1 **Summary of Recommendation**

1.1 That planning permission be GRANTED subject to conditions.

2 **The Proposal**

2.1 Planning permission was granted by the Planning Management Committee, contrary to officer recommendation, for a riding stables facility on land at Benefield Road, Glapthorn on 16th July 2020 (Ref: 19/01872/FUL).

2.2 This Section 73 application seeks to vary condition 2 of the extant planning consent to reduce the size of the outdoor arena and increase the size of the stable block to provide a large stable building and an undercover arena. All other aspects of the proposal would remain as approved.

2.3 Since submitting the application for the extant planning permission (19/01872/FUL) and its approval at Committee, the applicant has further reviewed the requirements of the business, together with ever evolving best practice in terms of horse welfare. As such, permission is sought to vary the extant planning permission to enable the permitted stables to be provided under one roof with half of the stables to have access to a communal pen and all stables to have metal grills rather than being separated by timber; reducing social isolation for the horses. An undercover arena would also be provided. The proposed amendments would be contained within the footprint of the extant permission and no alterations are proposed to the hay barn, mobile home or car parking and access.

2.4 In terms of differences in size, the previously approved stable building (Ref: 19/01872/FUL) measured 38.4m x 19.1m with a central courtyard providing a U-shaped building. It would be 3.89m in height to the ridge and would be finished in timber cladding with dark coloured roofing.
2.5 The revised stable and undercover area would have overall dimensions of 41.14m x 30.48m and 6.59m high to ridge. The building would have a lean-to along the southern boundary so the ridge of the roof would not be central to the building. The lean-to would be 12m deep with the main part of the building 20.48m deep. The building would be clad in self-coloured concrete panels at the lower level and Yorkshire boarding with a natural grey (or green/brown) fibre cement roof above.

<table>
<thead>
<tr>
<th></th>
<th>Approved</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor space</td>
<td>733.44m²</td>
<td>1,253.55m²</td>
</tr>
<tr>
<td>Ridge height</td>
<td>3.89m</td>
<td>6.59m</td>
</tr>
</tbody>
</table>

2.6 The amended outdoor arena would measure 20m x 40m (reduced from 30m X 40m as part of the extant permission) and would continue to be enclosed by a post and rail fence measuring 1.5m in height. The arena would be finished in approximately 125mm deep Silica sand with specialist equestrian fibre mix.

2.7 If the amendment is granted, the original plans condition (condition 2) would be amended to substitute the original proposed site plan and elevations and with the revised site plan and elevations showing the amendments as approved.

3 The Site and Surroundings

3.1 The application site is located approximately 400m to the west of the western edge of the village of Glapthorn on the southern side of an unnamed road that travels west towards the A427. The site is currently accessed via a field gate directly onto the unnamed road.

3.2 The site is currently laid to grass and is bounded by mature hedgerows to the north, east and west. The field slopes from north to south with a drop in levels of approximately 15m.

3.3 Glapthorn Brook runs along the southern boundary of the application site and the southern part of the site lies within Flood Zones 2 and 3. The remainder of the site lies in flood zone 1. A Flood Risk Assessment has been submitted to accompany the planning application.

3.4 The site is not subject to any statutory landscape, ecological, or heritage designations and is not located within the setting of any designated or undesignated heritage assets. There are no Public Rights of Way (PRoW) crossing or adjoining the application site.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 – Presumption in Favour of Sustainable Development
Policy 3 – Landscape Character
Policy 4 – Biodiversity and Geodiversity
Policy 5 – Water Environment, Resources and Flood Risk Management
Policy 8 – Place Shaping Principles
Policy 11 – The Network of Urban and Rural Areas
Policy 13 – Rural Exceptions
Policy 15 – Well Connected Towns, Villages and Neighbourhoods
Policy 25 – Rural Economic Development and Diversification

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4.3 **East Northamptonshire District Local Plan (DLP) (1996)**  
None applicable.

4.4 **Rural North, Oundle and Thrapston Plan (2011) (RNOTP)**  
Policy 2 - Windfall Development in Settlements

4.5 **Glapthorn Neighbourhood Development Plan (2018)**  
Policy 2 – Settlement Boundary  
Policy 3 – Housing Development within the Settlement of Glapthorn  
Policy 4 – Supporting Rural Diversification  
Policy 5 – Protecting Landscape Character  
Policy 10 – Design Principles

4.6 **Other Documents**  
Local Highway Authority Standing Advice for Local Planning Authorities (2016)  
Northamptonshire County Council – Local Highway Authority Parking Standards  
Joint Planning Unit – Design Supplementary Planning Document (March 2009)  
Biodiversity Supplementary Planning Document (February 2016)

5 **Relevant Planning History**

5.1 19/01872/FUL - Change of use from agriculture to equestrian; Erection of stable block and hay barn; Creation of all-weather outdoor arena; Temporary equestrian workers dwelling; Access, parking, landscaping and associated works – APPROVED – 16.07.2020


6 **Consultations and Representations**

6.1 Neighbours

At the time of writing 21 representations have been received (20 in support and 1 objection). In summary the representations state:

* **Support**
  - Facility is fantastic
  - The owner is very experienced and runs a great riding school
  - The riding school is an asset to the area
  - The stables would be in a convenient location
  - Support a purpose built upgraded facility
  - The facility offers employment
  - The plan for a covered facility will mean easier, safer and warmer experiences.
  - Whilst there's a character-building aspect to lessons outside in winter, I really feel that a covered area would be of great benefit to the children's learning by allowing them to focus more easily on the tasks at hand rather than on the driving, freezing rain which they so often experience.
• The proposal to amend the stables to give the ponies more space, direct access to outdoor turnout pens, and have metal grilles between each stable so that ponies can still communicate with one another and are able to move around more freely.
• New indoor area would be a great benefit to the facility
• New indoor area would provide a better riding experience and allow parents to watch in comfort
• Allows horse riding to occur in all weather, especially winter

**Objection**

• Despite a clear recommendation to refuse from the planning officer, the original application was approved.

• The variation application proposes to substantially increase the height of the stables from 12 feet to 21.5 feet and will result in two buildings in open countryside of over 20 feet in height (taking into account the haybarn). In addition the overall area of the stables is materially increased from 126ft x 63ft to 135ft x 100ft; taken along with the increase in height to 21.5ft this will result in a very large concrete barn in unspoilt open countryside, in place in perpetuity.

The Committee should recall that the only reason this is being proposed is because the applicant has planning permission to convert the existing stables into residential accommodation and has just received approval for another residential dwelling on the original riding school site.

6.2 **Glapthorn Parish Council**

Comments received 23.11.2020:

*No objection*

6.3 **East Northamptonshire Council - Licensing**

*Comments received 17.11.2020:*

I have had a look at the revised plans and can confirm that they are acceptable for the licensable activity of hiring out horses.

The DEFRA Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids states that, as a minimum, each horse should have sufficient room to lie down, readily rise and turn around in comfort.

The British Horse Society recommends the following:

- Large horses (17hh+): 3.65m x 4.25m (12ft x 14ft)
- Horses: 3.65m x 3.65m (12ft x 12ft)
- Large ponies (13.2hh+): 3.05m x 3.65m (10ft x 12ft)
- Ponies: 3.05m x 3.05m (10ft x 10ft)
- Foaling box (horse): 4.25m x 4.25m (14ft x 14ft)

I understand from the applicant that the stables are 14ft x 14ft which is more than sufficient for even the largest of horses.
The outdoor arena has been reduced in size (40m x 20m) and is still to be enclosed by post and rail to a height of 1.5m, with 125mm deep Silica sand with specialist equestrian fibre mix.

The application will improve the welfare of the horses

6.4 Northamptonshire County Council – Local Highway Authority (LHA)

Comments received 12.11.2020:

The LHA has no comments to this variation as the proposed plans do not affect comments already submitted by the LHA under 19/01872/FUL.

6.5 Environment Agency

Comments received 12.11.2020:

The Environment Agency does not wish to make any comments on this application.

6.6 Northamptonshire County Council - Archaeology

Comments received 27.11.2020:

Thank you for consulting me on the above application. I have no comments to make on the proposals.

6.7 Northamptonshire County Council - Lead Local Flood Authority (LLFA)

Comments received 25.11.2020:

Thank you for consulting us on the above application. On review of the submitted details we would make no comment.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

7.2 • Principle of development
  • Design and visual impact in relation to the street scene
  • Impact on neighbouring amenity
  • The effect on highway safety and parking
  • Flood risk
  • Biodiversity
  • Other issues

Principle of Development

7.3 The principle of development has been established by virtue of the planning permission granted at Committee, contrary to officer recommendation, for a riding stables facility on land at Benefield Road, Glaphorn on 16th July 2020 (Ref: 19/01872/FUL).
7.4 This Section 73 application seeks to vary Condition 2 of the extant planning consent to reduce the size of the outdoor arena and increase the size of the stable block to provide a large stable building and an undercover arena. All other aspects of the proposal would remain as approved.

7.5 The amendments would increase the size of the stables from a modest 38.4m x 19.1m u-shaped building at a height of 3.89m, to a building measuring 41.14m x 30.49m at a height of 6.59m.

7.6 It is considered that the harm in locating the facility within this open countryside location has already been agreed as being acceptable by virtue of planning permission 19/01872/FUL. The increase in size of the building is considered to have no significant impact considering the already approved commercial riding school facility (and dwelling) approved upon the site. The previous approval to create a commercial equestrian centre and a ‘temporary workers dwelling’ upon the site has already irreversibly changed the unspoilt character and appearance of this area of the open countryside.

7.7 Since the approval of the original planning application on 16th July 2020 there has been no material change in the site or significant changes in planning policy since the Committee decision to approve. Therefore the principle of development is established on this basis, the only consideration is for the amendments as detailed above in paragraph 7.4 of the officer report.

**Design and Visual Impact**

7.8 The site is located within the open countryside approximately 400 metres from the western edge of the village of Glapthorn. This area of countryside is particularly open and undulating and attractive in nature, due to its mixture of open fields leading towards the edge of the established settlement. It is a truly unspoilt landscape that has been maintained as such for centuries with the application site gently sloping down to the watercourse.

7.9 Paragraph 127 (Achieving Well-designed Places) of the NPPF and Policies 3 (Landscape Character) and 8 (Place Shaping Principles) of the (JCS) expect developments to be designed sympathetically and in keeping with their surroundings, in terms of the detailed design and landscaping. The proposed stable block, hay barn, all weather outdoor arena and temporary equestrian workers dwelling is considered to introduce an incongruous development that severely impacts upon the unspoilt landscape beauty of the open countryside within the locality. However, Members concluded that the proposal was acceptable in terms of its impact upon the open countryside. Therefore, the only assessment to be made under this planning application is whether the amendments to the size of the stables cause enough harm to tip the balance to one of refusal when taking into account the approved development (19/01872/FUL).

7.10 Although the proposal almost doubles the height of the stable block, when viewed against the overall backdrop of an isolated commercial equestrian facility within the open fields, it is unlikely to cause anymore significant harm that what has already been approved. It is therefore considered that the increase in size of the stables and other amendments to the outdoor area would not result in a reason for refusal when collectively assessing the site. The proposal is therefore, on balance, acceptable given the situation with the ‘live’ approval (19/01872/FUL).
7.11 A revised landscaping plan has been submitted that shows new tree and hedge planting, that once matured will potentially offer some screening to the site, particularly from Benefield Road.

**Impact on Neighbouring Amenity**

7.12 The NPPF and policy 8 of the JCS seek to protect amenity of neighbouring users. The policy also seeks to ensure residential amenity is not harmed as a result of development; the NPPF within the core principles states that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

7.13 The nearest residential dwellings to the application site are Sandy Forth Lodge and Glaphorn House; approximately 530m and 600m (respectively) to the west. The Riding Stables and Livery Yard are currently located within the village of Glaphorn and are not considered to cause any harm to the residential amenity of existing properties (in terms of noise). The proposed development would be over 0.5 km from the nearest residential property and therefore it is unlikely to have any significant impacts upon any neighbouring residential amenity by virtue of its isolated location.

7.14 It is considered that the amendments to the scheme would have no additional impact upon neighbouring residential amenity. Accordingly, the proposal is considered to be in accordance with Paragraph 127 of the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

**Highway Safety and Parking**

7.15 It is considered that the relocated business would continue to mainly serve the local area and that any additional trips onto the local highway network will have no noticeable effect on the local road network.

7.16 Access to the site would remain unchanged as approved under planning permission 19/01872/FUL and be made from the existing field opening onto Benefield Road, which would need to be significantly upgraded to accord with highway standards. It is considered that as the applicant owns the land, this would be achievable. The level of parking would also continue to be acceptable.

7.17 The Local Highway Authority previously commented on the proposal stating that it would be located in a remote, unsustainable location in respect of transport and that all journeys to and from the site would need to be made by private motor vehicle. However, as the principle of development has been established the Local Highway Authority has no further comment.

**Flood Risk**

7.18 The majority of the site falls within Flood Zone 1, which has the lowest probability of flooding with a small part of the southern boundary falling within Flood Zones 2 and 3. All proposed development would be located in Flood Zone 1. In accordance with the NPPF, a sequential approach has been used such that no built development would be located in Flood Zones 2 or 3.

7.19 A sustainable drainage strategy would be implemented in line with the previous approval (19/01872/FUL) and as such the Lead Local Flood Authority has no objection to the proposal. Accordingly, the proposal is therefore considered acceptable and complies with Policy 5 of the North Northamptonshire Joint Core Strategy 2016.
Biodiversity

7.20 The application site has no record of any protected species and being mainly a grassed field is of low biodiversity potential. There has been no representation with regards to biodiversity from any third party or the Council.

7.21 Policy 4 of the JCS requires all development to safeguard existing biodiversity. The proposal would have the ability, through detailed landscaping, planting and habitat creation (discharged via condition reference 20/01192/CND), to result in a moderate enhancement in ecology and would therefore have the potential to have a positive impact upon biodiversity. The applicant has provided an updated landscaping plan which shall be reflected in the new condition on the decision notice. The proposal is therefore considered to be in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2016.

Archaeology

7.22 The site is located on the western edge of the village and on the south side of Glapthorn Road. Recent work to the east has identified activity of medieval date. The county Historic Environment Record indicates a possible cropmark enclosure in the north western part of the field, though this is undated as no investigation has taken place. There is the potential for remains to be present in the eastern part of the field where the development is proposed to be located.

7.23 It is confirmed that the archaeological evaluation by Cotswold Archaeology reference MK0290 and dated September 2020 in the condition discharge reference 20/01247/CND for planning permission 19/01872/FUL is considered acceptable as confirmed by the Northamptonshire County Council Archaeological advisor on 26th October 2020. The proposal is therefore acceptable in this regard.

