

APPLICATIONS FOR DETERMINATION

DEVELOPMENT CONTROL COMMITTEE - 30 June 2010

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Committee Report

Committee Date : 30 June 2010

Printed: 18 June 2010

Case Officer **Susan Scott**

EN/10/00861/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
7 May 2010	7 May 2010	2 July 2010	Rushden Spencer	Rushden

Applicant **Mr K Cheng**

Agent **Brian Barber Associates Ltd.**

Location 110 Higham Road Rushden Northamptonshire NN10 6DF

Proposal **Change of use from A1 to A5 (hot food takeaway)**

The application has been brought to Committee at the request of a Ward Member due to the sensitivity of the nature of the application.

1 Summary of Recommendation

1.1 The application be REFUSED.

2 The Proposal

2.1 The application proposes a change of use from A1 retail to A5 (hot food takeaway).

2.2 The proposal would incorporate residential use to the rear and to the first floor.

2.3 The proposed customer service area and associated cooking area would measure 70 square metres in total and would be located to the front of the property in the location presently occupied by the retail area. There would be no change to the existing footprint at the front of the premises, but the access door would be moved slightly to accommodate a ramped access.

2.4 The proposed opening hours are from 11:00 to 22:00 throughout the week including Sundays and Bank Holidays.

3 The Site and Surroundings

3.1 The site comprises a detached two storey property located at the junction of Prospect Avenue and Higham Road Rushden. Higham Road was the main A6 trunk road prior to the opening of the Higham Ferrers and Rushden bypass. It is still a major route between both towns.

3.2 The property has an existing A1 retail class use with associated residential use to the rear and first floor. The shop closed approximately two years ago and the property has been secured and vacated.

3.3 The site is surrounded by residential premises to all sides. To the opposite side of the road and slightly to the south of the site, is Kilburn Place which provides sheltered accommodation for the elderly.

- 3.4 Immediately adjacent to, and opposite the site, on Higham Road, are bus stops which are served by services between Rushden and Kettering, Raunds and Northampton and the local Higham Hoppa service. On alternate journeys the Higham Hoppa also travels along Prospect Avenue using the junction adjacent to the site.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPG24 – Planning and Noise
- 4.2 Regional Spatial Strategy: East Midlands Regional Plan, March 2009
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
The Secretary of State for Communities and Local Government issued a letter to all Local Planning Authorities on 27/05/10, which stated the intention of the Government to abolish Regional Spatial Strategies. Local Planning Authorities and The Planning Inspectorate will be expected to have regard to this letter as a material consideration in any decision they are currently taking.
- 4.3 North Northamptonshire Core Spatial Strategy, June 2008
Policy 9 – Distribution and Location of Development
Policy 13 – General Sustainable Development Principles
- 4.4 East Northamptonshire Local Plan, 1996
No saved policies
- 4.5 Supplementary Planning Guidance
N/A
- 4.6 Other Documents
Highway Standing Advice for Planning Authorities, Working Draft July 2008
Three Town Preferred Options: Rushden, Higham Ferrers and Irthlingborough

5 Relevant Planning History

- 5.1 None

6 Consultations and Representations

- 6.1 Neighbours: A petition with 295 signatures opposing the application on the following grounds:

- Increased traffic
- Lack of parking
- Noise disturbances
- Smells
- Litter
- Hazards for people crossing the road
- Increased road traffic accidents
- Increase in disorderly behaviour associated with the congregation of young adults
- Public order disturbances when premises are used by intoxicated customers from local public houses.

A traffic survey was also undertaken and the results forwarded to NCC Highways.

- 6.2 Neighbours: 41 individual objectors who are also included in the petition. Each objected for a variety of reasons and the numbers objecting for each reason are detailed below
- Increase in litter – 33 objections
 - Anti Social Behaviour – 23 Objections

- Need for a further takeaway facility – 20 objections
- Highway safety – 31 objections
- Parking problems – 33 objections
- Cooking odour – 24 objections
- Attraction of vermin – 3 objections
- Noise – 22 objections
- Development unsuitable for a residential area – 20 objections
- Contrary to policy – 2 objections
- Property is at risk of subsidence – 1 objection

A letter was also received from Peter Bone, Member of Parliament advising that he had been contacted by a constituent about the application.

- 6.3 Rushden Town Council – Objection as the Members considered that the proposed change of use would cause an increase in traffic movements, noise nuisance to residential homes in the area and possible cooking smell nuisance to residences within the area.
- 6.4 Northamptonshire Police Crime Prevention Officer – No objection or comments
- 6.5 Local Highway Authority – No objection in principle to the proposal. The Highways Authority provided detailed comments on the concerns of residents as regards parking and highway safety. These matters will be addressed at paragraph 7.4 Highway Impact.
- 6.6 Environmental Protection – Objection on the grounds of lack of information with respect to noise and odour control.
- 6.7 Environmental Health (Commercial) – Objection on the grounds of lack of information with respect to noise and odour control.
- 6.8 Site notice posted

7 Evaluation

- 7.1 The following issues are relevant to the determination of this application:
- 7.2 Principle of development
- 7.2.1 Both National and Local planning policy give priority to the use of previously developed land and buildings, as is the case with this site.
- 7.2.2 The site previously contained an A1 use, however, as the site is not within a primary shopping frontage there is no objection to the loss of this retail unit.
- 7.2.3 The site, however, lies within what is predominantly a residential area, and whilst PPS4 requires planning authorities to adopt a positive and constructive approach towards planning applications for economic development, in determining whether the principle of development would be acceptable consideration needs to be given to the impact that the development would have on this residential area and how this differs from the existing A1 use.
- 7.3 Neighbouring Amenity
- 7.3.1 Unlike a retail use takeaways, unless they are carefully controlled, can result in noise and odour problems.

7.3.2 Environmental Protection have objected on the grounds that the applicant has failed to demonstrate that noise and odour from the development would not cause a nuisance to neighbours.

7.3.3 The applicant is aware of this objection and has been invited to provide further details. No further details have been received at the time of writing this report.

7.3.4 In view of the lack of detail provided by the applicant there are sufficient grounds to refuse the application on this basis.

7.4 Highway Impact

7.4.1 The Local Highway Authority has no objection to the application as, in its opinion; the proposed use class A5 would not significantly attract any more traffic flow than the existing A1 use.

7.4.2 The Local Highway Authority provided a detailed response on the highway safety and parking issues raised by local residents. In summary, the response states that the width of both Prospect Avenue and Higham Road allow some form of on-street parking although this is restricted by junctions and driveways. To allow an emergency vehicle or bus to pass through easily would mean that cars could not be parked directly opposite each other. They point out that considerate parking to allow the safe movement of all road users is a requirement of the "Highway Code".

7.4.3 They suggest that consideration in the future could be given to imposing a "Traffic Regulation Order" at the junction of Prospect Avenue and Higham Road. This would allow for the provision of double yellow lines which could then be subject to enforcement action by the appropriate authority. This would already apply to the bus stops on either side of Higham Road.

7.4.4 The Local Highway Authority also provided figures relating to accidents classified as serious within the Department for Transport definition. These figures were taken from statistics from 2001 to 2007, while the premises concerned were still operating as a shop and before the opening of the Rushden and Higham bypass. The figures showed on two serious accidents within 100 metres of the junction and two more slightly outside the 100 metre radius. For this reason the Local Highway Authority believes there is no reason for concern over the junction's history with regard to the application under consideration.

7.4.5 The Local Highway Authority does, however, have concerns that inconsiderate drivers may park on the footway fronting the development site and, should the application be approved has suggested the following condition:

"Notwithstanding the submitted details, prior to the commencement of the development the following details shall be submitted to and approved in writing by the local planning authority:-

- Measures to provide appropriate street furniture to prevent vehicle use whilst maintaining the free flow of pedestrian movement throughout the frontage of the site within Higham Road and Prospect Avenue.

Reason: In the interest of highway safety

7.4.6 Although the Local Highways Authority has no objection to the application, subject to the above condition, a large number of representations have highlighted the parking issues in Prospect Avenue, particularly at the junction with Higham Road and the impact parking has on the free flow of traffic in and out of the Avenue. This was particularly true when the previous retail unit was still open.

7.4.7 Although the visibility splays on exiting Prospect Avenue into Higham Road are acceptable, the Local Highways Authority do not consider the visibility on turning off the main road. Located within the pavement on both sides of Prospect Avenue and near to the junction are two large trees, the trunks of which do limit visibility along Prospect Avenue as you turn in. Any vehicles parked close to the junction would cause vehicles entering or leaving the Avenue to drive in the middle of the road. This fact, along with the reduced visibility on entering Prospect Avenue is a cause for concern for your officers.

7.4.8 There is a clear conflict of interest with a proposed facility that would inherently attract a level of private car travel to a site in a residential area that relies heavily on on-street parking. The nature of a hot food takeaway requires that food is taken away to be eaten while still hot, and therefore it is likely that the level of private car travel will be higher than for the previous retail use. However, without the support of the Highway Authority it would be difficult to substantiate a reason for refusal on technical grounds.

7.5 Litter and Other Environmental Impact

7.5.1 Increased litter is a major concern of objectors.

7.5.2 Litter bins and recycling bins are to be made available on site although full details are not provided. This matter could be dealt with by condition should the Members be minded to approve the application.

7.5.3 The applicant states that there will be no trade effluents or waste. As the proposal is for a fish and chip shop, it would seem natural that there will be food waste including the parts of the fish which are not used if the fish are prepared on the premises, and used cooking oil. Again these are matters which could be controlled by condition.

7.6 Crime and Disorder

7.6.1 In terms of crime and disorder, many local residents have raised concerns. However, Northamptonshire Police have raised no objection to the proposal and would be the authority responsible should issues arise. For this reason it is considered that the application would be difficult to refuse on grounds of crime and disorder.

