear presumption in favour of the conversion of redundant rural buildings for employment uses, including tourist accommodation.
  - Local Plan policy AG4 specifies criteria which will need to be taken into account when considering proposals for the re-use of buildings in the open countryside.
  - The emerging Rural North Oundle and Thrapston Plan also contains relevant policies

regarding the re-use of rural buildings and farm diversification. The Rural North Oundle and Thrapston Plan contains a presumption in favour of the re-use of buildings in the countryside for employment uses or tourism, including tourist accommodation.

- As well as specific policies, the RNOTP vision sets out a strong focus on tourism, leisure and green infrastructure. This is further supported by the emerging Nene Valley Strategic Plan. The emerging Nene Valley Strategic Plan is supplemented by the Council's own recently adopted Tourism Strategy 2010-2015.
- Overall, it is concluded that the adopted and emerging policy base provide considerable support for the provision of additional tourist accommodation. As such, there is clear support, in principle, for renewal of the 2005 consent.

6.10 Local Highway Authority: At the time of writing this report no comments have been received. Any comments that are received will be added to the Committee update sheet.

6.11 Rights of Way: At the time of writing this report no comments have been received. Any comments that are received will be added to the Committee update sheet.

## 7 Evaluation

7.1 The issue which needs to be considered is whether there has been any change in policy or circumstances since the previous decision. Therefore the following issues are relevant to the determination of this application:

### 7.2 Principle of development

7.2.1 PPS1 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; contributing to sustainable economic development; protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities and by ensuring high quality development through good and inclusive design and the efficient use of resources. This policy has superseded PPG1, which the previous application was assessed against. It is considered that the current proposal complies with the objectives set out in PPS1.

7.2.2 PPS4 replaces the economic development sections of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) published on 3 August 2004. Policy EC12 of PPS4 in general supports the re-use of existing buildings in the countryside for economic development.

7.2.3 The principles of PPS9 are that development should have minimal impacts on biodiversity. It is considered that the proposal complies with the principles of this policy.

7.2.4 Policy 2 of the East Midlands Regional Plan ensures that development makes the most efficient use of land and includes design led approaches which take account of the local, natural and historic character.

7.2.5 Policy 3 of the East Midlands Regional Plan refers to the distribution of development. It is considered that this policy is relevant to this application as it states that the development needs of rural areas should be provided for. It goes on to state that priority should be given to making the best use of previously developed land and vacant or under-used buildings in sustainable locations.

7.2.6 Policy 18 of the East Midlands Regional Plan supports the creation of innovative businesses, so that the region is better placed to maintain economic competitiveness.

- 7.2.7 Policy 24 of the East Midlands Regional Plan states that the continued diversification and further development of the rural economy should be promoted.
- 7.2.8 Policy 26 of the East Midlands Regional Plan lists principles that should be applied to development to ensure the protection, appropriate management and enhancement of the Region's natural and cultural heritage.
- 7.2.9 Policy 33 of the East Midlands Regional Plan states that Local Authorities should protect and enhance the multi-functional importance of strategic river corridors as part of the Region's Green Infrastructure, including for wildlife, landscape and townscape, regeneration and economic diversification, education, recreation, the historic environment including archaeology, and managing flood risk.
- 7.2.10 Policy 42 of the East Midlands Regional Plan supports areas of potential for tourism growth which maximises economic benefits whilst minimising adverse impacts on the environment and local amenity. This policy states that measures should include provision for additional tourist facilities including accommodation close to popular destinations that have adequate environmental and infrastructure capacity.
- 7.2.11 Policy 13 of the North Northamptonshire Core Spatial Strategy states that development should meet the needs of residents without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to. It then lists a number of points that development should meet. It is considered that the proposal complies with the principles put forward in this policy.
- 7.2.12 Policy 23 of the Rural North Oundle and Thrapston Plan states that planning permission will be granted for the adaptation or re-use of buildings in the countryside for employment generating or tourism, including tourist accommodation providing that the character of any building of historic or visual interest is conserved, with proposals supported by detailed drawings indicating the layout, design and external appearance of the building after conversion, the materials to be used, the means of access and landscaping proposals; that schemes are limited to situations where buildings are substantially intact, though structural surveys will be required for proposals relating to buildings which are unoccupied and show evidence of some dereliction and that conditions are imposed withdrawing permitted development rights to prevent future extensions, where these would result in an adverse impact on the character of the surrounding area.
- A structural survey was submitted with the previous application, reference EN/05/00031/FUL which has concluded that the buildings are of good quality construction and in sound structural condition, and essentially, the buildings are capable of conversion without re-building. Whilst it is noted that this report is approximately 5 years old, a recent site visit to the barns appears to confirm that this is still the case.
- 7.2.13 AG4 of the East Northamptonshire Local Plan favours the adaptation and re-use of buildings in the countryside, provided that the form, bulk and design of the scheme is in keeping with the character of the surrounding area and that the re-use is for employment, leisure or tourism, or residential accommodation for agriculture or forestry workers.