8 Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9 Conclusion / Planning Balance

9.1 In this instance the proposed variation to Condition 2 of the extant planning consent to reduce the size of the outdoor arena and vastly increase the size of the stable block to provide a large stable building and an undercover arena is not considered to cause significant harm that would outweigh the economic, social and environmental benefits of the proposal, therefore given the current policy position, the proposed development is considered to be compliant with relevant national and local planning policy as:

- Is of an appropriate design
- Would not have a harmful impact upon the character and appearance of the area given the recent approval
- Would not have a significantly detrimental impact upon the amenity of any neighbours
- Would not have a harmful impact upon highways safety
- Would be acceptable in terms of flood risk
- Would safeguard existing biodiversity
There are no other material planning considerations which have a significant bearing on the determination of this application.

10 **Recommendation**

10.1 That planning permission be GRANTED subject to the following conditions.

11. **Conditions**

1. The development hereby permitted shall be begun before 16th July 2023.

   **Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out strictly in accordance with the following plans received by the Local Planning Authority on the stated dates:

   - Site Location Plan 100 rev B (25.11.2019)
   - Existing Site Plan 101 rev A (25.11.2019)
   - Proposed Site Plan 102 rev F (26.10.2020)
   - Proposed Block Plan 103 rev G (26.10.2020)
   - Proposed Site Sections 104 rev D (26.10.2020)
   - Proposed Stables Floor Plans 105 rev E (26.10.2020)
   - Proposed Stables Elevations 107 rev E (26.10.2020)
   - Proposed Arena Details 109 rev A (25.11.2019)
   - Proposed Hay Barn Floor Plans and Elevations 110 rev C (25.11.2019)
   - Proposed Mobile Home Elevations (25.11.2019)
   - Proposed Mobile Home Floor Plan (25.11.2019)

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

3. No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

   **Reason:** In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

4. Prior to the occupation of the approved buildings, full details of the access drive are to be submitted to and approved in writing by the Local Planning Authority. Due to the dwelling being located more than 45 metres from the highway boundary, the access must be a minimum of 3.7 metres wide for its whole length to accommodate a fire appliance. The development shall be carried out in accordance with the approved details and retained and maintained in perpetuity.

   **Reason:** In the interests of highway safety.
5. No development above slab level shall take place until the proposed vehicular access including visibility splays plus the parking and turning facilities (including turning facilities for a fire appliance) shall be provided and suitably hard surfaced in accordance with the approved plans. They shall thereafter be set aside and retained for those purposes.

Reason: In the interest of highways and fire safety.

6. Prior to first use or occupation, a positive means of drainage shall be provided to ensure that surface water from the vehicular access does not discharge onto the highway or adjacent land. Such details shall thereafter be maintained and retained.

Reason: In the interests of highway safety.

7. No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.

Reason: To ensure the protection of the local amenity throughout construction works.

8. There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

9. There shall be no contractor or delivery parking on the public highway at any time.

Reason: To ensure the protection of the local amenity throughout construction works.

10. Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

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

11. The development shall be carried out in accordance with the levels as indicated on the following plans received by the Local Planning Authority on 23rd September 2020 and approved under condition discharge reference 20/01192/CND on 10th December 2020:

- Topographical Site Survey Sheets 1 - 4
- Proposed Site Plan (102 rev D)
- Proposed Site Section (103 rev D)
- Proposed Stables Elevations (107 C)
- Proposed Hay Barn Details (110 rev C)

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual and residential amenity.
12. The development hereby permitted shall take place in accordance with the hard and soft landscaping plan reference 1540.05 received by the Local Planning Authority on 26th October 2020. The development shall be implemented in accordance with the approved details and maintained in perpetuity.

The works shall be carried out in the first planting season following the completion of the dwelling or occupation of the dwelling, whichever is the soonest, and shall thereafter be maintained in perpetuity.

Any trees or plants planted in connection with the approved soft landscape details which within a period of five years from planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species as those originally approved.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies 3 & 8 of the North Northamptonshire Joint Core Strategy 2016.

13. The development hereby permitted shall take place in accordance with surface water drainage scheme including SuDS ownership and maintenance plan prepared by PFA Consulting dated October 2020 and approved under condition discharge reference 20/01423/CND on 10th December 2020. The development shall be implemented in accordance with the approved details and maintained in perpetuity.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

14. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Addendum to Flood Risk Assessment, document ref. no. W562-FN01 FRA Addendum, dated January 2020, & prepared by PFA Consulting. These shall include:

   a) Any departure from the agreed design is keeping with the approved principles
   b) Any As-Built Drawings and accompanying photos
   c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary)
   d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
   e) Confirmation that the system is free from defects, damage and foreign objects
   f) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed
      within the drainage strategy is in place

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

15. The occupation of the approved temporary dwelling shall be limited to a person solely or mainly working, or last working in the equestrian enterprise as specifically approved by this permission, or a widow or widower of such a person and to any resident dependants.

Reason: This permission has been granted due to an essential need for an equestrian worker to be located at the site. Residential development would not otherwise be granted in this location.
16. The mobile home building hereby permitted shall be removed and the land restored to its former condition on or before a period of 36 months from the date of the original planning consent (19/01872/FUL).

**Reason:** In accordance with the application and because the proposed building would otherwise prove unacceptable in this location.

17. The development hereby permitted shall take place in accordance with the archaeological evaluation by Cotswold Archaeology reference MK0290 and dated September 2020 is considered acceptable as confirmed by the Northamptonshire County Council Archaeological advisor on 26th October 2020 and approved under condition discharge reference 20/01247/CND on 10th December 2020. The development shall be implemented in accordance with the approved details.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded, and the results made available, in accordance with NPPF Paragraph 199.
This application is brought before the Planning Management Committee at the request of the local Ward Member for Nassington.

1 Summary of Recommendation

1.1 That planning permission is GRANTED subject to conditions.

2 The Proposal

2.1 This application relates to the change of use of farm buildings to a wedding venue. The buildings have extant planning permission for change of use to a wedding venue following the grant of permission on Appeal on 8 January 2019, ref. APP/G2815/W/18/3210348 (ENC ref. 18/00627/FUL). A copy of the Appeal decision letter is attached to this report (Appendix 1). A subsequent planning permission allows a B1 Office use in the buildings and is also extant.

2.2 This application seeks approval for amendments to the approved wedding venue scheme including a revised internal and external layout, minor elevation changes, a projecting roof canopy, an oak pergola and the installation of a ground source heat pump.

2.3 The building is 1093m2 in terms of gross internal floor space and so this is regarded as a ‘Major’ planning application. Under the terms of the Council’s scheme of delegation proposals of this size only automatically have to be considered by Committee if they involve more than 1,000 square metres of additional floorspace. In this case, no additional floorspace will be created by the proposal when compared to the existing buildings.

2.4 However, the application has generated an objection from Apethorpe Village Meeting and, in view of the differences when compared to the previous proposal, it has been called in to be considered by Committee by the local Ward Member for Nassington.
3 The Site and Surroundings

3.1 The proposal is located in an open countryside location. Access is to be gained via a farm track which leads from the Nassington to Apethorpe Road. The buildings are not listed but they do have some character.

3.2 There is a bridleway which runs along the front of the buildings and the application has been advertised as having an impact on this.

4 Policy Considerations

4.1 National Policy and Guidance
   National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
   Policy 1 - Presumption in Favour of Sustainable Development
   Policy 8 - North Northamptonshire Place Shaping Principles
   Policy 25 - Rural Economic Development and Diversification

4.3 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)
   Policy 23 - Rural Buildings - General Approach

4.4 Neighbourhood Plan
   None

4.5 Other Documents
   Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
   Northamptonshire County Council - Local Highway Authority Planning Standards (2016)

5 Relevant Planning History

5.1 83/00605/FUL – Sheep building (behind buildings subject to this application) – approved.

5.2 02/00929/FUL - Change of use from agricultural use to employment use B1 B2 and B8 - approved.

5.3 07/010305/FUL - Conversion of redundant farm buildings into nine holiday lets following demolition of redundant agricultural sheds to form car parking and landscaping – approved.

5.4 09/00733/FUL - Change two holiday flats (units 1 and 9) into a residential unit for a site manager with facilities for bed and breakfast (amendment to EN/07/01305/FUL) - approved.

5.5 18/00627/FUL - Change of use of barns and associated land from agricultural to wedding venue – Refused but allowed on Appeal ref: APP/G2815/W/18/3210348

5.6 19/00956/FUL - Change of use of agricultural buildings to B1 (office) use – approved.
5.7 20/01337/AMD - Non material amendment to allow minor internal modifications, with associated elevational changes pursuant to 18/00627/FUL - Change of use of barns and associated land from agricultural to wedding venue – Pending at the time of writing this Report.

6 Consultations and Representations

6.1 Neighbours

2 objections received from nearby residents and the points made are summarised as follows:

- Fast traffic is already a problem in the village of Apethorpe and to add to the volume would be both dangerous and a disturbance to the village. Traffic which will be generated by this venue will have a completely different profile to a B1 use, i.e. it will be late at night by drivers unfamiliar with the locality.
- The Nassington to Apethorpe Road is of an insufficient standard to be able to accommodate the traffic associated with this development, including buses, without causing serious conflict with other users of this road. The increased use of this road will also result in an increase in vehicle related pollution and the consequential environmental damage.
- Many residents of Apethorpe do not have off street parking and some parking provision in the village on Laundry Road away from the main through route has already been taken way. Therefore, large vehicles and a high volume of traffic for those of us who park on the road is a major problem.
- There is a small humpback bridge on the way into the village with weight restrictions. Large vehicles in higher volume passing over the bridge would put undue strain on the bridge.
- If the planning permission were to be granted the noise disturbance would be unavoidable including late night fireworks. This will cause disturbance for residents and animals in the vicinity.
- There is a bridal path coming from the direction of Nassington where walkers, cyclists and people on horseback would cross straight in front of the main entrance to the proposed wedding venue. This would be dangerous in terms of potential conflicts between the users of the bridle way and the wedding venue.
- The proposal will have an adverse impact on wildlife in the vicinity.
- The proposal would have a detrimental effect on the value of properties.
- No public transport is available.
- There are very few large local hotels nearby to accommodate guests.
- There is no provision of electric vehicle charging points on site.
- The employment generated will be largely casual and low skilled.
- It will be difficult to enforce any conditions which are applied due to unsociable hours and remoteness.

One of these parties provides additional comments which advise they did not receive any notice regarding the original application for Bluefield Farm in 2018. They believe this omission is not fair as they had no opportunity to comment. Accordingly, they wish to reserve all rights going forward including the right to apply for injunctive action.

In response to this, the party concerned did not get a letter about the original application because they were not within our established criteria for receiving a letter.

All representations are addressed below in the assessment of the application.
6.2 Apethorpe Village Meeting

Comments received 21.12.20 – Raises a number of concerns and queries

1. Application Form
   - Item 8. Pedestrian and Vehicle Access and Rights of Way. The question: ‘Is a new or altered vehicular access proposed to or from a public highway?’ has been answered with a No. This is obviously not the case.
   - Item 12: Biodiversity and Geological Conservation. Question a) has been answered with a No. The application is accompanied with an ecological assessment, dated September 2016. Clarification should be sought from the council’s ecologist as to whether this can be considered “in date”. Assessing the impact on protected species is a critical part of the planning application process, it would appear from the report that the presence of bats was found and an updated report should therefore be completed during the relevant season. It is also noted that legislation has progressed considerably since the previous application and the new submission fails to address the important issue of ‘Biodiversity Net Gain’, as required under paragraphs 170 (d), 174 (b) and 175 (d) of the NPPF and the Environment Bill. The proposal clearly results in the loss of an in-use habitat and a decision cannot be made until this has been suitably reviewed and mitigated. Item 25. The application form has been completed with a “Certificate A” notice, confirming that the applicant is the sole owner of the land. The applicants own Design and Access Statement confirms this is not the case. The legality of the original permission and the new application should be questioned and this should be addressed.

2. The Bridleway
   - The bridleway, a single track, passes directly in front of the proposed development for a distance of approximately of 75 meters. The Design and Access statement submitted by Harris McCormack Architects (20/01533/FUL) notes that ‘the bridleway is not affected by the proposed development’. The latest application (19-824(08) 004 REV A), includes changes to the proposed elevation, the addition of a projecting roof canopy to the west elevation which shields the entrance for the bridal party and their attendants. This is a significant change as it opens up a second vehicle entrance/exit and enables an east west traffic flow along the bridleway.
   - In a response to the Planning Inspectorate during the Appeal process, a document prepared by Ross Thain Architects (Ref: APP/G2815/W/18/3210348) item 1.3 notes: “The track that runs due east from the barn, and along the frontage of the barn to Bluefield Farmhouse is also a public bridleway frequently used by horses, bicyclists and walkers, all of whom are aware that the access track and the track from the barn to Bluefield Farmhouse are frequently used for normal vehicular traffic.” Apart from the dubious claim that all users will be aware of traffic flows to and from Bluefield Farmhouse, this statement relates to ‘domestic’ and visitor traffic and is not comparable to traffic movements generated by ‘up-scale’ weekend weddings. We agree with the applicant that the bridleway is in constant use, particularly at weekends, and that it is enjoyed by riders, cyclists, hikers and walkers.
- A Highways report by EAE Consultants, commissioned by Mr. Elborne, and submitted to the Planning Inspectorate notes: 'The bridleway will not be affected by the proposed development'. This statement is untrue. All traffic, guests' and staff cars, delivery vehicles and coaches will need to either cross over or drive along the bridleway to access and exit the building. Guests will arrive at set times for the ceremony which will cause queuing and there will be constant comings and goings as 'daytime' guests leave and others arrive for the evening festivities. Horses do not respond well to vehicles passing in front or alongside them on narrow tracks.

3. Noise
- In addition to the potential danger the proposed wedding venue creates for bridleway users, the peace of the countryside will be inevitably disrupted by traffic and the chatter of excited guests, especially when ceremonies and celebrations are held on the outdoor patio areas. Amplified music will also disturb the ambience and we believe that it will be impossible to manage the proposed limited window opening (noise limitation) as the event gets underway. There appears to be no air conditioning in the building and on hot summer evenings the guests will find ways of getting air into the room (and letting noise leak out). We question whether the noise generated by discos etc will be limited to the noise levels quoted in the noise assessment. Will the entertainment be required to use noise meters to limit the noise to that quoted?
- The nearest dwellings are Shortwood Lodge at 900 metres away. The resident of Shortwood Lodge is particularly disturbed by the proposed development as his horses and stock were greatly disturbed by the noise generated by a private wedding held in the barn a few years ago. Within 1km of the venue is the Jack's Green holiday village of 55 log cabins and 9 glamping pitches, all set up to provide holiday makers with a tranquil environment and back to nature experience. Apethorpe Village is just over 1 kms distant and has over 60 households.
- We also bring to your attention that much of the bund at the rear of the barn has been removed in recent works and will no long serve as an effective sound dampener.