8 Other issues

8.1 Access for the Disabled – The proposal incorporates a ramped access to the serving area. Therefore this application does not raise any significant issues which cannot be controlled through Building Regulations

8.2 The issue of subsidence at the site is not a material planning consideration.

9 Recommendation

9.1 It is recommended that the application be REFUSED for the following reasons:

Conditions/Reasons -

1. The applicant has failed to demonstrate that noise from the development would not have an adverse affect on neighbouring amenity and therefore that the proposal would accord with Policy 13 of the North Northamptonshire Core Spatial Strategy and PPG24.
2. The applicant has failed to demonstrate that odour from the development would not have an adverse affect on neighbouring amenity and therefore that the proposal would accord with to Policy 13 of the North Northamptonshire Core Spatial Strategy

Committee Report

Committee Date : 30 June 2010

Printed: 18 June 2010

Case Officer **Amie Baxter**

EN/10/00443/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
8 March 2010	8 April 2010	3 June 2010	Rushden Spencer	Rushden

Applicant **Mr J Mullaney**

Agent **Bobjay Properties**

Location Land Rear Of 120 And 122 Northampton Road Rushden Northamptonshire

Proposal **Proposed new dwelling**

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application seeks planning consent for the erection of a single dwelling with an amended design and footprint. The application follows previous planning consent for a dwelling on this site (Ref: EN/07/01020/OUT (granted outline consent for three dwellings (two bungalows and one two-storey dwelling) and EN/08/00903/REM (granted detailed planning consent for two of these plots including the one the subject of this current application)

2.2 The previously approved dwelling type for this site was a bungalow that had a detached single garage which was to be positioned to the north east corner of the plot. This resulted in an area of unusable space between the eastern elevation of the dwelling and the western elevation of the garage. The applicant now wishes to make the best use of this area of land and proposes to amend the previous design by increasing the footprint, to incorporate the garage within the main dwelling and increasing its size to a double garage. The applicant also wishes to use the space in the roof for living accommodation. Increasing the ridge height of the main part of the dwelling by 1.7 metres would provide additional internal space which would accommodate an additional bedroom with ensuite within the roof void.

2.3 An additional garden room, measuring 4.3 metres wide, 3.5 metres in length and 4.8 metres in height, is now proposed for the west elevation of the dwelling. An additional small extension is also proposed to the front elevation.

2.4 The eaves height of the dwelling would not be increased meaning that the roof slope of the proposed dwelling would become steeper. The northern elevation of the eastern wing would follow the line of the main part of the dwelling, moving the eastern wing closer to the northern boundary by approximately 0.5 metre.

2.5 The total footprint of the dwelling would be increased by 157 square metres.

3 The Site and Surroundings

3.1 The application relates to a back land site located to the rear of No.120 and No.122 Northampton Road in Rushden.

3.2 No.120 and No.122 Northampton Road are both large two-storey detached properties and the site currently forms part of the rear gardens of the two properties.

- 3.3 The area is residential in character, characterized by 1960s street frontage dwellings along Northampton Road to the south and modern 1990s housing development to the north.
- 3.4 The land level of the site is approximately 1.7 metres above the land to the north along Donne Close.
- 3.5 A row of trees (lime and hawthorn) lie to the northern boundary of the site.
- 3.6 The proposed dwelling would be accessed off the main Northampton Road and the access will be situated between the two dwellings of No.120 and No.122 Northampton Road.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1 - Sustainable Development
PPS3- Housing (as amended)
- 4.2 East Midlands Regional Plan- RSS8
Policy 2-Promoting Better Design
Policy 48- Regional Parking Standards
The Secretary of State for Communities and Local Government issued a letter to all Local Planning Authorities on 27/05/10, which stated the intention of the Government to abolish Regional Spatial Strategies. Local Planning Authorities and The Planning Inspectorate will be expected to have regard to this letter as a material consideration in any decision they are currently taking.
- 4.3 North Northamptonshire Core Spatial Strategy
7 - Delivering Housing
9 - Distribution & location of development
10 - Distribution of housing
13 - General sustainable development principles
- 4.4 Preferred Options Document:
Three Towns Plan: Rushden, Higham Ferrers, Irthlingborough
- 4.5 Supplementary Planning Guidance:
Parking SPG, March 2003
- 4.6 Other Documents:
Minor Planning Applications that have an Effect upon the Highway, Jan 1999

5 Relevant Planning History

- 5.1 08/00903/REM: Reserved matters application: Pursuant to Outline application 07/01020/OUT for the approval of details of layout, scale, appearance relating to two dwellings Plots 2 and 3
- 5.2 07/02465/REM, Approval of the details of layout, scale, appearance, relating to Plot 1 immediately to the rear No.120 Northampton Road, Permitted 17.03.2008.
- 5.3 07/01020/OUT, Outline application for residential development of three dwellings (all matters reserved except for access), Permitted 25.07.2007.
- 5.4 06/02649/OUT, Outline application for residential development all matters reserved except for means of access, Refused 24.04.2007.

6 Consultations and Representations

- 6.1 Neighbours: No objections received.
- 6.2 Rushden Town Council: No objections
- 6.3 Highways Authority: No objection subject to a condition regarding parking and turning.

- 6.4 Tree Preservation Officer: The details outline the applicants wish to fell one Lime Tree to which the Conservation Officer does not object. The most visually dominant trees are shown to be retained and the details outline how the construction of the new dwelling is to be undertaken in light of the arboricultural constraints. In addition, proposed construction techniques have been shown for the garage portion where it cuts into the root protection area of the tree. While much of this information is now to a satisfactory standard, I would suggest that some minor alterations are undertaken to the Tree Protection Plan to reflect "Herras" style fencing being used in place of chestnut paling and showing details of how this is to be secured into the ground.

7 Evaluation

- 7.1.1 The principle of residential development for three dwellings was established under EN/07/01020/OUT. Since this time, PPS3 has been amended and garden land is no longer classified as previously developed land. Local Planning Authorities, however, still need to take into account other material planning considerations in the determination of planning applications, including focusing housing development in suitable locations, accessibility to local services, public transport accessibility, the characteristics of the area and the desirability of using land efficiently, as advised by paragraphs 10, 16, 36 and 46 of PPS3.
- 7.1.2 The application site lies within the urban settlement well served by existing transport and other local services and therefore, it this proposal is considered to be accord with the advice contained within the amended version of PPS3
- 7.1.3 The main considerations in the determination of this proposal are, therefore, the visual impacts of the proposal; impact on neighbouring amenities; highway impact and impact on trees.

7.2 Visual Impact

- 7.2.1 The application proposes alterations to the design of the originally approved dwelling by increasing the ridge height by 1.7 metres, continuing the elevation and roof of the main dwelling to the east to incorporate the detached garage and adding a summer house to the rear elevation of the dwelling. It is also proposed to add a small extension to the front elevation.
- 7.2.2 The single garage previously approved would become a double garage, utilising the existing gap between the dwelling and garage, and a double garage door would be used. The roof void above the main dwelling would also then accommodate a bedroom and ensuite.
- 7.2.3 The proposed increase in ridge height would result in the pitch of the roof becoming steeper to accommodate the increase in height and accommodation in the roof void. The alteration of the roof would result in the dwelling becoming more prominent within the site, but given that the neighbouring 2 dwellings are to be two storey properties, it is unlikely that the dwelling would be overly prominent. The ridge height of the garage would also be increased, however, a step down in the roofline over the garage has been incorporated into the design to ensure that the overall bulk of the dwelling is minimised and so that the garage wing of the dwelling does not become overbearing on the main house.
- 7.2.4 An increase of 1.7 metres to the ridge line would not result in the dwelling becoming more prominent in the street scene along Northampton Road, as the site sits to the rear of existing dwellings along Northampton Road and it is therefore obscured. With the proposed increase in height, the dwelling would become more prominent in views from Donne Close. However, given that the increase in height would be relatively minimal, the dwelling would not be overly dominant in views from the North.

- 7.2.5 The proposed summer house would sit to the rear of the main dwelling and therefore, would not be highly visible within the street scene. The scale of the summer house would be reasonable, given the scale of the main dwelling and the proposed design would compliment that of the main dwelling and those (proposed and existing) around the site. Therefore, it is unlikely that the proposed summerhouse would result in any visual harm.
- 7.2.6 The application also proposes the addition of a small extension to the front elevation which would allow for additional internal space at both ground and first floor level and would measure 0.7 metres in depth, 3.4 metres in width and 2.4 metres in height to the eaves.
- 7.2.7 Overall then, whilst the scale of the proposed dwelling would be increased, the proposed alterations would not result in the dwelling becoming overly prominent within the site or the surrounding area. The alterations proposed would be complimentary to the design of the previously approved dwelling and the extensions proposed would not result in the dwelling becoming too large for the plot in which it sits.
- 7.3 Impact on Residential Amenity.
- 7.3.1 The application site takes the form of back land development and given its nature, is surrounded by residential dwellings in all directions, with the access to the site running between 120 and 122 Northampton Road.
- 7.3.2 The dwellings most likely to be affected by the proposal would be the associated dwelling under construction at Plot One, the dwelling at Plot 2 which is yet to be constructed and Numbers 7 and 8 Donne Close, which sit to the North and back onto the application site.
- 7.3.3 The proposed dwelling is positioned close to the northern boundary of the plot, which is shared with Number 7 and 8 Donne Close. A distance of approximately 22 metres would remain between the proposed dwelling and Number 8 and this distance is considered sufficient enough to ensure that no undue overbearing impact or overshadowing would result.
- 7.3.4 There would be approximately 7 metres between the south western corner of the existing dwelling at 7 Donne Close and the northern elevation of the proposed dwelling. This distance appears to be slight, however, the eaves height of the proposed dwelling would be no higher than that already approved. Furthermore, given that the proposed dwelling would have a ridgeline with a maximum height of 7.5 metres and would be positioned with its gable facing Number 7, the impact in terms of its bulk and potential for an overbearing impact is minimal. In addition to this, it is recommended that a condition be imposed requiring the erection of a 2.0 metre high fence along the shared boundary with 7 Donne Close. This would help in retaining a sense of privacy between the two plots.
- 7.3.5 The main amenity area within the garden of Number 7 Donne Close sits to the east of the existing property: the garden area closest to the application site being used as secondary to the main amenity area for garden storage and the like.
- 7.3.6 Overall then, it is unlikely that the proposed development would result in an adverse impact on the level of residential amenity currently enjoyed by neighbours at 7 and 8 Donne Close. No windows are proposed which would result in any overlooking of the existing dwellings to the north.
- 7.3.7 The proposed alterations to the previously approved dwelling are unlikely to have any impact on the two other dwellings recently approved on the neighbouring sites given the relationship between the three dwellings. The dwelling approved for Plot One is currently under construction and is positioned in a way which would not be overshadowed any further by the amended dwelling and no further overbearing impact would occur. This would also be the case for the dwelling approved for Plot 3, given the positioning of the dwellings and as a sufficient distance would remain between the subject dwelling and Plot 3.
- 7.3.8 A sufficient distance sits between the subject dwelling and all others surrounding the site, ensuring that there is no further impact in terms of residential amenity.

