

# DEVELOPMENT CONTROL COMMITTEE

**Date:** 9 June 2010

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 7.30pm

**Present:** Councillors: - Pauline Bradberry JP (Chairman)  
Gill Mercer (Vice Chairman)  
Andy Mercer (Leader of the Council)

Albert Campbell  
Lisa Costello  
Roger Glithero JP  
Glenn Harwood MBE  
Sylvia Hughes  
Brian Northall

Ron Pinnock  
Roger Powell  
Anna Sauntson  
Robin Underwood  
Pam Whiting  
Clive Wood

## 41. MINUTES

The minutes of the meeting held on 19 May 2010 were approved and signed by the Chairman.

## 42. APOLOGIES FOR ABSENCE

Councillors Wendy Brackenbury and John Richardson MBE sent their apologies.

## 43. DECLARATIONS OF INTEREST AND INFORMAL SITE VISITS

### (a) Interests

Councillors Pauline Bradberry, Albert Campbell, Lisa Costello, Roger Glithero, Andy Mercer, Gill Mercer, Ron Pinnock, Anna Sauntson, Robin Underwood, Pam Whiting and Clive Wood declared personal interests in application EN/10/00499/OUT, because they knew the applicant's agent who used to work at the Council as a planning officer. They all remained in the meeting and took part in the discussion and voting when the application was considered.

### (b) Informal Site Visits

Councillor Anna Sauntson declared that she had undertaken an informal site visit for application EN/10/00499/OUT.

## 44. PUBLIC SPEAKERS

There were no public speakers.

## 45. PLANNING APPLICATIONS

The Committee considered the planning applications report and recommendations, with updated information on some of the applications.

The applications where the Committee agreed with the recommendations to grant are indicated under (a) below, and where it disagreed with the recommendations, are under (b) below. The full decision on the applications are included (on the page indicated) in the Appendix to these minutes.

### (a) **Applications Granted**

(i) **EN/10/00214/FUL** – Land rear of 6A and 6B Station Road, Nassington (See Page 39)

The Committee considered that the proposed change of use from agricultural land to residential garden land would not intrude into the open countryside and could be approved, subject to the retention of the existing dry stone wall.

**Granted** with the conditions detailed in the report, and with an additional condition to ensure that the existing dry stone wall was retained.

(ii) **EN/10/00504/FUL** – 7 Teal Close, Higham Ferrers (See Page 40)

There was some concern that the proposed two storey side extension was too big and could be turned into a self contained dwelling. However, assurances were given that enforcement action could be taken if this unauthorised change of use did occur.

**Granted** with the conditions detailed in the report.

(iii) **EN/10/00529/RWL** – Barns South of Lowick Road, Aldwinckle (See Page 41)

The amended recommendation regarding a bat survey was noted and agreed.

**Granted** with the conditions detailed in the report, and the Head of Planning Services, in concurrence with the Chairman (or Vice Chairman) and Ward Member be authorised to determine the application following the submission of an acceptable evening bat emergence and dawn bat re-entry survey.

### (b) **Applications Where the Committee Disagreed with the Report's Recommendations**

**EN/10/00499/OUT** – The Midland Business Centre, Midland Road, Higham Ferrers (See Page 39)

It was agreed in principle that there should be residential development on this site but there was concern with a number of issues on this outline application:

- There were too many dwellings proposed which would result in high density and over development, leading to a cramped form of development
- Some of the proposed dwellings were too close to trees protected by a TPO to the north of the site, which could result in tree roots being damaged by the foundations of any property built near them
- There was only one proposed access into the site which was not considered to be sufficient for the proposed number of dwellings and a pedestrian access

- should be provided from another part of the site
- There were too many properties off some shared driveways
  - The fifteen percent affordable housing proposed was considered to be too low and should be increased
  - The site's proximity to the site of a national monument (a former castle) could mean it contained important archaeological material which should be investigated by an archaeological survey before any development proceeded.

Members also expressed concern about the submission of viability assessments and asked whether this information could be provided under a private and confidential report at future Committee meetings.

**Refused** (contrary to the Officers' recommendation to grant the application) for the following reasons: density, overdevelopment and a cramped form of development; proximity of some dwellings to trees protected by a TPO; only one access into the site; percentage of affordable housing; and possible archaeological material within the site.

**RESOLVED:**

That the above planning applications be dealt with as indicated in the Appendix to these minutes at pages 39 to 42.

**46. APPEAL DECISION MONITORING REPORT**

Members noted the Council's enforcement appeal decisions from 26 April to 14 May 2010.