4. Fire Risk and Fireworks
- Concern is raised by Northamptonshire Fire and Rescue regarding the suitable firefighting capability should an issue arise at the site. The proposal appears to include a commercial kitchen and a suitable fire hydrant will be required within the relevant distance to accord with Building Regulations. Whilst not entirely a planning consideration, the applicant has submitted a "rough" plan showing the position of water pipes from the main road to the site. This does not show suitable conformability with Building Regulations. Details should be provided to prove the relevant pressure and flow rate. Should this not exist, the relevant upgrade and adoption will need to take place prior to the premise coming into operation. The track leading from Nassington Rd. to the barns is narrow and unsurfaced and, as can be gathered from the Harris McCormack report, we can expect hundreds of vehicle movements along it and the bridleway. This track is also used by large agricultural vehicles, especially during the summer months when the proposed venue will be at its busiest. We are concerned that emergency vehicles could encounter access difficulties in the event of fire. Can we draw your attention to the document prepared by Ross Thain Architects in response to the Planning Inspectorate; item 2.3 notes 'For the avoidance of any doubt there will be no fireworks allowed under any circumstances'. Should the proposed development go ahead we ask that a condition is imposed to ensure
that this can be enforced.

5. Increased Traffic Flow
- In our previous response to application 18/00627/FUL, we raised concerns over increased traffic flows through the village. All traffic coming into Bluefields from the north (A43, A47 and A1) will access the venue via Kings Cliffe, Apethorpe and Nassington. A 2019 Police-led Speed Watch programme recorded an average of 1000 vehicles a day passing through Apethorpe, many exceeding the 30 mph speed limit. Local villages are blighted by speeding motorists and although the Highways Report would suggest otherwise, local knowledge is often more representative of the prevailing conditions. In a recent email to the clerk of Apethorpe Village Meeting, Mr. Elborne stated: “I equally have considerable concern over the fact that irresponsible idiots choose to drive their cars at or above the speed limit on the road from Apethorpe to Nassington around a bend at the end of which is our farm entrance”. Speeding is a known problem and additional traffic entering and exiting the proposed venue will inevitably increase the risk of accidents.
- The Highway Report prepared for Mr. Elborne by Edwards and Edwards Consultancy compares the traffic movements associated with the wedding venue to those of Business Units with B1, B2 and B8 planning approval. This is a spurious comparison as this planning permission was granted over 18 years ago and was never enacted. An application made in 2019 was limited to B1 use only. Traffic movements associated with B1 use would be far less intrusive than those related to the proposed wedding venue and would generally be office staff travelling to and from the premises and familiar with the local road network and its hazards (e.g., single track bridges, horses, deer, cyclists, pelicans and walkers). Wedding traffic would consist primarily of road-users completely unfamiliar with these hazards. When travelling to the venue wedding traffic would clash with peak leisure use of the roads and bridleway. Motorists leaving the event at night would be unfamiliar with the local road network and would generate comparatively large volumes of traffic through local villages at unsociable hours. Traffic at night passing through Apethorpe, Kings Cliffe, Nassington and Woodnewton is extremely light and in view of the expected increase in traffic the application should be accompanied by a formal Transport Assessment.
- Our conclusion: We are opposed to the proposed wedding venue and believe that much of this application is at odds with the National Planning Policy Framework (NPPF) policies aimed at ‘Conserving and Enhancing the Natural environment’ (ref: section 15: items 170b/172/163e). In our view, the site is located in an unsustainable location without public transport links and with no pedestrian or cycle access for either visitors or staff. The scheme actively promotes private car travel and is inherently unsustainable. Both National and Local planning policy is specifically worded to only support sustainable development.
6. Limitations and Conditions of Use

- Our concerns about bridleway safety are paramount and should the development go ahead we feel that traffic must be limited to one entrance/exit on the west elevation to avoid vehicles traveling along the bridleway in front of the barn. We request that conditions are imposed on the application which specifies a single vehicle access/exit to the east elevation. In addition, we require a documented traffic management system where priority is given to bridleway users and to ensure that traffic management staff are overseeing the bridleway during daylight hours. We note that in the Appeal documentation submitted to the Planning Inspectorate the Design and Access Statement prepared by Ross Thain Architects notes: "The property will not generally be used in the winter months thus heating is not a major requirement although a modern high performance condensing boiler and an efficient heating system will be installed." The latest application includes the addition of a Ground Source Heat Pump. While it is implied that this venue will only operate for half the year and that weddings will mainly take place at weekends, it is not unreasonable to speculate that this venue could expand to weekday weddings, conferences and events. This is a big enterprise that surely will need to operate as frequently as possible to justify the investment costs. We feel a limitation of use constraint is justified. Regarding the limitations we have requested: 1) a single entrance/exit point on the east elevation to the proposed venue, 2) a documented traffic management plan to protect bridleway users, 3) a noise level monitoring procedure, 4) a ban on firework displays, 5) a limitation of use to a wedding venue.

We are concerned whether these limitations could be enforced, should the need arise, especially as Mr. Elborne has shown scant regard for his neighbours in the parish of Apethorpe. Without notification or road safety signage he organised the removal of earth from the rear of the barn which resulted in oversized agricultural vehicles pulling trailers full of spoil passing through the village, many needing to mount the pavement to make their way around the bends on Main St. We estimate that over 1000 vehicle movements have been made to date. The grass verges along the route of travel have been damaged and mud splattered on the road surface. I can produce emails exchanged between Mr. Elborne and myself which provide evidence of his uncooperative attitude.

Further views received 19.1.21 – Reiterate many of these points.

6.3 Nassington Parish Council – No views received within the timescale given to comment (expired 25.12.20).

6.4 Police Crime Prevention Design Advisor

Summary of comments received 9.12.20 -

Agree to various boundary, lighting, CCTV and alarm measures as proposed in a statement in relation to site security submitted in connection with the application.

The following Condition is recommended: Prior to first use of the development hereby permitted, site security measures shall be implemented strictly in accordance with the details agreed with the Local Planning Authority. The development shall be carried out in accordance with the approved details as stated within the 'STATEMENT IN RELATION TO SITE SECURITY' dated April 2018. Once installed, the systems shall be retained in perpetuity.

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Reason: To ensure that the site is satisfactorily secured and to design out crime and promote the well-being in the area. In accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

6.5 Northamptonshire County Council - Local Highway Authority (LHA)

Summary of Initial comments received 3.12.20 –

Requested more information and clarification on a number of points.

Further views received 9.12.20 following a request that they consider the previous Appeal decision -

As the applicant has demonstrated the requirements set out in the Appeal the LHA has no further observations to this application.

Additional views received 11.01.21 in response a query raised with them about the use of the adjacent bridleway as part of the access for this proposal following concerns raised about this -

The applicant would not be able to use that section of bridleway as it’s not for vehicles to pass along, they could propose to upgrade the surface which would assist the matter and change this to a byway. I am currently trying to find out what exactly would be involved to be able to change the class to a byway.

Further views received 18.1.21 following a discussion between the highways officer and his Rights of Way colleague-

The Rights of Way officer would advise that the applicant not use the proposed drop off area as this would require a lot of changes, the applicant would not be able to use the bridleway and would need to propose a separate track at least 3m away from the existing bridleway, it would also require a physical barrier to be erected to stop any movement between tracks, the space between the two tracks would need to be maintained by the land owner (such as grass cutting).

As for access to the Farm located to the West, this is allowed as it belongs to the owner who is using their own vehicles on this section of track and no visitors should be using this. If there is any damage to the track then this would need to be repaired by the owner. If the applicant is to propose using the track heading north in to the proposed venue then the section that crosses over the rights of way would need to be maintained by the owner, any damage would be the owners responsibility, it would be advised to have this section hard bound but must be suitable for the public and horse riders.

Summary of further views received 19.1.21 -

Would support a reason for refusal if the issues relating to the use of the bridleway are not resolved.

Final views received following receipt of more information about the existing permission and existing use of the bridleway 20.1.21 and 26.1.21 -
Confirms that the LHA will object to any use of the bridleway unless its only to cross the section of cross road in to the proposed venue, the land owner will be responsible for any repair to this section and we recommend that the surface be hard bound to ensure it withstands intense use. Also, confirms that travel along the bridleway by vehicles in connection with this development would be an offence under the Highways Acts.

6.6 East Northamptonshire Council - Environmental Protection Officer

*Initial comments received 7.12.20 -*

A similar application was granted on Appeal under 18/00627/FUL. There are no significant changes to the main use of the buildings and outside areas and there is no objection on environmental grounds but have the following comments.

The same noise assessment has been submitted in support of this planning application. This demonstrated that use as a wedding venue should not result in adverse noise impact providing certain mitigation measures are put in place. These are detailed in section 3 of the Acoustics Associates report Ref: SS/J3266/16667, dated January 2018. As such, there would be no objection on the grounds of adverse noise impact providing the recommendations in section 3 of the report are transposed into enforceable planning conditions.

With any previously used land contamination could be present that may pose a risk to any new development. The applicant has submitted a Phase 1 Interpretive Desk Study in support of the application. Given the proposed end use the environmental consultant has concluded the risks from land contamination are considered to be low to negligible. I would not disagree with this. Therefore, no further investigation or remediation is considered necessary.

However, I think it would be prudent to the place the following condition on the permission to deal with any previously unidentified contamination as follows:

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.

*Further views received 23.12.20 -*

Thank you for sending me the comments raised by Apethorpe Parish Council. Their concerns are understood but based on the submitted noise report the use of the barns as a wedding venue should not result in adverse noise impact with reference to the NPPF, NPSE and planning guidance. The bund mentioned in the email did not form any part of the noise mitigation proposals. Noise should be controlled through the measures suggested by the acoustic consultant and enforced by the way of planning conditions. I also refer you to the Appeal decision under 18/00627/FUL. There is also a secondary means of control under licensing.
6.7 Northamptonshire Fire and Rescue

*Initial comments received 1.12.20 –*

The location of the planned conversion is a substantial distance from the nearest highway, therefore there is likely to be inadequate water supplies near to the planned converted buildings. This will likely result, in the event of a fire at the premises, a delay in fire-fighting activities due to available water resources.

*Additional comments received 2.12.20 following confirmation about location of water mains and a fire hydrant at the site –*

Thank you for the additional information, the information there is a hydrant in the vicinity is good to know. The comments made were not an objection but observation based on available information and then compared to building regulations regarding distances from hydrants. I would still be duty bound to comment that if the hydrant is at the main entrance/junction off the main road to the site, that the laying of hose lengths will likely delay fire-fighting activities.

6.8 Lead Local Flood Authority

*Comments received 3.12.20 -*

Thank you for consulting us on the above application to which we make no comment.

6.9 Natural England

*Summary of comments received 16.12.20 -*

Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and provides generic advice on other natural environment issues.

6.10 Northamptonshire County Council, Ecological Advisor

*Initial Comments received 18.12.20*

The bat survey report submitted is from 2016 and is too old, especially considering it found evidence of bat use. The preliminary roost assessment needs to be redone, as well as any activity surveys which may be found to be required. All surveys must be done pre-determination so that if any mitigation is required it can be secured by condition. At this point therefore the council currently does not have sufficient information to determine this application.

*Further views received following receipt of a more recent (August 2019) bat survey 22.12.20 -*

Since it is a confirmed roost it is likely works will need a licence to proceed. The following condition will cover things whether – based on the specific works proposed – a licence is needed or not:

The following works […] state the specific works or activity likely to cause harm to particular protected species… and as identified in plan/drawing/specification X […] shall not in any circumstances commence unless the local planning authority has been provided with either:
a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

6.11 Northamptonshire County Council - Key Services

Summary of comments received 17.12.20 -

Fire Hydrants & Sprinklers

Points out the need to secure adequate fire hydrants and/or sprinkler systems for the new development and suggests a planning condition to secure these.

Broadband

Advises it is essential that new developments (both housing and commercial) are served by high quality full fibre broadband networks.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The extant planning permission granted on Appeal for a substantially similar development is a material consideration of substantial weight and represents a fall-back position from which to assess this application, in that there is a realistic proposition of it being implemented if this application was refused. The following considerations are relevant to the determination of this application

Principle of Development

7.2 The relevant Planning Policy documents in relation to this matter are the National Planning Policy Framework (NPPF), North Northamptonshire Joint Core Strategy (JCS) and the Council’s adopted Rural, North Oundle and Thrapston Plan (RNOTP).

7.3 In general terms, part of Paragraph 28 of the NPPF supports sustainable growth and expansion of all types of business and enterprise in rural areas including the conversion of existing buildings.

7.4 In addition, Policy 25 of the JCS states that sustainable opportunities to develop and diversify the rural economy that are of an appropriate scale for their location and respect the environmental quality of the rural area will be supported.

7.5 Finally, Policy 23 of the RNOTP advises planning permission will be granted for the adaptation or re-use of buildings in the countryside for uses such as those which are employment generating providing that the character of the buildings is preserved, the buildings are substantially intact and 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.
7.6 In response to the above, it is noted that there are concerns that the building is in a remote location without access to public transport and this could be argued as unsustainable. It is also pointed out that there are no nearby hotels for guests to use. However, the principle of changing the use of this building to a wedding venue has already been established by the previous planning permission for such a development at this location. This was gained on Appeal following the refusal of the previous application on highway grounds.

7.7 In view of this, what needs to be considered in relation to the current application is any material differences with the approved scheme and whether these justify reaching a different decision to that of the Planning Inspector. Related to this, Policy 8 of the North Northamptonshire Joint Core Strategy is the next relevant consideration. This requires new development to comply with a number of principles including being of a high standard of design that is in character with the surroundings, being acceptable from a highway and parking point of view and not having an adverse impact on its surroundings.

**Design, Layout and Impact on the Character and Appearance of the Area**

7.8 When compared to the last application granted planning permission on Appeal, this proposal includes a revised internal and external layout, minor elevation changes, a projecting roof canopy to one side, an oak pergola either side of the entrance to the building from the car park and the installation of a ground source heat pump. As with the last application, the majority of the works will be carried out internally in order to bring the building up to an appropriate standard for the proposed use.

7.9 Externally, the clay pantile roof and buff coloured brickwork will remain as existing with repair work being carried out where necessary. Some alterations to the appearance of the building will be carried out such as the replacement of all windows and doors. Some minor new openings will be created into the building to allow it to serve as a wedding venue. However, the existing openings are used throughout.

7.10 Some large barn doors to the rear (North) elevation will be replaced with a full height glazing panel, as is common with barn conversions, with double doors to the centre to gain access to the proposed terrace.

7.11 A new main entrance doorway will be created in the rear elevation which will comprise a large glazed panel with central double doors. This will be surrounded by timber cladding which will give a visual break to the vast expanse of brickwork and match the existing features. This timber cladding will be mirrored on the opposite side of the two storey barn to add visual interest and symmetry to this elevation of the building.