7.4. Impact on the Highway

- 7.4.1 The previously approved garage has been increased to a double garage and to accommodate this, the turning area for the access into the garage would need to be repositioned. This is so that a vehicle pulling out of the newly created portion of garage could turn and pull out of the site in a forward gear, as originally approved. The turning area has been positioned further into the plot, using part of the front garden area that was originally proposed for the dwelling.
- 7.4.2 The Highways Officer has made no objections to this alteration, providing that a condition is used to ensure that sufficient parking and turning space remains within the site for all vehicles.

7.5 Impact on trees.

- 7.5.1 The applicant proposes to fell one existing lime tree and two semi deceased hawthorne trees along the northern boundary of the site. The Conservation Officer has no objection to this.
- 7.5.2 Immediately adjacent to the north east corner of the site, but beyond the site boundary is an important lime tree that is in the process of having a TPO applied to it. The applicant has submitted a Tree Protection Plan and an Arboricultural Method Statement, showing how the proposed construction methods would help to safeguard the health and visual amenity of the remaining lime trees on and adjacent to the site (including the one that will become protected imminently) The Conservation Officer for trees is satisfied with the details which have been submitted, with her only comments being that the 'Chestnut' style fencing shown be replaced with 'Herras' style fencing. A condition is recommended to ensure this.

8 Other issues

- 8.1 The property would retain adequate offroad car parking given its resultant size.
- 8.2 Adequate private amenity space would remain.
- 8.3 Crime and Disorder – No significant issues are associated with the proposed extension.
- 8.4 Access for Disabled - this building would not be subject to any public access and this does not raise any significant issues

9 Recommendation

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

Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the submitted details and before any work is commenced on the development hereby permitted, details and a sample of the proposed external facing and roofing materials for the development shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the details so approved.
Reason: To achieve a satisfactory elevational appearance for the development.

3. The northern boundary of the site with Donne Close shall be provided with boundary screening to 2.0 metres in height and full details of the position, design and materials of this boundary screening shall be submitted to and approved in writing by the local planning authority, and this boundary screening shall then be provided in accordance with the approved details before the dwelling is brought into use and shall thereafter be retained.

Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

4. Before commencement of the development hereby permitted, an amended method of construction and a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The method of construction shall include the use of 'Herras' style fencing and hand digging works to the northern boundary and the Tree Protection Plan shall provide details of the how the trees along the northern boundary of Plot 3 will be protected during the construction phase and shall be implemented before commencement of the development. The development shall be carried out in accordance with the details so approved.

Reason: To facilitate proper consideration of the provision made for trees on the site in accordance with Section 197 of the Town and Country Planning Act 1990, to safeguard neighbouring amenity and the visual amenity of the area.

Informatives

1. The drawings to which this decision relates are as follows:
BJ29/10/07, BJ29/10/06, BJ29/10/04, BJ29/10/05, BJ29/10/02, BJ29/10/05A.
Received by the Local Planning Authority on 08/04/10 and 28/05/10
2. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, East Midlands Regional Plan Policy 2 and North Northamptonshire Core Spatial Strategy 2008 Policy 13 and the Three Towns Preferred Options Document.. Having regard to these, the representations received and any other material planning reasons, the main issues are identified as the visual impact and impact on residential amenity. The application has been approved as:
 1. The principle of the development is acceptable and is consistent with the development plan.
 2. The proposed development would not have a detrimental impact upon the residential amenity of neighbouring occupiers.
 3. The proposed development makes use of appropriate materials and would not result in visual harm.
 4. The proposed development would not result in any harm to the highway network and would provide adequate off road parking.

Committee Report

Committee Date : 30 June 2010

Printed: 21 June 2010

Case Officer **Amie Baxter**

EN/10/00183/VAR

Date received	Date valid	Overall Expiry	Ward	Parish
2 February 2010	10 February 2010	7 April 2010	Prebendal	Yarwell

Applicant **Mrs M Scorer**

Agent **Anthony Northcote Planning Ltd**

Location **57 Main Street Yarwell Peterborough Northamptonshire PE8 6PR**

Proposal **Removal of condition 7 (dealing with hardsurfacing of driveway) from Planning Permission EN/08/01296/FUL**

The application is brought before the planning committee due to an objection from Yarwell Parish Council.

1 Summary of Recommendation

1.1 That planning consent be GRANTED.

2. The Proposal

2.1 The application is for the removal of condition 7 attached to a planning permission for a single dwelling on the site (ref 08/01296/FUL). The condition states.

“Before the development hereby permitted is commenced, the vehicular access shall be hard-surfaced for the first 5.0m from the highway boundary in accordance with a scheme to be agreed in writing by the Local Planning Authority in writing and this area shall thereafter be retained.

Reason: In the interest of highway safety.”

The applicant has submitted the following reasoning in support of the application.

- The driveway is not within the red line boundary of the application site and therefore it is impossible to comply with the condition, as there is no control of the driveway.
- A similar condition was imposed on the other development which uses the driveway and this has not been enforced which would suggest that it is not expedient or in the public interest for enforcement action to be taken.
- The condition is unreasonable as the Local Planning Authority should have known that it was not possible to comply with it.
- It has been investigated, but the owner of the driveway has refused permission for the surfacing.
- Impossible to sell the site due to the legal implications of the condition
- The condition is unnecessary as what it seeks to achieve can be secured through other mechanisms. Section 149 of the 1980 Highways Act allows the Highway Authority by notice to secure removal of an extraneous material deposited on the highway.
- One dwelling will not materially result in an increase in traffic such that the works become necessary.
- Grampian conditions should only be imposed if there is a “reasonable prospect” that they can be complied with. Failure to secure compliance from the other dwellings which use the access should have demonstrated to the Local Planning Authority that the condition was

Ultra Vires and contrary to the tests for conditions in Circular 11/95.

- The tests set out in Circular 11/95 for conditions are not met, as it is not necessary, not relevant to planning as it duplicates other powers; not directly related to the proposal which was only for a single dwelling; not enforced previously so must not be expedient to enforce; not precise as it does not indicate the material to be used; unreasonable as for sustainable drainage purposes the policy is to limit hardsurfacing

3 The Site and Surroundings

3.1 The application site is rectangular in shape and sits directly to the rear of Sundial House, which is a Grade II Listed dwelling. The site is currently used as garden for Sundial House and is laid to lawn with a small orchard to the very northern end of the plot.

3.2 The site uses a vehicular access, shared with two other dwellings sitting to the West of the plot.

3.3 The site sits to the West of 'The Angel' public house and is surrounded by dwellings of differing age and design. There is open land to the north.

4 Policy Considerations

4.1 National Planning Policy Guidance

PPS1 - Sustainable Development

PPS3- Housing.

PPS 7- Sustainable Development in Rural Areas.

PPS5 – Planning and the Historic Environment

PPG13 – Transport

4.2 North Northamptonshire Core Spatial Strategy.

Policy 7- Delivering Housing

Policy 9- Distribution and Location of Development

Policy 10- Distribution of Housing.

Policy 13- General Sustainable Development Principles

Policy 16- Sustainable Housing Provision.

4.3 Rural North, Oundle and Thrapston Plan (Submission document)

Policy 1- Settlement Roles

Policy 2- Windfall Development

Policy 8- Residential Parking Standards

Policy 10- Housing Density

Policy 11- Housing Mix

4.4 Supplementary Planning Guidance

Parking SPG, 2003

4.5 Other Documents

Minor Planning Applications that have an effect upon the Highway, January 1999.

5 Relevant Planning History

5.1 07/01926/FUL Single dwelling to rear - WITHDRAWN. The applicant withdrew the application to produce an amended scheme with a smaller dwelling of a more acceptable design.

5.2 08/01296/FUL New House and garage permission GRANTED 24 October 2008.

5.3 94/00567/FUL – Three dwellings permission GRANTED January 1995. (Adjacent site, which uses the same access driveway)

6 Consultations and Representations

6.1 Neighbours

55 Main Street- Gravel from the driveway already significantly creeps out onto the highway. An additional house will make the situation worse.

Spring Barn- Nothing has changed since the decision so how can the condition be removed.

55A Main Street – Original reason for having the condition has not altered. Have to sweep the gravel back on a regular basis. The original occupier of Sundial House has now passed away and the executors are trying to make as much profit as possible.

6.2 Parish Council- Objection

Gravel is constantly working its way onto the footpath, which is dangerous. Hard-surfacing would stop this long term problem. The Parish Council has received many objections about this issue. The driveway would serve more properties and needs to be upgraded.

6.3 Local Highway Authority- I can confirm that in this instance a discrepancy has occurred and the original approved development has not met the Highway related planning condition. The Highway Authority can initiate enforcement procedure to prevent the continual nuisance occurring.