### 7.3 Design and materials

- 7.3.1 The design of the proposed conversion is considered to be of good quality; in line with current planning guidance, such as Policy 13 of the North Northamptonshire Core Spatial Strategy.

- 7.3.2 The conversion includes the insertion of only three new openings within the existing buildings (in the east courtyard elevation), which are in the form of small windows that imitate the style of the existing fenestration and are necessary to facilitate the conversion. All other fenestration makes use of existing openings.
- 7.3.3 With regards to the proposed extension, this is considered to be appropriate and in keeping with the existing buildings. It is small in scale and respects the character, design and form of the original buildings. The buildings are stepped to reflect the ground level. The extension is also stepped down and this prevents the need to increase the ground level and also creates some interest in the roofscape, whilst retaining the simple design of the barns.
- 7.3.4 The materials for the extension will match the existing buildings – constructed from stone under a pantiles roof. This will include brick quoins and details around the new fenestration, to match what exists. It is recommended that a condition be attached to any permission granted, requiring the prior submission and approval of materials by the Local Planning Authority.
- 7.3.5 A condition is recommended to ensure that permitted development rights are removed so that any future extensions would not have an adverse impact upon the open countryside.

#### 7.4 Visual Amenity

- 7.4.1 In line with the requirements of national, regional and local policy, the proposal will not adversely impact upon the open countryside. It is considered that the existing buildings contribute to the character of the area and are worthy of retention.

#### 7.5 Affect on neighbouring land users

- 7.5.1 There are no residential properties near enough to the site to be affected by noise or overlooking. Apart from agricultural land, the only nearby neighbour to the site is the fishery, which uses the same access. As stated above permission was granted in 2002 for the conversion of the barns to B1 (office) use. This included an extension which was almost identical to that proposed in the current application.
- 7.5.2 The B1 use previously permitted included the provision of 14 car parking spaces. It is considered that the office use is likely to be significantly more intensive than two units of holiday accommodation in terms of vehicular movements. Given that the units will only have five bedrooms between them, it is considered unlikely that this will generate more than two vehicles per unit at any one time. It is acknowledged that visitors may use the access more than once each day in each direction, but this is still likely to amount to less than 28 vehicular movements per day, which is inferred from the parking provision for the previously permitted B1 use of the site. In addition the accommodation is likely to be visited around once a week to be serviced before a change over of visitors.
- 7.5.3 As there are no properties located near to the site, the proposal will not result in any issues of overlooking, overshadowing or overbearing impact.
- 7.5.4 Given the above, it is considered that the use proposed in this application is likely to have less impact on the neighbouring land users at the fishery than the previously permitted B1 use.

#### 7.6 Affect on the highway and parking

- 7.6.1 The applicant has included a passing bay within the site boundary.

7.6.2 No comments have been received from the Local Highway Authority at the time of writing this report, although in the previous application they advised that standard conditions should be added for the access including the widening of it and hard surfacing. It was considered inappropriate when the previous permission was granted to insist upon the improvements that the Local Highway Authority recommended as the 2002 permission for the B1 use did not include conditions and was considered to be more intensive in terms of vehicular movements than the scheme proposed in this application.

7.6.3 Parking provision at the site is considered appropriate for the proposal, which specifically is four spaces to be shared between both units, including extra width to accommodate disabled users.

## 7.7 Other issues

7.7.1 A condition is recommended to prevent the use of the units as dwellinghouses. This means that planning permission would be required for any change of use of the properties. This application should be considered on its merits and its accordance with current policy. It is therefore inappropriate to refuse permission on the grounds that a potentially unsuitable use may arise from this development.

## 8 Other issues

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

8.2 Access for Disabled – As stated above, parking provision has been made for disabled users of the accommodation. The application also includes the installation of an access ramp to the front door of the westerly property for disabled users.