7.12 An oak pergola will be constructed either side of the main entrance from the car park (North Elevation) to ‘frame’ the entrance, as a feature and to create an attractive ‘route’ into the building. It will measure 19.6m2 to one side and 46.4m2 to the other. There will also be a projecting canopy for the West elevation. The canopy will be just over 4.5m wide by 6.25m long and will allow covered access to a side entrance. All of these will be in scale with the buildings.

7.13 To the front (South) elevation, the open bays (currently boarded in plywood for security) either side of the central gable will be infilled with brick (to match existing) piers and arched windows to give the public areas plenty of light and views to the south.

7.14 The area to the rear of the barn will be landscaped to include a terrace area which can be used for outdoor ceremonies in the summer months.
7.15 A ground source heat pump will also be provided which will be linked to a series of 12 trenches which will be dug under where the terrace is to go and the car park. This is to be encouraged on sustainability grounds.

7.16 Whilst not listed, the buildings do have some character. However, it is considered that the additional changes proposed when compared to the previous approval will not adversely affect this with any more significance than the last scheme for a wedding venue. On this basis, these design changes are considered acceptable.

**Highway Safety and Parking**

7.17 It is noted that there are a number of concerns from the local community about the proposal on highway grounds including the suitability of roads in the vicinity to cope with the traffic associated with the development. In addition, the Highway Authority, initially, had a number of queries.

7.18 Whilst the previous application for a wedding venue was refused for highway safety reasons relating to the use of the Apethorpe to Nassington Road by traffic associated with the proposal, this was not upheld on Appeal. This application will not result in an increase in traffic on that road compared to the one allowed at Appeal and, accordingly, it is not considered justified to refuse the current application because of concerns on these grounds. Following receipt of information about the Appeal decision, the Highway Authority noted the applicant has demonstrated the requirements set out in this and advised they had no further observations about this aspect of this application.

7.19 It is noted that the Apethorpe Village Meeting are also concerned about traffic through Apethorpe especially as this could conflict with the on street parking in the village. The last application was not refused because of concerns of this nature and, as the traffic levels this time are not considered to be different, it is not considered to justify refusing this application because of concerns of this nature.

7.20 In relation to the access road into the site, the Appeal Inspector imposed a number of highway related Conditions on his approval to make the development acceptable, requiring the access road to be improved and it is considered justified to repeat them in this case. On this basis, the access into the site is considered acceptable for the same reasons given by the Inspector in his decision letter.

7.21 Once within the site, there are also concerns from the local community about a bridleway (MD6) which passes the front of the buildings that are subject to this application and a potential conflict between horse riders/cyclists and pedestrians and the wedding venue traffic. The route the bridleway follows is not altered by this proposal or the previous wedding venue one.

7.22 However, the current application originally differed from the previous one in that it proposed allowing a second point of access to the car park at the rear of the building under the proposed canopy in the west elevation. The approved proposal involves an access to the car park which crosses this bridleway and runs along the east elevation of the building. It also allows for three delivery bays in the front of the building immediately adjacent to this.
7.23 The additional access to the car park which was originally proposed is an existing access but the previously approved wedding venue layout blocks it with motor cycle and cycle parking provision. Instead of the canopy and associated entrance that is now proposed, there is only a small side door serving a creche opening out onto this elevation. The motorcycle and cycle parking is relocated in the new proposal and there is sufficient width under the canopy meaning that cars will now also be able to pass below it to gain access to and from the car park. To get to this point of access, traffic would have had to travel along approximately 55m of the bridleway. At present, once you are past the delivery bays, the only users of the second point of access in connection with the existing wedding venue permission will be motor cyclists and cyclists plus perhaps vehicles dropping people off at the side door for the creche. However, the previously approved creche is very small and so will not be able to accommodate many people and it is also accessible from within the building. It is therefore more likely that people using it will park in the car park accessed alongside the east elevation.

7.24 Finally, it should be noted that the B1 use which has been permitted at the site since the previous permission for a wedding venue shows a tree being planted in the centre of where this second point of access is indicating it was to be used in connection with that proposal. In addition, the previous use as a farmyard would not have generated as much traffic and possible conflicts with the bridleway that the wedding venue will.

7.25 In view of the concerns about the potential additional use of the bridleway by vehicular traffic, the advice of the County Highway Authority has been sought on whether this will be an issue. They have responded by advising they also have concerns about its use and would support a reason for refusal on this basis. They also add that any vehicular traffic travelling along it in connection with this development would be committing an offence under the Highways Acts as it is not a public right of way for vehicles.

7.26 This concern has been put to the applicant’s agent and, as a result, the use of the second point of access has been removed from the proposal. The current proposal also moves the delivery bays from the front of the building and therefore the amount of conflict with the bridleway will be less than in the previous one. The area to the west of the building is now to be left as gravel, as existing, so that the canopy and bridal suite entrance can be used but either a car (which would enter and exit only through the main carpark) or on foot. In view of this change, the only implication for the bridleway will be traffic crossing it to access the car park as in the current approvals. Any concerns about impact on users of the bridleway are not considered sufficient to justify refusal of the application.

7.27 The landowner will be responsible for any damage to the surface of the bridleway by the operation of the wedding venue and the Highway Authority have recommended he improves the surface at the point it is crossed. These points can be drawn to his attention in an informative note attached to any permission as they are matters for the Highways Acts rather than planning ones. The Appeal decision granting permission for substantially the same development does not obligate the applicant to improve the surface of the bridleway.
7.28 In terms of parking provision, 85 standard car spaces, 13 spaces for people with disabilities, 12 cycle spaces and 7 motorcycle spaces plus spaces for 2 coaches are proposed. The previous proposal included a similar level of provision and this was accepted as being above what the Countywide parking standards would require. The car park has been reconfigured in the latest application and the coach parking has been moved to the rear. Some tracking drawings have been provided to show this will work but 2 parking space have been lost to enable this to occur. However, as the previous proposal had an over provision of parking and as no intensification of use is proposed, the amount of parking provision is considered acceptable.

Environmental Matters

7.29 With any previously uses, land contamination could be present that may pose a risk to any new development. The applicant has submitted a Phase 1 Interpretive Desk Study in support of the application. Given the proposed end use the risks from land contamination are considered by the Council’s Environmental Protection Officers to be low to negligible.

7.30 Therefore, no further investigation or remediation is considered necessary.

7.31 However, they do think it would be prudent to the place a condition on any permission to deal with any previously unidentified contamination. This is agreed with.

7.32 This condition requires less than the one imposed by the Appeal Inspector but more work has been done on the topic since. Accordingly, the previous condition is no longer considered justified.

Flood Risk and Drainage

7.33 The Lead Local Flood Authority has been consulted on the application and has no concerns from a drainage point of view. The necessary application in relation to the Building Regulations for the works will need to ensure the proposal has an acceptable surface and foul water drainage scheme.

Ecology

7.34 It is noted that there are also concerns about the proposal on ecological grounds. An ecological report was submitted with the previous wedding venue application to look at the potential for bat activity at the site. This revealed that part of the building was being used by bats, most likely as a feeding roost and that the activity appeared to be concentrated around the soffit box on the outside of the barn. This was discussed with the Council’s Ecological Advisor at the time and she advised that provided the soffit box is not disturbed or removed as part of the external works, no mitigation or licence should be required. The Appeal Inspector agreed. The applicant’s agent responded to this by advising the soffit box will not be affected. The agent has confirmed the same situation applies with the current application and, initially resubmitted the same bat survey as accompanied the previous wedding venue application.
7.35 However, that bat survey is over 4 years old and the County Ecological Advisor was of the view that it needed revisiting. In response, the agent has submitted a more recent survey which accompanied the 2019 application for business (office) use. This has been accepted by the County Ecological Advisor and she has recommended a planning condition be included in any permission which prevents development commencing unless there is either a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead or written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme or a statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence. On this basis, this recommended condition makes the proposal acceptable in terms of impact on bats.

7.36 There are considered to be no other significant impacts on surrounding wildlife compared to when the buildings operated as a farm complex.

Residential Amenity

7.37 There are no significant changes to the main use of the buildings and outside areas when compared to the likely impact of the previously approved application. The Planning Inspector who granted planning permission on Appeal for substantially the same development concluded in paragraph 9 of his decision letter that “In relation to noise, the submitted noise assessment modelled noise levels that would be generated by the proposed use. It demonstrates that subject to compliance with certain conditions the proposed use would not result in noise and disturbance that would harm the living conditions within the nearest dwellings”.

7.38 Concerns have, however, been expressed by the Apethorpe Village Meeting and members of the local community about the noise implications of the revised proposal. The Council’s Environmental Protection Team note the same noise assessment has been submitted in support of this planning application. They consider this demonstrated that use as a wedding venue should not result in adverse noise impact providing certain mitigation measures are put in place. These are detailed in the noise assessment. In view of this, they have no objection to the current application on the grounds of adverse noise impact providing the recommendations in the report are transposed into enforceable planning conditions. It is considered that this application raises no significant additional noise concerns when compared to the previous one. The Inspector recommended such a condition in issuing his Appeal decision for the previous application for a wedding venue and it is considered this should be included again in this case.

7.39 In considering this matter, the Council’s Environmental Protection Team have been made aware that one of the concerns from the Parish Meeting relates to a bund which has recently been removed from the site and the possible implications that this has for noise mitigation. However, they respond by advising the bund did not form any part of the noise mitigation proposals. They wish to point out there is also a secondary means of control of activities at the site under the licensing Regulations for venues such as this.

7.40 Finally, it has been requested that a Planning Condition should be applied which restricts the proposed use solely to a wedding venue. The Appeal Inspector did not impose such a condition as one is unnecessary as the use is sui generis, meaning a planning application will be needed to change use. On this basis, as a result of the combined impact of the planning and licensing controls, the proposal is considered acceptable on noise grounds.
7.41 There have also been concerns about the possible use of fireworks causing a disturbance for the surroundings. The Inspector who granted planning permission for substantially the same development did not impose a condition precluding fireworks and there is no evidence to find differently in respect of this application. The Inspector reasoned in paragraph 10 of his decision letter that “Concerns have been raised regarding the risk of fire on the surrounding farmland if fireworks are used at the venue and the risk of rubbish, glass and drink bottles littering the area. It is a reasonable assumption though to expect that the venue would be properly managed. If it was not and problems in this regard were to occur those who farm the adjacent land would have recourse against the operators of the venue. As a result, I attach little weight against the proposed development to such concerns”.

7.42 As this proposal is not significantly different to the one allowed on appeal and no condition preventing fireworks was imposed on that it is not considered that one should be imposed this time.

7.43 In terms of other amenity impacts, there are no dwellings close enough to be adversely affected by overlooking from the proposal.

8 Other Matters

8.1 Archaeology: There are no known archaeological constraints associated with the development.

8.2 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.3 Sustainable Construction: The scheme has taken into account the need to minimise the use of resources. A ground source heat pump will also be provided together with 6 electric charging points for vehicles. These will add to the sustainability credentials of the development, if implemented.

8.4 Waste: There is adequate space on site for the storage of refuse and recyclables and adequate room at either the entrance to the highway or on site for them to be collected depending on whether public or private waste collection service is chosen.

8.5 Crime / Fire and Rescue:
The Police Crime Prevention Design Advisor has no objections subject to a Condition being imposed to secure various crime prevention measures that the applicant agreed with in connection with the last application. These involve a combination of measures relating to fencing, lighting, CCTV and an alarm. The Inspector considering the appeal in connection with the last application recommended a condition requiring CCTV and an alarm in accordance with details to be agreed with the Local Planning Authority.

8.6 As this proposal does not differ significantly this time, the same Condition should be imposed as was imposed by the Inspector and, on this basis, the proposal is considered acceptable on planning out crime grounds.
8.7 It is noted that there are concerns from the local Village Meeting on fire safety grounds. Northamptonshire Fire and Rescue initially commented that the location of the planned conversion is a substantial distance from the nearest highway. Therefore, they considered there are likely inadequate water supplies near to the planned converted buildings. They considered this would be likely to result in a delay in fire-fighting activities due to available water resources. In response to this, the applicant's agent has supplied information which shows there is water main provision at the building and a fire hydrant at the entrance to the site. They also advise a vehicle has attended in the past to put out a fire. The Fire Officer has responded to this by saying they are not objecting to the application but wish to point out that if the hydrant at the entrance is used, this is likely to result in a delay in getting to the fire. This point is noted. Views have also been received on this topic from the County Council. They recommend a Planning Condition to secure the precise details of fire hydrants and sprinklers. This is not considered reasonable as such a Condition was not imposed in the appeal decision. There will be controls on fire safety via the Building Regulations. On this basis, it is considered the concerns about fire safety have been addressed.

8.8 **Health Impact Assessment:** Many aspects of planning have implications for public health. Many of the considerations for Planning Applications have the aim of ensuring decisions do not have an adverse impact people's quality of life and therefore their health.

8.9 **EIA:** The proposal is not subject to Environmental Impact Assessment.

8.10 **Other Matters Raised:** One of the concerns expressed by a third party relates to an impact from the development on property values. This is not a valid planning consideration. Another concern is that the type of job created by the development will be low paid and low skilled. In response to this, the types of jobs have been established by the previous Appeal decision which has already allowed a wedding venue at this location.

8.11 One party also considers any planning conditions will be difficult to enforce due to the remote location of the development. In response to this, the location does not impact on the enforceability of the conditions. If any complaints are received about them not being complied with, they will be investigated.

8.12 Another party is concerned that he was not notified about the last application and does not wish to prejudice any views he has made this time. In response to this, he lives sufficiently distant from the site so as not to be sent an individual letter but the proposal was publicised in other ways such as a site and press notice to make the general public aware of the application. Nevertheless, any comments which he has made this time have been considered in this report.

8.13 It is also noted that the Village Meeting have queried whether there is another landowner who controls land subject to this application and should therefore have been notified about it. The applicant's agent has responded to this by advising the Applicant is the sole owner of the land and was at the time of the previous submission, which was approved at Appeal. The Council has no way of checking this and having asked the question of the applicant it must accept what has been said at face value unless it has evidence of its own to contradict the applicant. The agent will be aware that any incorrect information on this point could make the decision subject to challenge and that it is an offence to knowingly make a false or reckless statement in this regard. This issue was raised at the previous Appeal and the Inspector ruled that "It is contested whether the appellant has the right to create passing places and responsibility for repairing and maintaining the track has been queried. However, as this is a matter of
civil law, and a planning application is determined on its planning merits, this is a consideration that has not altered my assessment of the appeal."

8.14 The Village Meeting also make reference to disturbance that the landowner created for the surroundings when removing spoil from the site recently. This is a different matter to the determination of this application.

8.15 Finally, it is noted that the County Council advise of the need for adequate broadband to serve developments. This is a separate matter for the applicant to pursue outside the considerations for this planning application. The Planning Inspector imposed no such condition in granting permission for substantially the same development.