It should be noted that if the previous consent had been adhered too then the matter relating to the prevention of loose material would not have been an issue.

In the event that loose material becomes a problem the Highway Authority will be able to initiate the appropriate enforcement action.

7 Evaluation

7.1 Each of the arguments put forward by the applicant need to be assessed, and in particular the condition needs to be assessed against the tests for conditions set out in Circular 11/95. These require a condition to be:

- Necessary
- Relevant to planning
- Relevant to the development permitted
- Enforceable
- Precise
- Reasonable in all other respects

7.2 The way the condition is written means that it is what is known as a Grampian condition. It requires no development to be carried out until the driveway is hard surfaced.

7.3 Before looking in detail at the arguments put forward by the applicant it is important to note the facts in this case, in relation to:

- the red line boundary of the application for the dwelling
- previous action in relation to other dwellings which use the driveway.
- The nature of the driveway and the extent to which material from it is transferred to the public highway

7.4 The red line boundary of the site

7.4.1 ENC's solicitor advises that as the full extent of the access to the site was not included within the area marked out in red as the site boundary, the condition is not enforceable.

The resurfacing of the access would be considered as engineering works which could require planning permission. However, under the amended GPDO hardsurfacing could be laid which would not require planning permission if it were constructed from a permeable material or had the benefit of suitable drainage within the curtilage of the site.

7.5 The other dwellings which use the driveway

7.5.1 Condition 3 of the planning permission for the adjacent 3 dwellings which also use the driveway states:

“Before any part of the development hereby permitted is occupied vehicular access and off street parking facilities in accordance with the local planning authority’s adopted standards to serve that part of the development shall have been laid out, hard surfaced and made ready for use and thereafter retained.

Reason: In the interest of highway safety.

7.5.2 There is a letter on the electronic file from enforcement in January 2002 chasing compliance with this condition however no response was received from the applicant at the time and no enforcement action followed. As this case was not enforced at the time it would be unreasonable to enforce against the condition associated with this application.

7.6 Extent of Gravel Transferral

7.6.1 One of the objectors has submitted photographs which show the presence of gravel on the footpath and road. These photographs were taken with snow on the ground.

7.6.2 When the site was visited during the course of the consideration of this application it was noted that the gravel driveway resulted in some discharge of debris onto the highway. However, the level of debris is not considered to be significant enough to result in any highway safety issues.

7.7 Use of Grampian Conditions

7.7.1 There is a significant amount of case law in relation to the use of Grampian conditions.

7.7.2 One of the most contentious issues is whether there must be a “reasonable prospect” of the development being carried out. The British Railway Board V SOS case is one of the main cases usually quoted. This case went to the Lords and the conclusion was that the mere fact that an owner was unwilling that a development should not go ahead could not in itself lead to a refusal ie it was not concluded that there needed to be a reasonable prospect.

7.7.3 The SOS did not agree with this view and when Circular 11/95 was published it indicated in paragraph 40 that a Grampian condition should not be applied in circumstances where a developer had no power to carry out the required off-site works. It refers to the need for there to be at least a “reasonable prospect” that the works can be carried out.

7.7.4 The Merrit case however found that an Inspector had erred in that he had applied this policy in Circular 11/95 as if it were a mandatory requirement. The courts concluded that the Circular advice was guidance and a material consideration however the weight to be given to such advice was at the discretion of the decision maker.

7.7.5 In relation to this application whilst the applicant has indicated that the owner is not in agreement to the surfacing works no details of any negotiations have been submitted. It is unclear whether there is a “reasonable prospect” of the owner agreeing to the surfacing of the access.

7.8 Assessment against the tests for conditions

Necessary – The applicant suggests that the condition is not necessary as the Highway Authority has powers under the Highways Act to control debris on a public highway. However, this power can only be exercised after the event and therefore it was reasonable to try and ensure the situation did not arrive in the first instance.

The applicant also argues that it is not necessary as the Council did not take enforcement action in the past against the other dwellings which use the access and for which a similar condition was imposed. From a review of the file it is unclear why enforcement action was not taken, it may have been that it was judged not to be expedient.

The stated reason why the condition was imposed was "in the interest of highway safety". Further advice has been sought from the LHA and it has been confirmed that no complaints have been received regarding use of this access. The addition of the subject dwelling would result in a total of 5 dwellings using the access (although some dwellings do not rely solely on the access to access their dwellings) and this number is not considered to intensify the use of the access in its current form to an unacceptable level.

Relevant to planning- A condition requiring improvements to an access in the interest of highway safety is clearly relevant to planning.

Relevant to development permitted- The Highway Authority would recommend that a condition is imposed on planning consents of this type, to ensure that the discharge of gravel onto the public highway does not become a particular issue in the future..

Enforceable – As there is no reasonable prospect of the condition being complied with, the advice of the Solicitor is that Condition 7 is unenforceable.

Precise – The condition is perfectly precise as whilst it does not specify exactly what the hardsurface material should be it does require the submission of a scheme to be agreed with the Local Planning Authority.

Reasonable in all other respects- The applicant suggests that it is unreasonable because permeable paving is now a requirement. There are however, forms of hardsurfacing which are permeable.

Conclusion

In conclusion, it would appear that the condition cannot be enforced and that enforcement action would be unreasonable, because it was not taken in relation to the other dwellings which use the access and because one additional dwelling makes little difference to vehicle movements. In addition, if gravel migration becomes a problem the Highway Authority can take action.

8 Other issues

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

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

9 Recommendation

9.1 That Condition 7 be removed from the original planning consent for EN/08/01296/FUL.

Conditions/Reasons -

1. Condition 7 of EN/08/01296/FUL is hereby removed.

Informatives

1. the drawings to which this decision relates are as follows:

Drawing No.s

1336.A.1e

Received by the Local Planning Authority on 10.02.2010

2. In recommending approval to this application, the relevant planning guidance and

policies were identified as: PPS1, PPS3, PPS5, PPS7, PPS13; Policy 2 and 48 of the East Midlands Regional Plan, Policies 7, 9, 10, 13 and 16 of the North Northamptonshire Core Spatial Strategy 2008, ; Rural North, Oundle and Thrapston Submission Document Policies 1, 2, 8, 10 and 11. Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008

Having regard to these, the representations received and any other material planning reasons, the main issues were identified Impact on the Highway and the tests set out in Circular 11/95 for conditions.

The application has been approved as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national and regional planning policies.
2. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
3. The proposal would not have an unacceptable impact on the local highway.
4. Condition 7 would not meet the tests set out in Circular 11/95 for conditions, as the condition is not necessary, enforceable or reasonable.

Date received	Date valid	Overall Expiry	Ward	Parish
7 April 2010	7 April 2010	2 June 2010	Oundle	Oundle

Applicant **Mr P Jellis**Agent **Waterland Associates Ltd**Location **25 St Peters Road Oundle Peterborough Northamptonshire PE8 4NR**Proposal **Proposed two storey dwelling to the side of the existing property**

This application is brought before the Development Control Committee following an objection from Oundle Town Council.

1 Summary of Recommendation

1.1 That permission is delegated to the Head of Planning Services to GRANT the application following expiry of the consultation period with the conditions set out in the report and any additional conditions following receipt of comments from consultees (the expiry date being midnight on 2 July 2010).

2. The Proposal

- 2.1 The application proposes a two storey dwelling to the side of No.25 St Peters Road Oundle. The proposal would include three bedrooms and would be constructed using brick and interlocking concrete tiles.
- 2.2 The proposed site measures approximately 11 metres along the public highway by 34 metres, and the proposed dwelling would be approximately 8 metres in width by 11 metres. The house would be set back from the public highway by approximately 8 metres.

3 The Site and Surroundings

- 3.1 The application site forms the side garden of No.25 St Peters Road.
- 3.2 There is residential development located to the south and west of the site. There is a playing field located to the east and open countryside located to the north.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1– Sustainable Development
PPS3 – Housing (as amended)
- 4.2 East Midlands Regional Plan
Policy 2 – Promoting Better Design
Policy 13b – Housing Provision (Northamptonshire)
The Secretary of State for Communities and Local Government issued a letter to all Local Planning Authorities on 27/05/10, which stated the intention of the Government to abolish Regional Spatial Strategies. Local Planning Authorities and The Planning Inspectorate will be expected to have regard to this letter as a material consideration in any decision they are currently taking.
- 4.3 North Northamptonshire Core Spatial Strategy

Policy 7 – Delivering Housing
Policy 9 – Distribution and Location of Development
Policy 10 – Distribution of Housing
Policy 13 – General Sustainable Development Principles
Policy 14 – Energy Efficiency and Sustainable Construction

4.4 Supplementary Planning Guidance

None relevant

4.5 Other Documents

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

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

Highway Authority Standing Advice

5 Relevant Planning History

5.1 61/0045//OU Residential development (outline). PERMITTED.

5.2 63/0032//OU Residential development (Estate road layout – details). PERMITTED.

5.3 66/0049//OU Detached house and garage (details). WITHDRAWN.

5.4 67/0070//OU Detached house and garage (details). PERMITTED.

5.5 91/00137/FUL Porch to front elevation of dwelling house. PERMITTED.

5.6 93/00800/FUL Two storey side extension. PERMITTED.

6 Consultations and Representations

6.1 Neighbours: Comments received from Nos. 17, 20, 22 and 23 St Peters Road. Comments can be summarised as:

- The garden of No.25 St Peters Road is not larger than those of other properties in St Peters Road.
- The proposal will result in overdevelopment of the site.
- Permitting this application would make it difficult to resist further applications being made for infill development which would significantly alter the appearance of the street scene.
- Scale of proposed development does not fit in well with neighbouring buildings within the street scene.
- The building will appear very small in relation to the properties either side of it.
- Will create a more dense development.
- There would only be parking for one car. The vehicular access proposed is not sufficiently adequate to permit development.
- The current dwelling would be affected by the close proximity of the proposed new building which will be close to and overlooked by all the windows on the southern side of the existing property.
- Traffic concerns.
- Will include the felling of an existing mature tree and decorative trees imposing further visual deterioration for the locality to suffer.