## 9 Conclusion

In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS4, East Midlands Regional Plan Policies 2, 3, 18 and 42, North Northamptonshire Core Spatial Strategy 2008 policy 13, Policy 23 of the Rural North Oundle and Thrapston Plan and Policy AG4 of the East Northamptonshire Local Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the policy context, the design and materials, the visual amenity, the impact to neighbours, the impact to highway safety and parking and any other issues. The application has been recommended for approval as:

- 1.The proposal is considered to be in accordance with all relevant national, regional and local policy.
- 2.The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.
- 3.The proposal would not have a significant impact on the amenities of neighbouring occupiers.
- 4.The proposal would not have a significant impact on highway safety or parking.

## 10 Recommendation

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

## 11 Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The roof material(s) for the development shall be clay pantiles, details of which shall have been submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: To achieve a satisfactory elevational appearance for the development.
3. Before any work is commenced on the development a fully detailed contamination assessment survey and mitigation strategy shall be undertaken, submitted to and approved by the Local Planning Authority. This report shall particularly include details of the previous use of the site, a comprehensive and systematic sampling strategy, an assessment of soil gas concentrations with migration patterns and contamination associated with leakage and spillage from storage tanks within the site, changes to site profiles/levels and a full assessment of potential groundwater contamination. The development shall then be carried out strictly in accordance with the approved mitigation strategy and written confirmation shall be provided to the Local Planning Authority to confirm this. The works comprised in the approved strategy for mitigation of contaminates present on the site shall have been completed prior to the occupation of the building.  
Reason: To ensure contamination present on site is properly contained/removed in the interests of public health.
4. If during the construction of the development evidence of new, previously unidentified areas of contamination are discovered, then the extent and nature of the contamination and a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority before any further construction proceeds. The works comprised in the approved strategy for mitigation of the contamination present at the site shall have been completed prior to the occupation of the building.  
Reason: To ensure contamination present on site is properly contained / removed in the interests of public health.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending or re-enacting that order, with or without modification), no buildings or structures of agricultural, domestic or other types and no gates, walls, fences or other means of enclosure other than those on the approved plans shall be erected on site without the prior written approval of the Local Planning Authority.  
Reason: To protect the visual amenity of the area.
6. Prior to the commencement of development, a sample of the brick quoins shall be submitted to and proposed in writing by the local planning authority.  
Reason: To achieve a satisfactory elevational appearance for the development.
7. Before any work is commenced on the development hereby permitted, full constructional and location details of the passing bay to be provided within the access route off the public highway known as Lowick Road shall be submitted to and approved by the local planning authority. The approved passing bay shall be provided before the development hereby permitted shall be brought into use, and thereafter retained.  
Reason: In the interests of highway safety.

8. The facing material(s) for the development shall be natural stone, details of which shall have been submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: To achieve a satisfactory elevational appearance for the development.
9. The development shall be carried out in accordance with the recommendations for the protection of bats and barn owls as identified in the 'Bat and Barn Owl Search Survey' received on 21 April 2010.  
Reason: In order to safeguard protected species which may inhabit the site.
10. The holiday lets shall not be occupied as a person's sole, or main place of residence and the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual units on the site, and of their main home addresses, and shall make this register available at all reasonable times to officers of the local planning authority, unless otherwise agreed in writing by the local planning authority. No unit shall be occupied by any individual or group of individuals for more than 28 days in any 12 month period.  
Reason: The reason for these conditions is to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

#### Informatives

1. The drawings to which this decision relates are as follows:  
Plans received by the Local Planning Authority on 25 February 2005, Drawing number: CBN 22275-4 Rev A.  
And plans received by the Local Planning Authority on 21 February 2005, drawing number: 21895-3 Location plan.  
And plans received by the Local Planning Authority on 5 January 2005, drawing numbers CBN 22275-2 (excluding parking) Proposed floor plans and elevations and CBN 22275-1 Existing floor plans and elevations.
2. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS4, East Midlands Regional Plan Policies 2, 3, 18 and 42, North Northamptonshire Core Spatial Strategy 2008 policy 13, Policy 23 of the Rural North Oundle and Thrapston Plan and Policy AG4 of the East Northamptonshire Local Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the policy context, the design and materials, the visual amenity, the impact to neighbours, the impact to highway safety and parking and any other issues. The application has been approved as:
  1. The proposal is considered to be in accordance with all relevant national, regional and local policy.
  2. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.
  3. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
  4. The proposal would not have a significant impact on highway safety or parking.