9 Conclusion / Planning Balance

9.1 The principle of having a wedding venue at this location has been established by a previous planning permission for substantially the same development which was allowed on Appeal. This decision also accepted the use of the surrounding roads by the traffic such a proposal would generate.

9.2 There have been concerns during the course of the processing of this application about a second point of access to the proposed car park and the implications this would have had for a bridleway which runs adjacent to the building that is to be the wedding venue. In response to these, the highway authority has confirmed this would be an offence under the Highways Acts and it has been removed from the application.

9.3 Overall, in view of the removal of the second point of access to the car park, the proposal is not significantly different to the one that has previously been approved and the changes proposed do not give rise to any additional concerns which would justify refusal of planning permission. The extant planning permission for substantially the same development which was allowed on Appeal should be given substantial weight in determining this application.

10 Recommendation

10.1 That Planning Permission is granted subject to the following Conditions and informative comments which are based on those recommended by the Planning Inspector when the Appeal was considered for the previous application but updated to reflect new documents and discussions since.

Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.
2. The development hereby permitted shall be carried out strictly in accordance with the following approved plans:
   1129-01 Existing Plans and Elevations
   (08) 001 Location Plan
   (08) 002 B Proposed Floor Plans
   (08) 003 C Proposed Layout and Site Plan
   (08) 004 A Elevations Proposed
   (08) 005 C Coach Tracking

   **Reason:** To define the terms of this Permission.

3. If, during development, contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority.

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

4. a. The playing of amplified music shall be confined to the dining and reception rooms. Whilst amplified music is being played, it is permissible to open the north-facing double doors but no other windows/doors shall be opened in the dining or reception rooms.

   b. Prior to first use of the development hereby permitted the following specifications must be achieved and shall thereafter be retained for the dining and reception rooms as detailed in Acoustic Associates’ Environmental Noise Assessment dated January 2018 SS/J3266/16667:
      - The external masonry walls must be complete without gaps and achieve a sound insulation of at least Rw 45 dB. This can be achieved by any cavity wall or a double-brick wall.
      - The roof should be complete and achieve a sound insulation of at least Rw 42 dB. This can be achieved by the following:
        - Pantile tiles on battens/150 mm PIR infill around joists/ 13mm plasterboard to the underside.
        - The glazed areas should be as shown on the submitted drawing with reference (08) 004 Revision A. The specification should be 6mm pane/12mm void/6mm pane.

   **Reason:** In the interests of amenity.

5. a. Prior to first use of the development hereby permitted the vehicular access (including passing bays), parking and turning facilities shall be provided in accordance with the approved plans and shall thereafter be retained for those purposes.

   b. No vehicular traffic shall travel along the stretch of bridleway MD6 which passes adjacent to the south elevation of the building subject to this application in connection with the operation of the wedding venue.

   **Reason:** In the interests of highway safety.

6. Prior to first use of the development hereby permitted, a monitored Closed Circuit Television and alarm system shall be installed on the premises in accordance with details agreed with the Local Planning Authority. Once installed, the system shall be retained in perpetuity.
**Reason:** To ensure that the site is satisfactorily secured and to design out crime and promote the well-being in the area. In accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. The works shall not in any circumstances commence unless the local planning authority has been provided with either:

   a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or

   b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or

   c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

**Reason:** In the interests of ecology.

**Informative comments**

**Informative 1:**

The route of the bridleway which passes adjacent to the buildings subject to this application must be kept clear, unobstructed, safe for users, and no structures or material shall be placed on the right of way at any time. It is an offence to obstruct the highway under Section 137 of the Highways Act 1980.

There must be no interference or damage to the surface of the right of way as a result of the construction.

Any damage to the surface of the path as a result of this development must be made good by the applicant and the specifications for any repair or surfacing work must be approved by the Local Highway Authority under Section 131 of the Highways Act 1980. Related to this, the landowner is recommended to improve the condition of the surface of the bridleway where it is to be crossed to gain access to the car park in accordance with details agreed with the Local Highway Authority.

**Informative 2**

The details pursuant to Condition 7 are required prior to the commencement of development because they are critical to the material considerations of the scheme. The development would not be acceptable without these details being first approved. As required by the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant’s agent has agreed to this Condition.
Appeal Decision
Site visit made on 11 December 2018
by I Radcliffe  BSc(Hons) MRTPi MCIEH DMS
an Inspector appointed by the Secretary of State
Decision date: 08 January 2019

Appeal Ref: APP/G2815/W/18/3210348
Bluefield Farm, Nassington Road, Apethorpe PE8 5DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Elborne against the decision of East Northants District Council.
- The application Ref 18/00627/FUL, dated 23 March 2018, was refused by notice dated 21 May 2018.
- The development proposed is change of use of barns from agricultural to wedding venue.

Decision

1. The appeal is allowed and planning permission is granted for change of use of barns from agricultural to wedding venue at Bluefield Farm, Nassington Road, Apethorpe PE8 5DW in accordance with the terms of the application, Ref 18/00627/FUL, dated 23 March 2018, subject to the conditions in the schedule at the end of this decision.

Procedural matter

2. The appellant has agreed the wording of the pre-commencement conditions 3 and 4, as required by section 100ZA of the Town and Country Planning Act 1990.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

4. Bluefield Barn is located off Nassington Road. Nassington Road is a classified road that is wide enough for two cars to pass each other. The gentle bends of the road and its good forward visibility provides oncoming drivers of all sizes of vehicles sufficient time to slow down so that they may safely pass vehicles travelling in the opposite direction. It is noteworthy that school buses use Nassington Road on a daily basis, along with agricultural vehicles, and that there have been no records of road traffic accidents involving personal injury on the road in the last 5 years.

5. Bluefield Barn is accessed via a track off Nassington Road. The proposed widening of the access track would result in sufficient space for vehicles to turn off Nassington Road onto the track whilst other vehicles are waiting to join the highway. As a consequence, the proposed development would not result in congestion on Nassington Road in the vicinity of the site access that could be

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detrimental to highway safety. On the basis of the amended Highway Report submitted at appeal stage, satisfactory visibility splays in both directions would be provided allowing vehicles exiting the site to safely join Nassington Road. The provision of such splays could be achieved without the removal of either of the two mature trees by the access.

6. The access track is a single vehicle in width. However, as it is straight and would be provided with passing places vehicles travelling in opposite directions would not come into conflict with one another with one having to reverse to allow the other to pass. Reference has been made to use of the access track by large agricultural vehicles. On the basis of what I have read, it appears to me that such use would be infrequent and passing places and the widened access point onto Nassington Road would provide sufficient space for agricultural vehicles to be safely passed.

7. It is contested whether the appellant has the right to create passing places and responsibility for repairing and maintaining the track has been queried. However, as this is a matter of civil law, and a planning application is determined on its planning merits, this is a consideration that has not altered my assessment of the appeal.

8. For all of these reasons, I therefore conclude that safe access would be provided to the proposed development and that highway safety would not be harmed. The proposal would therefore comply with policy 8 b) i & ii of the North Northamptonshire Joint Core Strategy which requires that a development is acceptable in terms of highway safety and access.

Other matters

9. In relation to noise, the submitted noise assessment modelled noise levels that would be generated by the proposed use. It demonstrates that subject to compliance with certain conditions the proposed use would not result in noise and disturbance that would harm the living conditions within the nearest dwellings.

10. Concerns have been raised regarding the risk of fire on the surrounding farm land if fireworks are used at the venue and the risk of rubbish, glass and drink bottles littering the area. It is a reasonable assumption though to expect that the venue would be properly managed. If it was not and problems in this regard were to occur those who farm the adjacent land would have recourse against the operators of the venue. As a result, I attach little weight against the proposed development to such concerns.

11. The soffit box on the outside of the building is used by bats, apparently as a feeding roost. The appellant has confirmed though that the soffit box will not be altered as part of the conversion works. Reference has been made to wildlife in the vicinity of the disused railway line to the rear and concerns have been expressed that noise generated by the use could disturb wildlife. However, the local planning authority has no objection to the proposed development on ecological grounds and I agree with that position.

Conclusion

12. For the reasons given above, I therefore conclude that the appeal should be allowed.

Conditions

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13. In the interests of certainty, I have imposed a condition specifying the relevant
drawings that the development is to be carried out in accordance with. Given
the varied history of this large barn, the potential contamination risks from
previous uses have to be assessed and if remediation is necessary it needs to
be carried out.

14. To prevent noise generated by use of the venue affecting living conditions the
building needs to meet a minimum specification and restrictions on which doors
and windows can be kept open when music is being played are required.
Concerns have been expressed that the barn has solid double walls rather than
cavity walls. However, as the condition states that double brick walls will
provide the necessary acoustic performance the wording of this condition does
not need to be altered.

15. In the interests of highway safety, the access needs to be improved and the
parking and turning areas laid out in accordance with the submitted plans. In
the interests of crime prevention and reducing the risk of the premises being
broken into the recommendations of the security statement need to be carried
out.

16. I have required all these matters by condition, revising the conditions
suggested by the Council where necessary to reflect the advice contained
within Planning Practice Guidance.

Ian Radcliffe
Inspector

Schedule

1) The development hereby permitted shall begin not later than three years
from the date of this decision.

2) The development hereby permitted shall be carried out strictly in
accordance with the following approved plans: 1129-01 floor plans
existing, 1129-02 Revision A floor plans proposed, 1129-03 Revision A
site plan proposed, 1129-04 elevations proposed and 1129-05 coach
turning.

3) 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) A Phase I desk study carried out by a competent person to identify and
evaluate all potential sources of contamination and the impacts on land
and/or controlled waters, relevant to the site. The desk study shall
establish a 'conceptual model' of the site and identify all plausible
pollutant linkages. Furthermore, the assessment shall set objectives for
intrusive site investigation works/ Quantitative Risk Assessment (or state
if none required). Two full copies of the desk study and a non-technical
summary shall be submitted to the LPA without delay upon completion.

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b) 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'.

4) 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 Local Planning Authority. 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 Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'. The agreed remediation works should subsequently be implemented as part of the development and the wedding venue should not be occupied until it is complete.

5) a. The playing of amplified music shall be confined to the dining and reception rooms. Whilst amplified music is being played, it is permissible to open the north-facing double doors but no other windows/doors shall be opened in the dining or reception rooms.

b. Prior to first use of the development hereby permitted the following specifications must be achieved and shall thereafter be retained for the dining and reception rooms as detailed in Acoustic Associates’ Environmental Noise Assessment dated January 2018 SS/J3266/16667:

- The external masonry walls must be complete without gaps and achieve a sound insulation of at least Rw 45 dB. This can be achieved by any cavity wall or a double-brick wall.
- The roof should be complete and achieve a sound insulation of at least Rw 42 dB. This can be achieved by the following:
  - Pantile tiles on battens/150 mm PIR infill around joists/ 13mm plasterboard to the underside.
  - The glazed areas should be as shown on the architects drawings (Reference 4). The specification should be 6mm pane/12mm void/6mm pane.

6) Prior to first use of the development hereby permitted the vehicular access (including passing bays), parking and turning facilities shall be provided in accordance with the approved plans and shall thereafter be retained for those purposes.

7) Prior to first use of the development hereby permitted, a monitored Closed Circuit Television and alarm system shall be installed on the premises in accordance with details agreed with the Local Planning Authority. Once installed, the system shall be retained in perpetuity.
Case Officer Patrick Reid 20/01196/FUL

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Parish
Irthlingborough

Applicant Marklin Developments - Mr Mark Kennedy

Agent Sidey Design Architecture - Mr Jon Sidey

Location 28 College Street, Irthlingborough, Wellingborough, Northamptonshire NN9 5TX

Proposal 1No 3-bedroom dwelling including, parking and amenity space (Resubmission of 19/01935/FUL)

The application is brought before the Planning Management Committee because it has been called-in by Ward Councillor Lee Wilkes due to concerns over potential issues with the access off College Street and the loss of a historic wall. This is in accordance with part 1(a) (i) of the Council’s Scheme of Delegation.

1 Summary of Recommendation

1.1 Recommendation: That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 A three-bedroom, detached dwelling is proposed on land to the west of no. 28 College Street. The dwelling is proposed to be two-storey with brick elevations and a tiled roof. A bay window is shown on the left side of the front elevation. Internally, the dwelling would include three bedrooms at first floor level with living accommodation at ground floor including a lounge and kitchen/dining room.

2.2 A new vehicular access off College Street is proposed which will lead to a parking / turning area to the rear to serve the new dwelling. The existing parking / access arrangement off Nursery Gardens will be altered to create garden space for the new dwelling and to provide parking spaces for no. 28. Part of the existing gravel driveway which is shared between three properties will be incorporated into the garden of the proposed dwelling.

2.3 Externally, the space on the site will be divided between land for the proposed dwelling and for no. 28. The land for the proposed dwelling would include the access drive, parking to the rear and garden to the side. The boundary wall, most of which was around 1.8m tall, has been removed as part of the proposal and it is proposed that it will be replaced with a 1.8m tall close boarded fence, behind a low wall to be rebuilt. (The removal of the wall, which is within a Conservation Area, is the subject of an enforcement case).
2.4 A new pedestrian access off College Street would be created leading up to the front door of the proposed dwelling. The garden for the dwelling would be to the west of the plot and will include space for bin storage. To the rear of the house would be two parking spaces. The eastern boundary to be shared with no. 28 would be partly defined by a low brick wall and partly by a 1.8m tall fence.

3 The Site and Surroundings

3.1 The application site is located within a residential area of Irthlingborough, positioned to the north of College Street and the east of an unadopted residential street known as Nursery Gardens. It is beside the junction between the two properties and forms part of the land associated with no. 28 College Street and the shared access that serves it and nos. 2 and 4 Nursery Gardens. The house at no. 28 College Street also has a detached flat roofed garage located within its plot.

3.2 The application site has variations in level as the land slopes upwards away from College Street. The level of the land on which the proposed house would be sited is approximately one metre above the street level of College Street. The boundary with Nursery Gardens was until recently defined by a brick wall either side of the access.

3.3 The site is set within the immediate context of residential properties. To the east of the site is a detached two-storey dwelling (no. 28). To the south are two-storey dwellings comprising a mix of terrace and detached properties. To the west across Nursery Gardens is a row of two-storey terraced dwellings which exhibit a traditional appearance. Nursery Gardens itself serves dwellings and runs north-west away from the site and includes three recently constructed bungalows (permitted under ref. 19/00923/FUL).

3.4 The site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). Most of the site is located within the Irthlingborough Conservation Area. There are no other planning constraints (designations) affecting the site.