6.2 Oundle Town Council: “The scale of the proposed planning application is too large for the site and is too dominating compared to neighbouring properties. A single parking space for a three bedroom property will possibly involve on-street parking, which is not desirable given the proximity to the bend in the road. There is also concern that an unwelcome precedent may be created”.

6.3 Local Highway Authority: “To ensure that highway safety is maintained, this authority

recommends to the planning authority that the highway standards and planning conditions set out in the NCC document "Highway Authority Standing Advice Applications that have an effect on the Highway" be applied to this planning application".

- 6.4 Ramblers Association: No comments to make.
- 6.5 Rights of Way: No comments to make as the application does not affect a Right of Way.
- 6.6 Environment Agency: No comments to make.
- 6.7 Sustainability Officer: "The Architect has considered the specific aspects of the SPD as set out in his letter, and the proposed amendments specifically in relation to lifetime homes and his ambition to work towards the principles of Code for Sustainable Homes level 3 as a condition of planning. I would confirm with him that there is the intention of the client to achieve code for sustainable homes overall or just the 25% improvement over and above building regulations, either of which could be controlled by condition".
- 6.8 Conservation Officer: No comments received.
- 6.9 Design Officer: No comments received.
- 6.10 Site Notice posted: 20 April 2010 on a lamp post on the opposite side of the road.

7 Evaluation

7.1 The main considerations in the determination of this proposal are the principle of development, its visual impact, the impact on neighbouring amenities, the impact on highway safety and any other issues.

7.2 Principle of development

7.2.1 The proposed dwelling will be located on garden land adjacent to No.25 St Peters Way. PPS3 advises that priority for development should be on 'previously developed' land, which is also referred to as 'brownfield' land. In a recent amendment to PPS3, garden land is no longer classified as previously developed land. Local Planning Authorities, however, still need to take into account other material planning considerations in the determination of planning applications, including focusing housing development in suitable locations, accessibility to local services, public transport accessibility, the characteristics of the area and the desirability of using land efficiently, as advised by paragraphs 10, 16, 36 and 46 of PPS3.

7.2.2 The proposal is located within the settlement boundary of Oundle as identified in the Rural North Oundle and Thrapston Plan which is a sustainable location for further development.

7.3 Visual impact

7.3.1 The proposed plot measures approximately 11 metres by 34 metres. This is small when comparing to neighbouring properties. For example, the plot size at No.27 St Peters Road measures approximately 27 metres by 33 metres. However, it is considered that the proposed dwelling will fit within the site and will not cause any undue harm to the character and appearance of the surrounding area.

7.3.2 Although the proposed dwelling will appear smaller than the two properties directly adjacent either side, there are smaller properties in St Peters Road including a number of bungalows.

7.3.3 The properties in the surrounding area have fairly open frontages and therefore in order to ensure that this development remains in keeping a condition is recommended for details of landscaping and boundary treatment to be submitted to and approved by the Local Planning Authority.

7.3.4 The design of the dwelling, whilst of a different design to the adjacent properties at No.25 and No.27 as they do not incorporate a street facing gable end, will be in keeping with properties further along St Peters Road. The proposed dwelling will be two storeys in height, with a gable end facing the highway. It includes a hipped roof porch to the front and velux windows in the roof. There are a number of properties in the surrounding area that include a gable end fronting the street scene that are also two storeys in height. Therefore this is not an uncommon design feature within the surrounding area.

7.4 Neighbouring amenity

7.4.1 The neighbouring properties that are likely to be affected by this proposal are No.25 and No.27 St Peters Road. All other dwellings are far enough away not to be impacted by the proposal.

7.4.2 No.27 is located approximately 15 metres to the south of the proposed development. This side to side distance is considered sufficient not to cause any overbearing issues. The north elevation of the dwelling at No.27 St Peters Road has two first windows located within it. However, these appear to be secondary windows and therefore, there will be no issues of overshadowing given that the proposed dwelling will be situated to the north and light will be available from the primary windows, which are located on the east and west elevations. There will be no issues of overlooking to this property as the proposal includes velux windows to the south elevation at first floor level and a condition is recommended to ensure that these are more than 1.7 metres above floor level to prevent any overlooking.

7.4.3 The Agent's letter received on 11 May 2010 states that the two first floor side facing windows at No.25 St Peters Road are secondary windows and therefore the proposal will not cause any overshadowing or overbearing impact, although it is only located approximately 4 metres from this property. There will be no overlooking to these windows as the first floor window in the proposed building is a velux window and a condition is recommended to ensure that this window is located a minimum of 1.7 metres above floor level to prevent any issues of overlooking.

7.5 Impact to highway safety

7.5.1 The Local Highway Authority have no objection to this application subject to standard conditions being added. Therefore conditions are recommended to ensure that the access has a minimum width of 3.2 metres as it is to also include the pedestrian access, pedestrian visibility splays of 2.4 metres x 2.4 metres to be provided as there is no turning space within the site and the access shall be hard paved for the first 5 metres from the highway boundary. It is noted that on drawing number 858 P/SP/01 the pedestrian visibility splay to the north of the site is not within the red line and therefore the wording of this condition is recommended to say that the pedestrian visibility splay shall be included within the site.

7.5.2 It is also noted that the proposal only includes parking for one vehicle within the site. However, this is in accordance with the adopted Parking SPG which states that the upper threshold for parking spaces for a dwelling is 1.5 spaces. The proposal is also located within walking distance of Oundle town centre therefore reducing the need for a car.

8 Other issues

8.1 Adequate private amenity space would remain.

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

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

- 8.4 Comments have been noted regarding the felling of an existing mature tree within the site. This tree is not protected and the Conservation Officer (TPO) has been consulted but no comments have been received to date. It is considered that if the tree were to be removed it would not be detrimental to the street scene. However, as previously noted, a landscaping condition is recommended to ensure a satisfactory appearance for the development.

9 Conclusion

In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS3, East Midlands Regional Plan Policies 2 and 13b, the North Northamptonshire Core Spatial Strategy 2008 policies, 7, 9, 10, 13 and 14, Local Highway Authority Standing Advice and the Rural North Oundle and Thrapston Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the visual impact, the impact on neighbouring amenity, the impact on flood risk and the impact on the important open land. The application has been recommended for approval as:

1. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.
2. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
3. The proposal would not result in a detrimental impact to highway safety.

Recommendation

That the application be GRANTED subject to the following conditions:

Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the submitted details, prior to the commencement of development, details of all facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.
Reason: To achieve a satisfactory elevational appearance for the development.
3. Notwithstanding the submitted details, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the building hereby permitted and retained thereafter.
Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development.
4. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation or bringing into use the buildings and thereafter maintained.
Reason: In the interests of amenity and to secure a satisfactory standard of development.
5. No development shall take place until a landscaping scheme has been submitted to

and approved in writing by the Local Planning Authority, development shall be carried out in accordance with the approved scheme. The scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of 5 years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or other form or enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates fences, walls or other means of enclosure, shall take place without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of adjacent occupiers and to protect the open countryside.

7. Before any work is commenced on the development the subject of this permission, details of the ground floor levels of all of the proposed buildings in relation to the existing and proposed levels of the site and neighbouring land, shall have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory elevational appearance.

8. Notwithstanding the submitted details, prior to the first use or occupation of the development hereby permitted pedestrian visibility splays of at least 2.4 metres x 2.4 metres shall be provided on each side of the vehicular access within the site and thereafter retained in perpetuity. These measurements are taken from and along the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.6 metres above access / footway level.

Reason: In the interests of highway safety.

9. Notwithstanding the submitted details, prior to the first use or occupation of the development hereby permitted, the means of vehicular access shall be of or widened to a minimum width of 3.2 metres. That area shall be hard paved with a hard bound surface for the first 5 metres from the highway boundary. The maximum gradient over the 5 metre distance shall not exceed 1 in 15.

Reason: In the interests of highway safety.

10. Prior to the first use or occupation of the development hereby permitted a positive means of drainage shall be installed to ensure that surface water from the vehicular access or private land does not discharge onto the highway.

Reason: In the interests of highway safety.

Informatives

1. The drawings to which this decision relates are as follows:
Plans received by the Local Planning Authority on 7 April 2010, drawing numbers: 858 P/LP/00 Plans, 858 P/SP/00 Site plan, 858 P/SP/01 Highways and drainage and 858 P/LE/01 Elevations.
2. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, East Midlands Regional Plan Policies 2 and 13b, the North Northamptonshire Core Spatial Strategy 2008 policies, 7, 9, 10, 13 and 14, Local Highway Authority Standing Advice and the Rural North Oundle and Thrapston Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the visual impact, the impact on neighbouring amenity, the impact on flood risk and the impact on the important open land. The application has been approved as:
 1. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.
 2. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
 3. The proposal would not result in a detrimental impact to highway safety.

Committee Report

Committee Date : 30 June 2010

Printed: 18 June 2010

Case Officer **Anna Lee**

EN/10/00637/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
7 April 2010	20 April 2010	15 June 2010	Fineshade	Easton-on-the-Hill

Applicant **Mrs J Alston**

Agent **Jonathan Hartley Architectural**

Location **54 Stamford Road Easton On The Hill Stamford Northamptonshire PE9 3PA**

Proposal **Demolition of existing dwelling and erection of two detached dwellings**

The application has been brought to Development Control Committee in accordance with the 2010 scheme of delegation as the proposal relates to more than one residential unit within a Restricted Infill Village (formerly classified by policy H10 of the local plan).

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes the demolition of the existing dwelling, the construction of two, two-storey, four bedroomed dwellings and a shared access to serve the two dwellings.

3 The Site and Surroundings

3.1 The application site accommodates a 1960/70s style two storey dwelling, with a concrete tiled roof, multi-colour brickwork and chimneys. The site measures approximately 26 metres in width by 63 metres in length, giving a total area of 0.16 hectares (1638 square metres).