**Chairman**

**List of Applications Determined by  
DEVELOPMENT CONTROL COMMITTEE - 9 June 2010**

**EN/10/00214/FUL**

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

Applicant **Hereward Homes Ltd**

Agent **I Plan**

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

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

**Decision** **Granted with an additional condition to ensure that the existing dry stone wall is retained.**

**Conditions/Reasons:**

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

**EN/10/00499/OUT**

Date received	Date valid	Overall Expiry	Ward
<b>15 March 2010</b>	<b>25 March 2010</b>	<b>24 June 2010</b>	<b>Higham Ferrers Lancaster</b>

Applicant **Hampton Brook Investments Limited**

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

Location **The Midland Business Centre, Midland Road, Higham Ferrers.**

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

**Decision** **Refused (contrary to the recommendation to grant the application) for the following reasons: density, overdevelopment and a cramped form of development; proximity of some dwellings to trees protected by a TPO;**

**only one access into the site; percentage of affordable housing; and possible archaeological material within the site.**

**Reasons:**

1. The proposed density would lead to a cramped form of development, which is likely to have a detrimental impact on protected trees on site as well as the character of the area. The proposal is therefore contrary to the advice contained within PPS1 – Sustainable Development, PPS3 – Housing and Policy 13(h,o) of the North Northamptonshire Core Spatial Strategy.
2. The applicant has failed to demonstrate that the proposed development will not have a detrimental impact on archaeological remains that may be present on site. Inadequate information therefore accompanies the application, and as required by Policy HE6 in PPS5, further archaeological investigation is required to demonstrate that the proposal would not have an adverse effect on significant heritage assets.
3. The number of dwellings proposed exceeds the thresholds set in the Council's adopted Supplementary Planning Guidance on Developer Contributions which requires contributions towards social and community infrastructure, in particular affordable housing, education, public open space and transport. The provision of 15% of the dwellings for affordable housing is considered to be insufficient, having regard to the need for such housing in Rushden. As such, the proposal is therefore contrary to saved Policy GEN3 of the East Northamptonshire District Local Plan, the SPD in respect of developer contributions, Policy 6 in the North Northamptonshire Core Spatial Strategy and Policy 14 of the East Midlands Regional Plan (RSS8)
4. A principle of good design is that the development should be permeable. However, the proposed development only includes on access from Midland Road. A pedestrian access to Bury Close to the east is required. In the absence of this, the proposal is contrary to the principles contained in PPS3: Housing, Policy 13 in the North Northamptonshire Core Spatial Strategy

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**EN/10/00504/FUL**

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

Applicant **Mr And Mrs Adrian Lewis**

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

Location **7 Teal Close, Higham Ferrers.**

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Proposal **Two storey side extension.**

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**Decision Application Granted**

**Conditions/Reasons:**

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

occupation of the single family dwelling within the curtilage of which it is located.  
Reason: In order to safeguard the amenity of adjacent residential properties.

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**EN/10/00529/RWL**

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

Applicant **Society Of Merchant Venturers**

Agent **Carter Jonas - Miss K Barnes**

Location **Barns South Of, Lowick Road, Aldwincle.**

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

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**Decision** **The Head of Planning Services, in concurrence with the Chairman (or Vice Chairman) and Ward Member, be authorised to Grant the application subject to the submission of an acceptable evening bat emergence and dawn bat re-entry survey.**

**Conditions/Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The roof material(s) for the development shall be clay pantiles, details of which shall have been submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: To achieve a satisfactory elevational appearance for the development.
3. Before any work is commenced on the development a fully detailed contamination assessment survey and mitigation strategy shall be undertaken, submitted to and approved by the Local Planning Authority. This report shall particularly include details of the previous use of the site, a comprehensive and systematic sampling strategy, an assessment of soil gas concentrations with migration patterns and contamination associated with leakage and spillage from storage tanks within the site, changes to site profiles/levels and a full assessment of potential groundwater contamination. The development shall then be carried out strictly in accordance with the approved mitigation strategy and written confirmation shall be provided to the Local Planning Authority to confirm this. The works comprised in the approved strategy for mitigation of contaminants present on the site shall have been completed prior to the occupation of the building.  
Reason: To ensure contamination present on site is properly contained/removed in the interests of public health.
4. If during the construction of the development evidence of new, previously unidentified areas of contamination are discovered, then the extent and nature of the contamination and a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority before any further construction proceeds. The works comprised in the approved strategy for mitigation of the contamination present at the site shall have been completed prior to the occupation of the building.  
Reason: To ensure contamination present on site is properly contained / removed in the interests of public health.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 (or any order amending or re-enacting that order, with or without modification), no buildings or structures of agricultural, domestic or other types and no gates, walls, fences or other means of enclosure other than those on the approved plans shall be erected on site without the prior written approval of the Local Planning Authority.

Reason: To protect the visual amenity of the area.

6. Prior to the commencement of development, a sample of the brick quoins shall be submitted to and proposed in writing by the local planning authority.

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

7. Before any work is commenced on the development hereby permitted, full constructional and location details of the passing bay to be provided within the access route off the public highway known as Lowick Road shall be submitted to and approved by the local planning authority. The approved passing bay shall be provided before the development hereby permitted shall be brought into use, and thereafter retained.

Reason: In the interests of highway safety.

8. The facing material(s) for the development shall be natural stone, details of which shall have been submitted to and approved in writing by the Local Planning Authority before the development is commenced.

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

9. The development shall be carried out in accordance with the recommendations for the protection of bats and barn owls as identified in the 'Bat and Barn Owl Search Survey' received on 21 April 2010.

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

10. The holiday lets shall not be occupied as a person's sole, or main place of residence and the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual units on the site, and of their main home addresses, and shall make this register available at all reasonable times to officers of the local planning authority, unless otherwise agreed in writing by the local planning authority. No unit shall be occupied by any individual or group of individuals for more than 28 days in any 12 month period.

Reason: The reason for these conditions is to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.