4 Policy Considerations

4.1 National Policy and Guidance
   National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
   Policy 1 - Presumption in Favour of Sustainable Development
   Policy 2 - Historic Environment
   Policy 4 - Biodiversity and Geodiversity
   Policy 5 - Water Environment, Resources and Flood Risk Management
   Policy 6 - Development on Brownfield Land and Land Affected by Contamination
   Policy 8 - North Northamptonshire Place Shaping Principles
   Policy 9 - Sustainable Buildings and Allowable Solutions
   Policy 10 - Provision of Infrastructure
   Policy 11 - The Network of Urban and Rural Areas
   Policy 28 - Housing Requirements and Strategic Opportunities
   Policy 29 - Distribution of New homes
   Policy 30 - Housing Mix and Tenure
### 4.3 Other Documents
- Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
- Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
- East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
- East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

### 5 Relevant Planning History

#### 5.1 99/00284/FUL - Extension to detached garage. PERMITTED (22.06.1999)

#### 5.2 19/01935/FUL - 1no 3-bedroom dwelling including parking and amenity space. REFUSED. (28.07.2020)

The reasons for refusal were:

1. The proposed dwelling represents an overdevelopment of the site which would be detrimental to the character and appearance of the area. The relatively open nature of the site, which is free from tall structures, provides a visual break in development. The proposed dwelling would remove this visual break. The development is considered to be contrary to Policy 8 d (i and ii) of the North Northamptonshire Joint Core Strategy (2016) by virtue of not responding appropriately to the site's immediate context.

2. The proposed development is unacceptable as it would have a less than substantial impact on the Irthlingborough Conservation Area (CA) and the public benefits brought by the development would not outweigh this negative impact. The proposed detached dwelling would not adequately assimilate into the character of this part of the CA and would introduce a form of dwelling in the prominent location proposed that would be discordant with the historic character of the area. The proposed dwelling is in conflict with Policy 2 (a) and (b) of the North Northamptonshire Joint Core Strategy (2016). The proposal is therefore refused in line with paragraph 195 of the National Planning Policy Framework (2019).

3. The proposed access to the site is considered unacceptable as it represents the intensification of the use of a substandard access to the detriment of the safety of highway users. The proposed access would be contrary to Policy 8 (b)(ii) of the North Northamptonshire Joint Core Strategy (2016) which states that development should ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards. The visibility from the access onto Nursery Gardens is insufficient and makes manoeuvring difficult. The proposal would prejudice highway safety and as such would not accord with paragraph 109 of the National Planning Policy Framework (2019).

Planning applications on adjacent land:

#### 5.3 18/01880/FUL - Residential Development of 4No Dwellings including access, parking and amenity land. REFUSED (25.01.2019)
5.4 19/00923/FUL - Residential Development of 3No dwellings including access, parking and amenity land (re-submission of 18/00609/FUL). PERMITTED (16.07.2019)

5.5 19/01415/FUL - Erection of a single-storey dwelling on garden land including new access, parking and amenity land. REFUSED (25.11.2019)

6 Consultations and Representations

6.1 Neighbours

11 representations have been received, of which 10 are in objection and one makes neutral comments. The points raised are summarised as follows:

Highways/access related:
- Loss of 2 on-street parking spaces
- Nearby houses have no possibility to create spaces
- It is already dangerous parking on the road
- Access should be from Nursery Road
- Some spaces near school have been lost due to the double yellow lines being extended
- Teachers and staff have to park on College Street
- Residents already struggle to park and have to park on nearby streets
- Not objecting to a house, but to the parking
- Parking at a distance from a dwelling significantly affects disabled people

Design, character and Conservation Area related:
- The house should have two bay windows
- Loss of the brick wall and replacement with timber fence is unsuitable
- The proposed house is fine
- Driveway has already been dug

Detrimental impact on the Conservation Area
- Visual impact on the setting of no. 28
- Driveways not part of the character of the area
- The house may appear small compared to no. 28

Other comments:
- Works have begun and routinely begin before 08:00
- Reduced house prices (Officer comment: not a material planning consideration)

6.2 Thringby Town Council

Comments received 29.10.2020: Objection on the following grounds:

1. Conservation Area - unacceptable impact on/not in keeping with the conservation area. There has been no change to the design of the property therefore our previous objections in relation to the impact on the conservation area and removal of public open space still remains.

2. Overdevelopment - the original garden of the plot for 28 College Street has already been substantially reduced by the previous development of 1 and 2 Nursery Gardens.
3. Parking - the proposed installation of a dropped kerb for access to the planned driveway will reduce the amount of on street parking by at least 2 parking spaces in this already very congested road. Parking is already a problem along the full length of College Street, the road being a main access to the Irlingleborough Infants and Junior school and to the retained fire station. With recent new developments this has had a detrimental effect to the parking provision, the surrounding streets having old Victorian houses with no off-street parking available. The Town Council regularly receives numerous complaints regarding the safety of school children in the area with the limited parking available. This proposal which would further reduce the parking provision and would be detrimental to the area and existing properties.

4. Fencing - The replacement of a significant brick wall boundary with fencing is not acceptable and is not in keeping with the conservation area. (Please see letter from the Town Council dated 25th September 2020 addressed to Mr P Bland regarding the demolition of this wall and the request for planning enforcement to order the reinstatement of the wall).

5. Visual Impact - it is considered that the proposed new driveway has a detrimental visual impact. To create the required visibility splays it takes away some of the existing house, this is a significant house in the conservation area and therefore alters the street scene.

6.3 Natural England

Comments received 14.10.20: The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.

6.4 Northamptonshire County Council - Local Highway Authority (LHA)

Initial comments received 22.10.20: The LHA requires that the applicant sends the following document HIGHWAYS-448881 in a PDF format before the LHA can give an in-depth response to this application. The application site is not affected by a Public Right of Way.

Comments received 11.11.20 (following provision of plan referred to in earlier comments): The LHA objects to this application as the proposed access is within 25m of a junction: “For vehicular accesses onto ‘Road 1’ a minimum clearance of 25.0m is recommended to / from the centre of the side road (or Byway) ‘Road 2’ and the nearest side of an access to the junction as in Figure 1 below. These clearances ensure that when vehicles are indicating to turn into an access or a junction their intentions are clear to other highway users. In addition, such clearance ensures that vehicular visibility is maintained”

Comments received 14.01.20 (following Officer’s discussing the application with the LHA Officer: As College Street is not classed as a primary road by the LHA and the applicant has supplied sufficient visibility splays the LHA confirms no further observations to this application.
6.5 East Northamptonshire Council - Environmental Protection Officer

Comments received 13.10.2020: There are no objections to the proposed development. However, due to the proximity of existing sensitive development we ask that the following conditions are placed on the permission, if granted, to protect residential amenity during site preparation and construction. The applicant has submitted a construction environment management plan and measures included in the plan can be secured by way of planning condition as well. Conditions are recommended relating to no burning, hours of work and the measures within the Construction Environment Management Plan.

6.6 East Northamptonshire Council – Waste Management Team

Comments received 28.10.2020: No comments.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

Principle of Development

7.1 Policy 11 (1b) of the JCS sets out the spatial strategy for the area. It states that the ‘market towns will provide a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town’. Irthlingborough is classified as a ‘market town’ and Policy 11 refers to Policy 28 in respect of the provision of new housing.

7.2 Policy 28 sets the housing requirements for the district which are a minimum of 8,400 across the plan period. The distribution of new homes is expanded upon under Policy 29 and the associated Table 5 sets out that a minimum of 1,350 dwellings are to be provided at Irthlingborough. Market towns are the second most suitable location for development after the growth towns.

7.3 The site is located within Irthlingborough on land that is part of the amenity space for No. 28 College Street. The site is surrounded on all sides by residential development. As one of the most sustainable settlements within the district and as the site is contained within it, the principle of the development of a house is acceptable.

Material Changes to Proposed Development 19/01935/FUL

7.4 On 28 July 2020 planning application 19/01935/FUL was refused by the Planning Management Committee, contrary to the officer recommendation. The development was similar to that proposed now insofar as it was for a single dwelling. The current application has been submitted to seek to address the reasons for which the previous application was refused.
7.5 The reasons that the previous application was refused relate to the development being considered detrimental to the open character of the site; harmful to the Conservation Area and the intensification of a substandard access using Nursery Gardens. Each of these matters are discussed in turn below.

**Reason for Refusal 1: ‘Overdevelopment’**

7.6 The first reason for refusal primarily relates to the matter of the development of a house on a site that is relatively free from built form. Until recently, the largest building on the site was a flat roofed garage, which has now been removed. The reason for refusal indicates the ‘visual break in development’ was an important positive feature that the site provides to the immediate area and the development as proposed then was considered to be detrimental simply by virtue of the loss of the space.

7.7 As the previous application was recommended by Officers for approval, the impact in this respect was deemed acceptable. It is noted also that the Council’s Senior Conservation Officer had no objection to the proposal and as such found the spacing aspect of the development to be acceptable. The Council’s Planning Management Committee determined that the loss of the visual openness that would be caused by the development of the house would be sufficiently detrimental to the character of the area to warrant a reason for refusal.

7.8 In regard to this proposal, the scale and design of the house is near identical to that previously. The siting of the house is adjusted slightly to the west to allow sufficient space for the proposed access road. The changes in respect of the space and impact of the house are negligible as the built form on the site will be near identical to that considered at the previous application.

7.9 It is considered therefore that the proposed development does not represent a material departure from the previous application. The matter of the previous application and decision is a material consideration. It was however the consideration of Officers in the previous application that the built form proposed in the space is not materially detrimental and that the dwelling can be assimilated into the space appropriately without harm to the character of the area. Whilst the Planning Management Committee considered differently, there are no material reasons for Officers to support the concerns raised by Members and to find differently in this respect.

**Reason for Refusal 2: Impact on the Character of the Conservation Area (CA)**

7.10 The two main changes with this current proposal compared to the previous proposal are the changes to the existing access / parking arrangements and a boundary treatment alteration. The access ‘alteration’, through the provision of a dropped kerb and removal of the front wall necessary to make space for the access; is modest in visual impact terms. The part of the wall to be removed to make space for the vehicular access would appear to have included part of a modern low wall and part of the older taller wall. The loss of a relatively small extent of older wall to make way for the access is considered acceptable in heritage terms.
7.11 It has been suggested in representations that the provision of a driveway in itself would be out of character with the CA. In considering this, it is noted that there are examples of private driveways to properties located off College Street. They are not a dominant feature but are visible to the east of the site. The access in itself is not a factor that would appear discordant with the area and it is not considered to be harmful to the character of the area in visual terms.

7.12 The proposed parking arrangement is largely confined to the less visible area to the rear and is not considered to have a material impact on the area. This aspect is therefore not considered to be detrimental to the character of the CA.

7.13 The proposal includes the removal of the taller part of the wall which wraps around the corner of the site onto Nursery Gardens. A recent site visit confirms that this wall has been removed at some point between the determination of the previous application and the determination of this current application. Discussions with the developer, as well as the Council's Building Control team, suggest that this was due to the wall being unsafe. Representations have indicated the wall to be one hundred years old and no further information is available in this respect. When in place, it did have the appearance of being a mature feature of the area and clearly older than the new part to the front of no. 28.

7.14 The proposal is to replace the wall with fencing at 1.8m tall whilst rebuilding a lower part of the wall. During the application process, the Applicant advised the Council that the wall was structurally unsound and was unsafe due to being at risk of collapse. The wall was removed due to this safety concern. Following its removal and concern raised locally about this, a Building Control Officer from the Council visited and inspected the site to assess this matter. The advice received from the officer was that the wall was structurally unsound and required removal as it represented a safety risk of collapsing onto the pavement. This advice means that it is unreasonable to resist the planning permission for the removal of the wall as it was dangerous and required removal.

7.13 In the absence of the more historic wall, the most appropriate treatment is a consideration as to whether a wall should be re-built if structurally possible. The provision of a 1.8m tall close boarded fence is considered to be a negative change when compared against the previous wall. The provision of a wall would be preferred, while noting it would need to be structurally sound. Notwithstanding the plans providing indicating the fencing treatment on the corner, it is considered appropriate that the boundary treatment be controlled by condition. Details of a boundary wall including the type of brick could be provided to help ensure this aspect of the development is appropriate for the CA.

7.14 In respect of the second reason for refusal of the previous application, the proposed changes that would alter the appearance of the proposed development most, i.e. the new access and the boundary alteration, would not have a materially detrimental impact on the CA. The removal of the wall for safety reasons is supported by the Council's Building Control Officer and it is reasonable to conclude a replacement could be installed using appropriate bricks, provided it is structurally sound to do so. Officers found the previous scheme to be acceptable in respect of the CA and the current proposal does not alter this position.
### Reason for Refusal 3: Intensification of Use of Substandard Access (Nursery Gardens)

7.15 A key change compared to the previous scheme is the proposal to install a vehicular access off College Street. This proposal has been considered by the Local Highway Authority (LHA) who do not object as set out in the below paragraphs. The responses received have considered the proposed access in relation to their standards and requirements. During the application process, the Applicant provided a plan showing the visibility splays west and east from the proposed access. Key considerations in relation to the access include the visibility splays, the relationship with the junction with Nursery Gardens and the impact on parking provision on College Street.

### Relationship with Nursery Gardens junction

7.17 The distance between the proposed private drive and Nursery Gardens is a relevant consideration and the County Council’s Standing Advice (2016) document includes details of the separation that new accesses should be from a road junction. The distance in the guidance indicates the separation should be 25m to the centre of the road. As the proposed drive is around 12m from the junction, this matter was discussed with the LHA to understand the guidance. The LHA advised that the guidance is relevant only where the road on which the access would be created is a ‘primary road’. The LHA have confirmed College Street is not a ‘primary road’ and as such the guidance at 4.3.2 of the Standing Advice is not directly applicable. Considering this and as the visibility splays provided indicate splays of 2m x 43m in both directions, this indicates that the access would have acceptable visibility.

### Potential loss of on-street parking

7.18 Representations received have expressed significant concern about the proposed access. A key recurring feature of the objections is the loss of either two or three on-street parking spaces due to the introduction of the access. It is reasonable to consider that at least two parking spaces would be ‘lost’ for the access, quite possibly three. It is apparent from the comments received and the site visits undertaken that many of the residents of the street are reliant on on-street parking. From the Officers site visits, it was apparent that cars park along the northern side of College Street at all times of the day.

7.19 Whilst the existing on-street parking provision is informal, it is clear that it is needed to serve the dwellings within the street. Representations received indicate it is used by residents and staff at the school further to the west. How this should be considered in terms of a proposal for a new access is important to consider.