3.2 An existing stone wall runs along the southern front boundary of the site and various planting and vegetation can be found in the front garden of the property.

3.3 The existing vehicular access is directly off the Stamford Road, A43 bypass and is gated.

3.4 The properties along the road are mostly post war style, two-storey properties of a mixture of styles and character; located on rather spacious plots and are reasonably set back from the road, screened by planting in the front gardens.

4 Policy Considerations

- 4.1 National Planning Policy Guidance:
 - PPS1– Sustainable Development
 - PPS3 – Housing (as amended)
 - PPS7 – Sustainable Development in Rural Areas
 - PPS9 – Biodiversity and Geological Conservation
 - PPG13 – Transport

- 4.2 Regional Spatial Strategy 8: East Midlands Regional Plan, March 2009
 - Policy 1 – Regional Core Objectives
 - Policy 2 – Promoting Better Design
 - Policy 3 – Distribution of New Development
 - Policy 11 – Development in the Southern Sub-area
 - Policy 27 – Regional Priorities for the Historic Environment
 - Policy 39 – Regional Priorities for Energy Reduction and Efficiency
 - Policy 45 – Regional Approach to Traffic Growth Reduction
 - Policy 48 – Regional Car Parking Standards

The Secretary of State for Communities and Local Government issued a letter to all Local Planning Authorities on 27.05.10, which stated the intention of the Government to abolish Regional Spatial Strategies. Local Planning Authorities and The Planning Inspectorate will be expected to have regard to this letter as a material consideration in any decision they are currently taking.

- 4.3 North Northamptonshire Core Spatial Strategy, June 2008:
 - Policy 1 – Strengthening the Network of Settlements
 - Policy 7 – Delivering Housing
 - Policy 9 – Distribution & Location of Development
 - Policy 10 – Distribution of Housing
 - Policy 13 – General Sustainable Development Principles
 - Policy 14 – Energy Efficiency and Sustainable Construction

- 4.4 Rural North, Oundle and Thrapston Plan, Inspectors Modifications Report, 8 July 2009 (Emerging Policy):
 - Policy 1 – Settlement Roles
 - Policy 2 – Windfall Development in Settlements
 - Policy 6 – Residential Parking Standards

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

- 4.5 Supplementary Planning Guidance:
 - Parking SPG, March 2003
 - Planning Out Crime in Northamptonshire, Feb 2004

- 4.6 Supplementary Planning Document:
 - Design SPD, March 2009

- 4.7 Other Documents:
 - Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008

5 Relevant Planning History

5.1 None.

6 Consultations and Representations

6.1 Neighbours: Three letters, with comments, received from the occupants at No.8 The Nook, 52 Stamford Road and No.9 The Retreat. The comments are summarised below:

- The house is in good structural order, “we feel it is regrettable that it would be demolished. It is a good example of its era”.
- Concerns that House A would have an adverse effect on light into No.52 Stamford Road, “as this is some 10 feet closer to our house than the current building”.
- Concerns about overlooking (No.52 Stamford Road) “the proposed development will have 5 further windows; two of which are in the roof space...These will overlook our main outside sitting area and our conservatory, leaving us with little or no privacy”.
- Concerns about loss of privacy, due to removal of trees along the boundary and affect on boundary (No.9 The Retreat).
- Concerns raised about a second access being created on the A43, where many applications for similar proposals in the area have been refused.
- Concerns about the loss of trees. “We would ask that consideration be given to the trees on site, especially the lime tree situated at the junction of North and West walls. This tree is located 15 metres from our house”, (8 The Nook).
- Concerns about the impact on bats and birds, as bats are known to be in the area.
- Adverse effect on property value.
- Whether the red line shown around the site is correct: “The boundary of the property abuts the end gable of a barn at the end of the garden. We understand that the boundary is in fact approximately 2 feet away from this gable end, in line with the boundary hedge which runs the length of the gardens”, (No.52 Stamford Road).

6.2 Parish Council: no objection, however the Parish Council would like to point “that in view of Highway’s comments about access to A43 with regard to EN/09/01812/FUL (next door) approval would be inconsistent with regard to access from A43”.

6.3 Local Highway Authority (NCC): The Local Highway Authority recommends that the access be laid out to NCC standards, in the interest of highway safety. This should include:

- Pedestrian visibility splays of 2.0 metres x 2.0 metres on both sides of the access, where there is turning area within the site;
- The areas of land forward of these splays shall be reduced to and maintained at a height not exceeding 0.6 metres;
- The access gradient should not exceed 1 in 15;
- Adequate surface water drainage system shall be provided to prevent the unregulated discharge of surface water onto the highway;
- The vehicular access shall be hard surfaced for the first 5.0 metres;
- The access shall be un-gated

In addition the Local Highway Authority's comments:

- Sufficient parking and turning space should be provided within the site; and
- Should there be a need to relocate the existing 'bus stop' in front of the site to accommodate the access, this would be at the sole cost of the applicant.

6.4 Design Officer: "I have no observations to make, subject to the retention of the mature landscaping along the front boundary of the site. This contributes significantly to the character of the street scene in my view."

6.5 Conservation Officer (Trees): no objection, subject to conditions (see recommendations below).

6.6 Site Notice posted: no other representations.

7 Evaluation

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

7.2 Principle of Development

7.2.1 PPS3 advises that priority for development should be on 'previously developed' land, which is also referred as 'brownfield' land. The application site comprise of garden land and in a recent amendment to PPS3, garden land is no longer classified as previously developed land. Local Planning Authorities, however, still need to take into account other material planning considerations in the determination of planning applications, including focusing housing development in suitable locations; accessibility to local services, public transport accessibility, the characteristics of the area and the desirability of using land efficiently, as advised by paragraphs 10, 16, 36 and 46 of PPS3.

7.2.2 The application site lies within the settlement boundaries of Easton on the Hill, as defined in the Rural North, Oundle and Thrapston Plan (RNOTP). Easton on the Hill is identified as a Category A village with scope for windfall development within the village boundary, subject to the criteria set in Policy 2. Policy 2 states that planning permission will be granted for windfall development within the settlement boundaries, subject to suitable mix of house types and sizes, the scale and siting of any dwellings accord with the character of the surroundings and that the local services, facilities and infrastructure are sufficient to serve the development.

7.2.3 The development falls below the threshold for requiring housing mix, according to Policy H4 of the Adopted Local Plan. In accordance with the guidance contained in PPS3 and other national and local planning policies, the application proposes residential development within an existing settlement well served by existing local services and public transport facilities. The principle of residential development on the site is therefore considered acceptable, subject to satisfying all other material planning considerations, including effect on local character, siting, design, access etc.

7.3 Loss of Existing Dwelling

7.3.1 A local resident commented that the existing building is in good structural condition and represents building of a certain time period. However, it would be difficult for the Council to ensure the retention of this dwelling, as the existing building is a 1960s brick and tile building with very limited architectural merit. The site, furthermore, does not lie within a conservation area.

7.4 Visual Impact

- 7.4.1 The existing properties along the road are located on rather spacious plots and are reasonably set back from the road, screened by planting in the front gardens. Whilst the application proposes two dwellings on a single plot, no significant harm is considered to result from this proposal on the character of the area or local street scene.
- 7.4.2 In accordance with the surrounding height of development, the dwellings would be two storeys high. The dwellings would be set back within the site from the road and would be positioned 'side by side' to one another, slightly staggered. This arrangement would allow the dwellings to remain in-line with the other properties along the street. The retention of the trees and other vegetation at the front of the site (as identified on drawing number: ALS/10/0372-3), furthermore, would help retain the character of the area and help to assimilate the development in with the street scene.
- 7.4.3 The proposed dwellings are two-storey dwellings of a modern design, with dormers in the eaves and include detailing such as quoin, window heads and cills. Given the surrounding area is mainly characterised by post war style development of a mixture of character and styles, it is considered that the proposed dwellings would provide an acceptable contrast. The proposed dwellings, furthermore, in the same way as the other properties along the street, would be positioned away from the road and would be mostly concealed away by planting in the front garden, and therefore, would not be prominently visible.
- 7.4.4 According to the submitted Design Statement, the materials proposed for the dwellings are limestone for the facing material and an artificial Collyweston slate for the roofing material. In addition, the joinery items i.e. doors and windows will be in timber. Subject to a condition to ensure that the development is carried out in accordance the materials stated in the submitted Design Statement, and that material samples be submitted before commencement of development, no visual harm would result from this proposal.

7.5 Neighbouring Amenity

- 7.5.1 Concerns have been raised by the occupants at No.52 Stamford Road about loss of light to their property and overlooking. The dwelling closest to this neighbouring property is 'Plot A'. No.52 has been extended to the rear and has a number of window openings in the western side of the property. Given that Plot A would be positioned approximately 10 metres away from the side of the main house of No.52 and some 15 metres away from the windows in the rear extension, no undue overshadowing/loss of light or overbearing impact would result.
- 7.5.2 In terms of overlooking to No.52 Stamford Road; the French doors to the dining room of Plot A would be screened by existing boundary screening. From the submitted details, it is unclear whether the applicant proposes to retain the existing screening or to erect new screening along this boundary. In order to ensure that sufficient screening is provided along the eastern boundary, in the interest of preserving the privacy of neighbouring occupiers, a condition requiring the submission of boundary screening details before commencement of development, is recommended.
- 7.5.3 The windows proposed in the east facing side of Plot A are to a ground floor WC and a first floor bathroom. Subject to conditions to ensure that these side windows are obscured and that Permitted Development Rights are removed to prevent window openings being created in the side wall of Plot A, this would ensure that there would be no overlooking on the occupiers of No.52 Stamford Road.