7.20 For the reasons set out above, the visibility from the proposed access is deemed acceptable. To prevent the creation of an access which is otherwise acceptable on the grounds of loss of on-street parking raises the matter of the reasonableness of this argument. Firstly, as the LHA do not object to the provision of a dropped kerb and new access, this could conceivably be pursued without the need for a new dwelling either here or in general. A dropped kerb / new access removes the reasonable possibility of parking in front of that access. But given this possibility is acceptable to the LHA, it weakens the argument that it would represent a reasonable reason for refusal.
7.21 Secondly, the impact on on-street parking would affect “informal” on-street parking provision which is not allocated to any particular private property. It therefore does not affect any property’s or individual’s parking provision but that of the street. An effect on on-street parking provision is considered insufficient to be a reason to resist the creation of a new access which is acceptable to the LHA. Officers would not deem this a reasonable reason to resist the proposed development. A potential loss of two on-street parking spaces is not considered significant and is not deemed a reason to warrant refusing the development.

7.22 The proposal alters the internal access drive arrangement off Nursery Gardens which serves as the access and parking area for three dwellings (28 College Street, nos. 4 and 2 Nursery Gardens), including no. 28. The space available for turning would be reduced. It appears however, that as there is more than 6m to the rear of the spaces, that a three-point turn will be possible for vehicles to exit onto Nursery Gardens. All three properties will retain their parking spaces. As such the arrangement is acceptable in this respect.

7.23 The Applicant has indicated that parking currently occurring within 10m of the Nursery Gardens junction is against the Highway Code and should not be occurring. This argument makes the case that parking along College Street within 10m should not be happening and that as part of the development, the Applicant would seek the requisite lines to be painted from the LHA to ensure this does not occur to make access from Nursery Gardens safer. It is considered by officers that this matter is not directly relevant to the proposal and could be pursued separate to this proposal and as such has no material weighting on its consideration.

Access Conclusion

7.24 In light of the proposed access being considered acceptable by the LHA in terms of its visibility and proximity to Nursery Gardens, the acceptable provision of two on-site parking spaces and that the impact on on-street parking is not deemed a reason to prevent the development, the proposal is considered acceptable in access terms.

Ecology

7.25 The application site is within 3km of the Upper Nene Valley Special Protection Area (SPA). In accordance with the associated SPD, mitigation for new dwellings is required for the impact of the residents on the ecology of the area. The applicant has indicated the SPA contribution paid on application 19/01935/FUL is to be ‘moved’ to this application. As the amount has increased since that time due to indexing, the applicant has contributed to the difference and provided the required SPA form. As such, the required mitigation amount has been secured and the impact on the SPA is adequately mitigated.

Environmental Health

7.26 Comments received from the Council’s Environmental Protection Officer have recommended conditions. The proposal is no different in this respect to the previous application and it is considered appropriate that such conditions be applied, should permission be granted.
Residential Amenity

7.27 28 College Street

The proposal is similar to the previous application, but the access arrangement is the main difference for no. 28. The provision of an access drive and parking area beside no. 28 are a new introduction. The plans show that no. 28 would retain a significant extent of garden land. Additionally, the access drive itself will not materially affect the privacy or outlook of no. 28 and the proposal is acceptable in this respect.

7.28 43, 45, 49 College Street

The proposed house would be opposite these properties. The design is not materially different to the scheme considered under 19/01935/FUL and is acceptable in terms of the impact on its amenities.

8 Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.2 Other matters raised in representations: Concern was raised in relation to the impact on house prices. This is not a material planning consideration and cannot be taken into account. Concern has also been raised that the loss of parking spaces on the street may force local residents with disabilities to park further from their house. In response to this concern, for the reasons set out earlier in the report it is not considered reasonable to resist the proposed access for its impact on on-street parking.

9 Conclusion / Planning Balance

9.1 The previous application was refused against Officers’ recommendation. This current proposal includes an access off College Street rather than Nursery Gardens and it has been demonstrated it will have acceptable visibility. The impact on on-street parking is not considered sufficient to refuse the application partly as dropped kerbs can be sought and installed with the agreement of the LHA. The LHA find the dropped kerb and access acceptable and the proposal is considered acceptable in this respect.

9.2 The proposal is not significantly different to that deemed acceptable by Officers under the previous application ref. 19/01935/FUL and it is therefore considered acceptable in terms of the impact on the character of the area, including the Conservation Area. The proposal is therefore considered to accord with the relevant policies of the local development plan.

10 Recommendation

10.1 Recommendation: That planning permission be GRANTED subject to conditions.
## Conditions

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
   - Existing Site/Topographical Plan; Proposed Site/Topographical Plan; Location Plan & Proposed Access Plan ref. 19-150-05;
   - Proposed Ground & First Floor Plans, Proposed Elevations, Proposed Streetscene ref. 19-150-06;
   **Reason:** To define the terms of this planning permission.

3. Notwithstanding the boundary treatment shown on the proposed Site Plan ref. 19-150-05, prior to the occupation of the dwelling, details of the boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the materials, location and dimensions of the treatments to be used. The boundary treatment shall be installed prior to occupation of the development.
   **Reason:** To ensure the boundary treatment is suitable for the character of the site, the Irthlingborough Conservation Area and the relationship with no. 28 College Street.

4. Prior to the construction of the development above slab level, details (including details of materials and colour/finish) of all external doors and windows, and details of materials and colour/finish) of all elevations and the roof shall be submitted to the Local Planning Authority for approval in writing. Thereafter the windows and doors shall be installed as per the approved details and retained as such in perpetuity.
   **Reason:** In the interests of preserving the character and significance of the conservation area.

5. Prior to the commencement of the development hereby permitted, details of the proposed levels of the finished development shall be submitted to the Local Planning Authority for approval in writing. The details shall include a streetscene annotated with levels, and a plan showing the finished floor level of the proposed dwelling in relation to spot heights taken at points within the application site and across the surrounding land. Thereafter the house shall be constructed as per the approved details and retained as such in perpetuity.
   **Reason:** In the interests of the character of the area and how the house will relate visually to its context.
6. Prior to first occupation of the development hereby permitted, details of the proposed hard and soft landscaping (including location and species of vegetation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details in the first planting season following completion or first occupation of the dwellings hereby permitted. The landscaping agreed shall be maintained and any tree that dies, is removed or is severely damaged within the first five years since planting shall be replaced in the next planting season.

**Reason:** In the interests of visual amenity and ecology.

7. Prior to the first occupation of the dwelling hereby permitted, the access, parking and turning areas shall be laid out as detailed on drawing Proposed Site Plan ref. 19-150-05 and they shall thereafter be permanently retained for the purposes of access, parking and turning only and maintained in the approved manner in perpetuity.

**Reason:** In the interests of highway safety and to ensure a parking provision that meets with the Local Highway Authority guidance for residential development.

8. There shall be no burning of any material during construction, demolition or site preparation works.

**Reason:** To minimise the threat of pollution and disturbance to local amenity.

9. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.

**Reason:** To ensure the protection of the local amenity throughout construction works.


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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no gates shall be installed to the vehicular access.

**Reason:** In the interests of Highway safety and to prevent obstruction in the adopted highway.

12 | **Informatives**
--- | ---
1 | **Condition 5** requires details to be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of the development, as the site is visually sensitive by virtue of being within the Irthlingborough Conservation Area.
|   | The applicant has agreed to the inclusion of condition 5. |
Appendix 1 – Habitat Regulation Assessment

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>20/01196/FUL</th>
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<tbody>
<tr>
<td>Application address:</td>
<td>28 College Street, Irthlingborough Northamptonshire NN9 5TX</td>
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<tr>
<td>Application description:</td>
<td>1 No 3-bedroom dwelling including, parking and amenity space (Resubmission of 19/01935/FUL)</td>
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<tr>
<td>Status of Application:</td>
<td>Pending decision</td>
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<tr>
<td>Proximity to SPA:</td>
<td>Within 3km</td>
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</tbody>
</table>

Lead Planning Officer: Patrick Reid

Stage 1 - details of the plan or project

| European site potentially impacted by planning application, plan or project: | YES |
| Is the planning application, project or plan directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)? | NO |
| Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)? | YES, The HRA for the North Northamptonshire Joint Core Strategy assessed the in-combination effect of residential development within a 3km catchment of the SPA and concluded that such development would have an adverse |

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Stage 2 - HRA screening assessment

Test 1: the significance test – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA.

Conclusion on the need for a full Habitats Regulations Assessment (Appropriate Assessment) (has evidence shown there is a need for a full HRA?) Yes

The application is for development resulting in a net gain in residential units within 3km (linear distance) of the SPA. The HRA for the North Northamptonshire Joint Core Strategy identified that the ‘in-combination’ impact of proposals involving a net increase of one or more dwellings will have an adverse effect on the integrity of the SPA unless avoidance and mitigation measures are in place; therefore a contribution from each new dwelling is required to meet the Regulations.

The ruling by the Court of Justice of the European Union on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17) requires development relying on mitigation to no longer be considered at the screening stage but taken forward and considered at the appropriate assessment stage. Therefore as the application requires mitigation it will need to be considered at the appropriate assessment stage.

Stage 3 - HRA – Appropriate Assessment

Test 2: the integrity test – If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

A mitigation strategy has been proposed to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA by making a financial contribution towards Strategic Access Management and Monitoring (SAMM) and/or other suitable infrastructure. This would reduce the adverse impact of people visiting the SPA through specific measures and monitoring.

Provided the applicant agrees to this contribution and that Natural England is satisfied that payment of the standard contribution provides adequate mitigation then significant harm can be suitably avoided and mitigated. Note that Natural England only need to be consulted for applications of more than 10 dwellings.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Conclusion:
Development in the area surrounding the Upper Nene Valley Gravel Pits SPA could lead to increased public access for recreation, e.g. from dog walking, which in turn can lead to disturbance of the notified bird populations and impacts to the ability of birds to use the site for feeding and roosting.

It is considered that if there are satisfactory mitigating measures put into place the development would be considered to be acceptable. Adequate mitigation measures can be achieved by the payment of £296.55 per dwelling to fund a range of measures which could include fencing and screening, footpath diversions, hardening and monitoring. This fee has been paid.

Natural England Officer:

SUMMARY OF NATURAL ENGLAND’S ADVICE
DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.

Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document.

Notwithstanding this, Natural England’s advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site’s conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Internationally internationally and nationally designated sites.

The application site is in close proximity to a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the ‘Habitats Regulations 2017’). The application site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area which is a European site. The site is also listed as a Ramsar Site and also notified at a national level as a Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority i.e. the consultation does not include a Habitats Regulations Assessment.

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

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

As a result of this evidence the North Northamptonshire Joint Core Strategy has identified that mitigation is needed for the likely effects of new residential developments proposed within 3km of the Upper Nene Valley Gravel Pits SPA. A mitigation Strategy has been developed as a Supplementary Planning Document (available to view here) and identifies the required mitigation as a financial contribution of £269.44 per new dwelling within the 3km zone. This will contribute towards a package of Strategic Access Management and Monitoring to include fencing, screening and wardens to manage visitors within the SPA. The Mitigation strategy has now been formally adopted and can be used by developers to mitigate impacts to the SPA. Provided the contribution is made, Natural England advises your Council that there is not likely to be an adverse effect on the integrity of the SPA. Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Other advice

Sites of Special Scientific Interest Impact Risk Zones
The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.
Committee Update Report
Planning Management Committee – 17th February 2021
Index of Applications for Consideration

All plans and documents can be viewed using the link [here](#) using the Case Ref. No.

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<tr>
<td>20/00347/OUT Page 4</td>
<td>Hillside, Brick Kiln Road, Raunds, Northamptonshire.</td>
<td>GRANT subject to s.106</td>
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</tbody>
</table>

**Updates**

- Paragraph 1.1 should read ‘That Planning Permission be GRANTED and the completion of a satisfactory Section 106 legal agreement by 22nd February 2021, (or other date to be agreed) which secures the obligations as set out in this report. Any Heads of Terms, which are not agreed at the time of the committee resolution, shall be delegated to the Head of Planning Services.’

- Paragraph 7.20 states that visibility splays of 120 metres can be achieved in each direction. This is incorrect. The highways guidance for a 40mph road are 120 metres in each direction, however the proposal is demonstrating 110 metres to the East and 114 to the West respectively.

  The junction spacing requirements are in accordance with DMRB are for the adjacent junctions to be adequately spaced so that vehicles waiting at junctions do not impede visibility. Given the quantum of development that the adjacent accesses are serving, it would suggest the chances of visibility being impaired are minimal.

  This is a moot point as the recommendation is based on the principle of there being a net reduction in traffic movements (102 fewer movements) associated with the site and the access has been re-positioned in the optimum location taken into account stagger distances and junction spacing.

  The proposal would create a betterment in highways safety terms.
An additional condition to be added to the decision notice:

No dwelling shall be occupied until the road and path between it and the public highway has been constructed up to binder course level and a timetable for constructing the wearing course has been agreed in writing with the LPA. The wearing course shall be laid in accordance with the agreed timetable.

Reason: In the interest of highways safety.

20/00445/FUL

Home Suite Home, 4 Higham Road, Rushden, Northamptonshire.

Updates

Two additional conditions to be added to the decision notice:

Internal sound levels – residential

Prior to the first use or occupation of any residential unit hereby approved the applicant will be required to provide a report from a specialist noise consultant or suitably qualified person, to assess the impact of noise from the adjacent petrol filling station. Based on this report and if required a scheme to demonstrate that internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS 8233:2014, Guidance on sound insulation and noise reduction for buildings (or any amendments or modifications) shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.

Reason: In the interests of residential amenity

Odour control A5 unit

Prior to the first operation of the A5 unit a scheme for the extraction and treatment of fumes and odours together with a maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises. The extraction and treatment equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the local planning authority.
Reason: To prevent transmission of odours into neighbouring premises to protect amenity

The applicant has provided the following update that they wish to be circulated to members:

Before and after

As you can see the site is very untidy and with the “Birches Bus Station” falling into disrepair the area is becoming rather unsightly.

Our proposals will not only deal with this as our requirement to renovate the iconic Birches building, it will ensure the long term protection of the property and in turn will raise the quality of the area making this iconic Building a landmark. PHOTOGRAPHS FOLLOW IN THE MORNING

Low cost market entry homes.

Our proposal is to build 37 one and two bedroomed homes, they will be high quality and fully equipped, the specification will include, fitted carpets throughout, curtains and blinds to each window, choice of kitchen doors and work top and wall tiles to kitchen and bathroom. Each home will be a little different from the others making it a pleasant place to live and the standard specification will ensure minimum extra expenditure for our purchasers, providing added financial security.

Financial purchasing information

We have for many years used a Northampton company to arrange mortgages for our clients and we have a proven system which works, the company principal will meet with each purchaser and talk them through the process and qualify our client as early as possible, this meeting takes place at the same time as they meet with our decorator to make their choices on the above specifications.

The cost to purchase one of our homes is as follows,

One bedroom apartment.

Purchase price £150,000.
Five year interest free “Help to buy” equity loan, £30,000.
Purchaser deposit, £7,500.
Valuation fee included
Monthly mortgage repayment from £298.39.

Two bedroom apartment.