- 7.5.4 No.56 Stamford Road has a single-storey garage attached to the eastern side of the property and there are no windows in the side of the garage or main house to be affected. Plot B would be positioned at an angle and 8 metres away from the rear windows of this neighbouring property and garden area, such that no unacceptable overshadowing or overbearing would occur. In terms of overlooking; the windows/rooflights proposed in the roof on the rear extension of Plot B, would be far enough away, such that there would be no significant overlooking into the neighbour's garden area. The same conditions recommended in paragraph 7.5.3 above, for the east side of Plot A, are recommended on the west side of Plot B, in order to prevent overlooking to the main house of No.56 Stamford Road and its rear garden area.
- 7.5.5 No unacceptable overbearing or overshadowing is considered to result on the neighbouring property, No.9 The Retreat – a bungalow located northwest of the site. The proposed dwellings would be positioned at an angle, and at a minimum distance of 15 metres away from this neighbouring property. The concerns raised by the occupiers about the removal of the trees located along the western boundary of the site and the impact this would have on their amenity are noted. However, providing adequate screening is provided along the boundary, no undue harm is considered to result on the neighbouring property. Again, this matter could be dealt with by way of a boundary screening condition.
- 7.5.6 No.8 The Nook to the north, in addition to all other neighbouring properties, would be sufficiently removed (by being positioned some 30 metres away) to not be adversely affected.
- 7.5.7 Overall, there will be no issues of overlooking, overshadowing or overbearing impact from this proposal and the impact on neighbouring amenities is considered insufficient to justify the refusal of planning permission on this application.
- 7.6 Highway Impact
- 7.6.1 The proposal is not to create a secondary access as some neighbours suggest, but to widen the existing access to 5.0 metres to create a shared access off the A43 to serve the development.
- 7.6.2 The conditions suggested by the Highway Officer in paragraph 6.3 would help to ensure that the access would be laid to current standards, and have been recommended.
- 7.6.3 Policy 6 of the RNOTP states that an average maximum residential parking standard of 2 spaces per dwelling will apply for the plan area. Two off-road parking spaces, in addition to one garage space, are shown to be provided for each dwelling. It is considered that this would meet the parking standards set out in Policy 6 and sufficient off-road parking would be provided to serve the proposed development. The parking spaces shown in front of Plots A and B would also appear workable.
- 7.6.4 Overall, there are no highway issues from this proposal that could not be dealt with by way of condition.
- 7.6.5 The Parish Council commented that “in view of Highway’s comments about access to A43 with regard to EN/09/01812/FUL approval would be inconsistent with regard to access from A43”.

7.6.6 EN/09/01812/FUL granted the conversion of the barn located at the rear of No.52 Stamford Road to a separate dwelling with a vehicular access served off The Nook. In this application, the Local Highway Authority commented that a shared access off the A43 Stamford Road was likely to have other highway implications in terms of intensifying an access on a main trunk road. Given that the existing access in front of No.52 Stamford Road was substandard, the Local Highway Authority advised that significant alterations would be required in order to meet the requirements for a shared access and it would be preferable if another shared access was not created off the A43. In this instance, there was the opportunity to provide access from the rear.

7.6.7 Each application has to be considered on its own planning merits; on this application the Local Highway Authority is satisfied that a shared access could be reconstructed off the A43 to meet the NCC standards (as per recommendations detailed in paragraph 6.3) and therefore the Local Highway Authority has not objected to the proposed access alterations.

7.7 Impact on wildlife

7.7.1 Local residents have suggested that bats and birds are present in the area and that they could be affected by the proposed development.

7.7.2 The application is not accompanied by bats or birds surveys. However, given that the existing property No.54 Stamford Road is a property occupied and not vacant/derelict, it is considered that there are unlikely to be significant issues from the development.

7.7.3 Whilst the proposal is to removal five trees (identified as T1, T2, T3, T8 and T13 on the submitted drawings), these trees are not located closely together and do not provide extensive canopy. Therefore, it is considered that there are unlikely to be significant issues.

7.7.4 An informative, however, is recommended to advise the applicant that should bats be discovered to be present on the site this planning permission does not absolve her from complying with the relevant legislation and licences.

7.8 Impact on trees

7.8.1 The trees to be removed are identified as T1, T2, T3, T8 and T13 on the submitted drawings. With the exception of these, the submitted drawings indicate that the remaining on-site trees would be retained.

7.8.2 The Tree Officer comments that the site currently contains a high number of deciduous and evergreen trees of varying species, ages and sizes; and the trees with the highest amenity value and make the greatest contribution to the street scene are located at the southern area of the site (at the front).

7.8.3 Whilst the submitted information shows an indication of some of the trees on the site, the application is not accompanied by any arboricultural information. In order to ensure that the arboricultural constraints of the site are fully considered, the Tree Officer has suggested conditions to include (1) details regarding the protection of onsite and off-site trees, (2) how the site is to be managed during the build, and (3) how the new hard surface for the driveway is to be installed around the existing trees. These conditions are recommended on this application in the interest of protecting the on-site trees and trees within the gardens of the immediately adjacent properties, and local visual amenity.

7.9 Sustainable construction and energy efficiency

- 7.9.1 Policy 14 of the Core Spatial Strategy states that development shall incorporate techniques of sustainable construction, provision for waste reduction/recycling, and water efficiency/recycling.
- 7.9.2 The application is accompanied by a Sustainability Appraisal and Energy Statement.
- 7.9.3 The statement states that all building materials “will be sensibly sourced and salvaged from the existing barn as appropriate”. Due to the limited information available, a condition is recommended to require full details of the sustainable construction methods to be used for the construction of the dwellings be submitted before commencement of development.
- 7.9.4 In terms of the provision for waste reduction/recycling, the submitted statement states that recycling would be provided within the dwelling and externally “adjoining the kitchen and utility room area, including the provision of a home composting bin”.
- 7.9.5 In terms of the measures to minimise waste during construction, it is proposed that waste would be collected from the site and processed at a registered waste transfer station, in order to maximise re-use and recycling of waste materials; “acute ordering of materials and waste”; and “where possible, to obtain materials from sustainable sources”. Due to the size and nature of the scheme, it is considered that these waste reduction/recycling measures would be adequate.
- 7.9.6 The proposed water efficiency/recycling measures include: the provision of 6-9 litres showers, dual flush WC systems, water efficient taps, 18 litre max capacity dishwasher, 60 litre max capacity washing machine and a full rainwater harvesting system. Various energy efficiency measures are also listed on page 2 of the submitted statement.
- 7.9.7 Conditions to require the waste reduction/recycling, water efficiency/recycling and energy efficiency measures be implemented in accordance with the submitted statement and that full details of the rainwater harvesting system be submitted before commencement of development, is recommended; in order to ensure that the development complies with the requirement of the policy.

8 Other issues

- 8.1 Adequate private amenity space would remain within the surrounding curtilage of the two dwellings. The dwellings would have rear garden areas measuring some 26 metres in length and 13 metres in width.
- 8.2 The effect of development on property value is not a material planning consideration.
- 8.3 The neighbouring occupants at No.52 Stamford Road questions whether the red line around the submitted location plans is correct, as they understand that the boundary is approximately 2 feet away from this gable end, in line with the boundary hedge which runs the length of the gardens. The agent was requested to clarify this matter and has confirmed that the red line boundary shown on the submitted location plan is the same as the boundary shown on the deed plan owned by the applicant and the correct ownership certificate (Certificate A) has been filled in.
- 8.4 Crime and Disorder - this application does not raise any significant issues.
- 8.5 Access for Disabled - this building would not be subject to any public access and therefore does not raise any significant issues.

Recommendation

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

Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The dwellings shall be constructed in accordance with the external materials stated in the submitted Design Statement received 7th April 2010, unless otherwise agreed in writing by the Local Planning Authority. Prior to commencement of development, samples of the external materials to be used for the construction of the dwellings shall have been submitted to and be approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To achieve a satisfactory appearance for the development.
3. Prior to commencement of the development hereby permitted, details of the provision of screening to all boundaries of the site shall be submitted to and be approved in writing by the Local Planning Authority. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected/retained. This boundary screening shall then be provided in accordance with the details so approved prior to the first occupation of the dwellings and shall thereafter be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.
4. Before any work is commenced on the development hereby permitted, details showing the slab levels of the building in relation to the existing and proposed levels of the site and the surrounding land and buildings shall be submitted to and be approved in writing by the Local Planning Authority, and the building shall thereafter be constructed in accordance with the details so approved.
Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.
5. Notwithstanding the submitted details, pedestrian visibility splays of 2.0m x 2.0m shall be provided on both sides of the vehicular access. The areas of land between the required sight lines and the highway carriageway shall be cleared, levelled and retained at a height not exceeding 0.6 metres above the carriageway and driveway levels.
Reason: In the interest of highway safety.
6. The vehicular access shall have a gradient not exceeding 1 in 15 for a distance of 5.0 metres back from the correct level at the highway boundary. Notwithstanding the submitted details, and prior to the first occupation of the development hereby permitted, this area shall be paved with a hard bound surface for a minimum of 5.0 metres back from the highway boundary and be thereafter retained.
Reason: In the interest of highway safety.
7. Adequate surface water drainage system shall be provided to prevent the unregulated discharge of water onto the highway boundary and these measures shall be implemented before the development is brought into use.
Reason: In the interest of highway safety.

8. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2008 (or any Order amending or re-enacting that Order with or without modification), no gates or other form of barrier shall be erected at the point of access.

Reason: In the interest of highway safety.

9. No development shall take place until there has been submitted to and be approved in writing by the Local Planning Authority a comprehensive scheme of landscaping for the site, which shall be implemented strictly in accordance with the approved details in the first planting season following the occupation of the development.

Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.

10. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.

11. Before the development hereby permitted is brought into use, the first floor bathroom window and ground floor WC window in the east facing elevation of Plot A hereby permitted shall be provided with obscure glazing in such a manner that would eliminate any overlooking of the adjacent premises, and this obscure glazing shall be retained permanently.

Reason: To ensure adequate standards of privacy for neighbours and occupiers.