Purchase price £180,000
Five year interest free “Help to buy” equity loan, £36,000.
Purchaser deposit, £9,000.
Valuation fee included.
Monthly mortgage repayment from £357.55.

We have spoken to Mike Neville Estate Agents rental department and they confirm that new quality apartments in Rushden would fetch £595.00 for a one bedroomed apartment and £795.00 for a two bedroomed apartment. The purchasers’ cost to buy would be 50% of the cost to rent.

Objections and compliance

There are no technical objections to our application and we are fully compliant with “The neighbourhood plan”. and in particular H4.

Local need

We have conducted a local survey on local needs and every agent we have spoken to confirm there is a substantial need for properties of this type. Especially when the economical mortgage availability is taken into account. I am also pleased to confirm that 25% of the available apartments will be offered for rental.

Finally, this development has many benefits for our community, quality affordable homes, tidying and improving an area which is becoming an eye sore, renovating and protecting the Birches garage an iconic and much valued local building, where possible we will use local contractors, suppliers and labour during the construction period and we will also be supporting the highly successful government initiative “Help to buy”.

Local Highway Authority Final Comments received 15.02.2021

Thank you for sending us the application plans on the above proposal as the Local Highway Authority (LHA) and I would like to confirm the following observations:
- The LHA confirms no further observations regarding the provided parking beat survey completed by an independent company (Footmark Surveys) which provides sufficient details relating to the available on street parking. The applicant is required to demonstrate 88 parking spaces of which 103 are shown to be available with the provided parking and surrounding area.
- The LHA requires that a suitably worded condition stating that the crossing point located at the front of the proposed be reinstated via a Section 278.
- The applicant is required to demonstrate a form of mitigation to stop residents from parking on the wide path abutting the A5028 at front of the proposed.

*Letter received from Cllr D. Maxwell on 15.02.2021*

In summary…

- Mass overdevelopment
- Noise pollution – will not be acceptable
- Air pollution – will not be acceptable
- No affordable housing
- Highways concerns including how vehicles will navigate around the site
- Not enough car parking spaces
- Conflict with the A5 Fish and Chip shop – in terms of noise, odour and traffic congestion
- Heritage concerns – the new build reduces the landmark qualities of the former bus depot and has a negative impact upon the heritage asset

<table>
<thead>
<tr>
<th>20/01447/QRY</th>
<th>East Northants Resource Management Facility, Stamford Road, Kings Cliffe.</th>
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<tbody>
<tr>
<td><strong>Page 92</strong></td>
<td><strong>Updates:</strong> The following clarifications have been received from ASL in response to queries regarding the construction of the capping layer of the landfill and measures to prevent penetration of the capping layer by plant material and trees on the restoration landform:</td>
</tr>
<tr>
<td></td>
<td><strong>Description of the capping layer at the surface of the landfill:</strong></td>
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<tr>
<td></td>
<td>The design of the low permeability capping layer at the site will be agreed with the Environment Agency and will comprise the following elements or alternative specification providing equivalent or greater protection:</td>
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<tr>
<td></td>
<td>● A 0.3m thick sub-grade layer placed over the completed and profiled waste surface.</td>
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</table>

*Further justification and illustration required.*
● Either: 1mm thick polyethylene membrane with a suitable protection geocomposite, OR: 1m thick low permeability engineered clay layer with a suitable protection layer.
● A geocomposite or natural mineral drainage layer.
● 1m to 1.5m thickness of restoration materials. The thicker layers are located in the areas which will be restored to woodland.

The nature of the site containment including the basal and side wall lining system and the capping layer will be specified through the Environmental Permit. The landfill cells and capping layers in each phase will be constructed in accordance with the Environmental Permit and will be the subject of Construction Quality Assurance (CQA) Plans and protocols to confirm that the agreed specifications have been achieved.

**What will be done to prevent plant material (including trees) from the restored platform penetrating the capping layer?**

The restoration scheme for the site includes the planting of trees on the restored site (see Figure 8.1 of the PEIR). Once waste deposition is completed to final levels an engineered low permeability cap will be constructed as described above. A minimum of 1m of soil will be placed above the cap with deeper areas of soil of at least 1.5m thick where trees will be planted consistent with the recommendations of government funded research into the establishment of woodlands on landfill sites. The risks of root intrusion into a compacted low permeability cap are not significant as demonstrated by research carried out by Forest Research [https://www.forestresearch.gov.uk/research/restoration-guidance-for-landfill-sites/](https://www.forestresearch.gov.uk/research/restoration-guidance-for-landfill-sites/) which shows that the roots of plants including trees planted on landfill sites with at least 1m (or 1.5m for trees) of cover soils do not penetrate into the compacted capping layer – where the roots reach the compacted layer they spread laterally above the cap.

Plant roots extend by preference into loose soil and do not penetrate significantly into compacted material. The risks of exposure pathways being introduced as a result of plant growth down through the cap and into the waste are negligible. This approach is used as a matter of routine for the restoration of landfill sites and has been accepted by the regulatory authorities for many years. The same approach has been accepted for the currently consented landfill for which the approved restoration scheme includes a 1.5m minimum thickness of restoration soils where trees are to be planted. Consideration will be given to specifying the placement of a soil thickness of 1.5m across the whole of the northern area of the site in the area between the two woodlands. Similar concerns were raised during the application and inquiry and examination process for the current landfill area and the negligible risks associated with tree planting on the capped and restored site were accepted by the Inquiry Inspector and the Examining Authority.
<table>
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<tr>
<th>Reference</th>
<th>Address</th>
<th>Updates</th>
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<tbody>
<tr>
<td>20/01242/FUL</td>
<td>1 Braesby Lane, Glapthorn, Northamptonshire.</td>
<td>No updates</td>
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</tbody>
</table>
| 20/00937/ADV | Starbucks, John Clark Way, Rushden, Northamptonshire. | **Lux condition**

Members may wish to add a condition to limit the lux levels of the illuminated totem sign. Officers recommend the following condition and informative:

The maximum level of the luminance anywhere on the surface of the advertising totem pole hereby permitted shall not exceed 600cdm$^{-2}$ during the hours of darkness.
**Reason:** To protect residential amenity.

The suggested luminance level is based guidance from The Institute of Lighting Professionals, ‘The Brightness of Illuminated Advertisements’. The suggested level relates to luminance as per Table 4 of the guidance based on the local environment falling into lighting zone E3 as per Table 3 of the guidance. Small town centres or suburban locations having a medium district brightness. Advice can be obtained from The Institution of Lighting Professionals:
https://theilp.org.uk/

Late representation received (17.02.2021) from Cllr Dorothy Maxwell

“These signs on John Clark Way, would when on 24/7, could cause light pollution to the residents living opposite to this garage, and interfere with sleeping at night-time. I feel this has to be considered tomorrow Planning Meeting.”

**Review of Previous Consents:**

In 2018, outline planning consent was granted (18/02433/OUT) for a petrol filling station and a drive through, including A1 (retail), A3 (café/restaurant) and A5 (hot food takeaway) uses. In 2019 reserved matters consent was granted for appearance, landscaping, layout and scale. Details of the proposed ATM were agreed by condition. The site is to be open 24 hours but deliveries of fuel and use of the jet
wash are restricted to between 07:00 and 20:00.

Following a review of the approved plans, Officers confirm that the development (including the Greggs and the small Sainsbury convenience area within the petrol station building) is in accordance with the consented scheme. In any case, this current application is to consider signage only.

<table>
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<tr>
<th>20/01464/ADV</th>
<th>Rushden Service Station, John Clark Way, Rushden, Northamptonshire.</th>
</tr>
</thead>
</table>

**Updates:**

**Lux condition**

Members may wish to add a condition to limit the lux levels of the illuminated totem signs. Officers recommend the following condition and informative:

The maximum level of the luminance anywhere on the surface of the advertising totem signs hereby permitted shall not exceed 600cdms⁻² during the hours of darkness.

**Reason:** To protect residential amenity.

The suggested luminance level is based guidance from The Institute of Lighting Professionals, ‘The Brightness of Illuminated Advertisements’. The suggested level relates to luminance as per Table 4 of the guidance based on the local environment falling into lighting zone E3 as per Table 3 of the guidance. Small town centres or suburban locations having a medium district brightness.

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wash are restricted to between 07:00 and 20:00.

Following a review of the approved plans, Officers confirm that the development (including the Greggs and the small Sainsbury convenience area within the petrol station building) is in accordance with the consented scheme. In any case, this current application is to consider signage only.

**20/00534/FUL**

<table>
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<tr>
<th>Name</th>
<th>Land West Of Rushden Lakes, Ditchford Lane, Rushden, Northamptonshire.</th>
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<tbody>
<tr>
<td>Updates</td>
<td>Natural England Comments / Updated Recommendation</td>
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</table>

Further comments are still awaited from Natural England, who have intimated that they may not be able to respond in time for the Committee meeting. If comments are not received, the recommendation will be updated as follows (new wording in **bold**):

“That authority be delegated to the Head of Planning Services to GRANT planning permission subject to the satisfactory resolution of ecological / SPA concerns, including the precise wording of additional conditions recommended by the Council’s independent ecologist, and subject to conditions.

*In the event that marginal concerns are raised by Natural England, these are to be discussed with the Chair, Vice Chair and Ward Member (Cllr Andy Mercer), who will decide whether to delegate the final decision to the Head of Planning Services, or to bring the application back before the Committee for determination.*

*In the event that substantial concerns are raised by Natural England, that the application be brought back before the Committee for determination.*”

Any updates to this position will be reported on a later version of the update sheet, or verbally at the meeting.

**Proposed re-wording of condition 3 (landscaping)***

This is to allow for a staged approach to when information is required. The wording has been agreed with the Senior Tree and Landscape Officer and would be as follows:

a) No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil
moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until detailed landscape design proposals in accordance with the design objectives in accordance with the Landscape Strategy Plans within the submitted Landscape and Ecology Management Plan (LEMP) have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- Proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Proposed and existing functional services above and below ground (e.g., drainage, power, communication cables, pipelines, etc., indicating lines, manholes, supports etc).

b) All minor artefacts and structures (e.g., furniture, refuse or other storage units, signs, lighting) shall be submitted to and approved in writing prior to installation. Development shall only take place in accordance with the approved details and shall be retained and maintained in perpetuity thereafter.

c) Details of the following shall be submitted and approved in writing prior to installation:

- Hard surfacing materials
- Soft landscape details shall include:
  - Planting plans
  - Written specifications (including cultivation and other operations associated with plant and grass establishment)
  - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
  - Implementation timetables.

Unless otherwise agreed in writing with the Local Planning Authority, all hard surfacing materials shall be in situ before the road opens. All planting shall take place no later than the first planting season following the opening of the road. Within the first 5 years any species which die, become damaged, diseased or are removed shall be replaced in the current/next planting season with others of similar size and species unless written consent is obtained from the Local Planning Authority to any variation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.
<table>
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<tr>
<th>Reference</th>
<th>Location</th>
<th>Updates</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>20/01244/VAR</td>
<td>Rushden Memorial Clinic, Hayway, Rushden, Northamptonshire.</td>
<td>Updates</td>
<td>No updates</td>
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</tbody>
</table>
| 20/01361/VAR | TL01257 90298, Benefield Road, Glapthorn, Northamptonshire. | Updates | Condition 11 to be reworded to:  
11. The development shall be carried out in accordance with the levels as indicated on the following plans received by the Local Planning Authority on 23rd September 2020 and approved under condition discharge reference 20/01192/CND on 10th December 2020:  
• Topographical Site Survey Sheets 1 - 4  
• Proposed Site Plan 102 rev F (26.10.2020)  
• Proposed Site Sections 104 rev D (26.10.2020)  
• Proposed Stables Elevations 107 rev E (26.10.2020)  
• Proposed Hay Barn Floor Plans and Elevations 110 rev C (25.11.2019)  
The development shall be implemented in accordance with the approved details.  
**Reason: In the interests of visual and residential amenity.**  
Condition 13 to be reworded to:  
No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Addendum to Flood Risk Assessment, document ref. no. W562-FN01 FRA Addendum, dated January 2020, & prepared by PFA Consulting have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include,  
i. details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets. |
and attenuation structures (if required).
ii. details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
iii. a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

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<th>Ref</th>
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<tr>
<td>20/01533/FUL</td>
<td>Bluefield Farm, Nassington Road, Apethorpe, Northamptonshire.</td>
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<tr>
<td>Page 194</td>
<td>Updates</td>
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</table>
|       | 1. Following comments at the Members briefing meeting an inspection has been made of the access road leading into the site. This has shown that it is approximately the first 50m of the access road has been the most badly damaged. (Possibly as a result of the recent heavy goods vehicles coming in and out of the site taking away surplus spoil). As a result, it is recommended that Condition 6a is amended as follows to secure the repair of this:

‘Prior to first use of the development hereby permitted the vehicular access (including passing bays), parking and turning facilities shall be provided in accordance with the approved plans and the first 50 metres of the access road from the public highway shall be repaired so that it has a suitable hard surface to accommodate the traffic associated with this development. Once provided, the access road improvements and car parking areas should be retained for the life of the development’.

The revised Condition is supported by the Local Highway Authority as it does not want any damaged surface being migrated to the highway.

2. The Application (20/01337/AMD) for some minor changes to the design of the building in the previously approved wedding venue scheme which is shown in the Report as pending has now been approved.

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<th>Ref</th>
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<tr>
<td>20/01196/FUL</td>
<td>28 College Street, Irthlingborough, Northamptonshire.</td>
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<tr>
<td>Page 215</td>
<td>Updates</td>
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</table>
The Committee Report at 7.13 and 7.14 refers to advice received from a Council Building Control Officer who visited and inspected the site with a view to assessing the removal of the wall. The Officer Report does not include the comments received from the Building Control Officer. Below are the comments received on 3 November 2020 from Building Control Surveyor, Jason Shortland:

‘The remains of the wall were found to be up to 33mm out of plumb over a height of approx. 700mm. Extrapolating from this, based upon the assumption the wall would have been built approximately plumb and moved out of plumb uniformly across it’s full height of approx. 1800mm, it would have been over 80mm out of plumb top-to-bottom. Given that it is a 215mm wide wall this would have put it outside of the ‘middle-third’ of safety. In short the wall was leaning in excess of usual tolerances for safety and required a reduction in height to ensure it was not a hazard to pedestrians. Full demolition of the wall was not strictly necessary in theory. However, because of the very hard cement mortar used to construct the wall it was probably a case that once demolition work at the top of the wall begun it had a disruptive effect on the lower courses of brickwork – it is often a job to know where to stop when knocking old masonry walls about as you don’t want to build a new wall upon the existing where it is not structurally sound below.

There was a pile of bricks on site that once formed part of the wall – the bricks had been laid in a hard, modern cement mortar and could not reasonably be salvaged for reuse. Bricks of a similar type could be purchased from most local reclamation yards if like-for-like reinstatement is required.’