12. Before the development hereby permitted is brought into use, the first floor bathroom window and ground floor WC window in the west facing elevation of Plot B hereby permitted shall be provided with obscure glazing in such a manner that would eliminate any overlooking of the adjacent premises, and this obscure glazing shall be retained permanently.

Reason: To ensure adequate standards of privacy for neighbours and occupiers.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that Order), no windows or other form of opening, other than that shown on the plans hereby approved, shall be inserted at the first floor level in the east facing elevation of Plot A and the west facing elevation of Plot B hereby permitted.

Reason: To ensure adequate standards of privacy for neighbours and occupiers.

14. Notwithstanding the submitted details, a Tree Protection Plan for both onsite trees and hedges and those adjacent to the site shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development and shall be in accordance with BS5837:2005. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on site and in the interest of visual amenity.

15. Notwithstanding the submitted details, an Arboricultural Method Statement shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development. This statement shall be in accordance with BS5837:2005 and shall include, but not be limited to, details of how the existing property is to be demolished and the phasing of hard surface installation. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on site and in the interest of visual amenity.

16. Notwithstanding the submitted details, details of the construction of the hard surfacing for the driveway and parking areas shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of development. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on site and in the interest of visual amenity.

17. Notwithstanding the submitted details and prior to commencement of development, full details of the sustainable construction methods to be used for the construction of the dwellings, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with national government advice contained in PPS1 and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

18. The waste reduction/recycling, water efficiency/recycling and energy efficiency measures shall be implemented in accordance with the submitted Sustainability Appraisal and Energy Statement (received by the Local Planning Authority on 7th April 2010), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with national government advice contained in PPS1 and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

19. Prior to commencement of development, full details of the rainwater harvesting system shall be submitted to and be approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with national government advice contained in PPS1 and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

Informatives

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

Plans received by the Local Planning Authority on 7th April 2010, drawing numbers: ALS/10/0372-1, ALS/10/0372-2, ALS/10/0372-3, and OS Sitemap received 20th April 2010.

Information received by the Local Planning Authority on 7th April 2010: Design Statement; Sustainability Appraisal and Energy Statement; and Landscaping Details.

2. In recommending approval to this application, the relevant planning guidance and policies were identified as: PPS1, PPS3, PPS7, PPS9, PPG13; Policies 1, 2, 3, 11, 27, 39, 45, 48 of the East Midland Regional Plan 2009; Policies 1, 7, 9, 10, 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Policies 1, 2, 6 of the Rural North, Oundle and Thrapston Plan (Emerging Policy); Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on neighbouring amenities; highway impact; effect on public rights of way/access issues; impact on wildlife; impact on trees; sustainable construction; crime and disorder; and access for the disabled.

The application has been recommended approval as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national and regional planning policies.
2. The proposal would have no significant impacts on visual amenity or the character and appearance of the area.
3. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
4. The proposal would not have an unacceptable impact on the local highway.
5. The proposal would have no significant impact on wildlife.
6. The proposal would not result in an unacceptable loss or harm to trees.
7. The proposal would have no significant crime and disorder issues.
8. The proposal would have no significant disabled access issues.
9. The proposal, subject to condition, could potentially meet the sustainable construction and energy efficiency standards.
10. Waste and recycling storage can be reasonably provided for the dwellings.

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

3. The applicant is advised that this planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required (i.e. as described in Part IV B of Circular 06/2005 in relation to bats and other protected species).

Committee Report

Committee Date : 30 June 2010

Printed: 18 June 2010

Case Officer **Mr Rhys Bradshaw**

EN/10/00639/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
7 April 2010	21 April 2010	16 June 2010	Lyveden	Brigstock

Applicant **Miss Alexandra Searle**

Location Cabin View Harley Way Brigstock Northamptonshire NN14 3JD

Proposal **Permanent siting of agricultural dwelling (Log Cabin) (Retrospective) temporary consent granted under planning permission EN/06/01774/FUL**

This application is brought before the Development Control Committee at the request of a Local Ward Member.

1 Summary of Recommendation

1.1 That the application be REFUSED.

2. The Proposal

2.1 This is a retrospective application for the permanent retention of an agricultural dwelling approved under application reference EN/06/01774, which granted temporary consent for three years up to 21/11/09 to enable the impact of the development to be re-assessed at the expiry of this period.

3 The Site and Surroundings

3.1 The cabin is situated on the southeastern side of Harley Way, where there is a vehicle access to the dwelling and the associated barns

4 Policy Considerations

4.1 Planning Policy Guidance
PPS1 - Delivering Sustainable Development
PPS3 – Housing
PPS4 – Planning for Sustainable Economic Growth
PPS7 - Sustainable Development in Rural Areas

4.2 East Midlands Regional Plan
Policy 3 – Distribution of New Development
Policy 13b – Housing Provision

The Secretary of State for Communities and Local Government issued a letter to all Local Planning Authorities on 27/05/10, which stated the intention of the Government to abolish Regional Spatial Strategies. Local Planning Authorities and The Planning Inspectorate will be expected to have regard to this letter as a material consideration in any decision they are currently taking.

4.3 East Northamptonshire Local Plan
No relevant saved policies

4.4 North Northamptonshire Core Spatial Strategy
Policy 1 – Strengthening the network of settlements.
Policy 7 – Delivering Housing
Policy 9 – Distribution & Location of Development

4.5 Rural North, Oundle and Thrapston Plan
Policy 1 - Settlement Roles

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

5 Relevant Planning History

5.1 EN/06/01774/FUL - Erection of an agricultural dwelling – Temporary permission for three years.

6 Consultations and Representations

6.1 Neighbours: One letter of objection received summarised by the following points:

- In the spring, autumn and winter, noise from a petrol generator is a considerable nuisance.
- Noise from a quad bike.

6.2 Brigstock Parish Council: No comment. All the Parish Councillors know the applicants.

6.3 ENC Environmental Services: We have had complaints about noise from a generator at the site over the past two years. However, nuisance was not established despite several monitoring visits being made. Furthermore, the owner of the site has told us they have installed a quieter generator at the premises. The applicant has not submitted any information in this respect but from the property history we do not believe this to be a significant issue. Therefore, we have no objection to this planning application on the grounds of noise.

6.4 The Council's Agricultural Consultant:

6.4.1 In preparing this appraisal I have regard to:

- a letter from Nigel Searle (the applicant's father) (21st April 2010);
- the Design and Access Statement (March 2010);
- the site and location plans (undated);
- the profit and loss accounts for the years ending 31st December 2007-2009 inclusive;
- a justification statement (March 2010);
- a statement outlining compliance with PPS7 (March 2010);
- the justification statement prepared in 2006 for application EN/06/01774/FUL, for the siting of a temporary agricultural dwelling - which was granted planning permission on 21 November 2006.

6.4.2 Background

Planning permission for a three-year temporary agricultural dwelling was granted on 21st November 2006 on the site known as Cabin View, Harley Way, Brigstock. The consent expired 21st November 2009. The land to which the application relates extends to some 15.19 ha, of which some 7.19 ha was purchased by the applicant's family in 1902. For some time the farm provided a major, or significant, portion of the income for the family, but in latter years it has provided only a small additional income. Following consent for the temporary dwelling in 2006 (EN/06/01774/FUL) the applicant acquired a further 8ha of neighbouring land to augment the area farmed to some 15.19ha. The farm lies some 600m to the east of the village of Brigstock, separated by the A6116, Sudborough Road, although the centre of Brigstock is some 1.5kms distant by road. The holding comprises eight separate parcels of land, all laid to permanent pasture. The 2006 application detailed the applicant's intention to rear week-old calves purchased from local farms and sell them as stores or finished cattle. In addition, a small flock of breeding sheep would be established and lambs sold either as stores or

finished with the added intention of establishing the farm as organic to create added value to the produce. The current proposal details the purchase of week-old calves which are reared until 12 months old and sold as stores. In addition, lambs would be acquired from local farmers and bottle-reared and later sold as stores.

Stock numbers on the farm at the time of the Justification Report (2010) were :

- 43 calves (37 having been sold in the recent past); and
- 7 lambs (the lambs are generally acquired towards the end of April).

It is intended to rear some 100 calves per annum. The target number of lambs reared is not stated. In addition it is proposed to establish a wormery which would produce compost and worms for sale for land improvement and reclamation.

The existing dwelling is a log cabin which according to the Justification Statement is some 68m². However, the report detailing compliance with PPS7 asserts it measures some 84m², whilst the Design and Access Statement measures it as 82m² but later measures the development as 14.83m x 5.94m (88.1m²) with a height to the apex of 3m. It is proposed to retain the temporary dwelling as a permanent dwelling. The dwelling is occupied by the applicant, Alexandra Searle, and her partner, Michael Wise.

6.4.4 Policy

East Northamptonshire Council's Local Plan policy relating to new dwellings in the countryside (AG7) was revoked following the adoption of the North Northamptonshire Core Spatial Strategy in June 2008. Therefore, when considering such proposals reference is made to the national guidance for new agricultural dwellings contained in Annex A to Planning Policy Statement 7 (PPS7). Paragraph 3 states:

"New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- (i) there is a clearly established existing functional need;
- (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied."

The appraisal that follows examines the appropriateness of the application for a permanent dwelling to service the needs of the holding in the context of the above tests.

6.4.5 Appraisal

The agricultural unit

The applicant, Miss Searle, has inherited and acquired the land from family members who have owned the land for some 100 years. The current business has been in operation on the holding since 2006 as described in the application for a temporary dwelling in that year. Existing buildings extend to a 64m² livestock building with associated barn and a field shelter for livestock. The enterprise is operated by Miss Searle and her partner, Mr Wise, who has been working on the holding full-time since resigning his position on a local farm in February. Clearly, the business has been in operation in excess of three years and the agricultural unit is well established. This test is met.

The Functional Need

The functional test requires the establishment of an essential need:

“for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

- (i) in case animals or agricultural processes require essential care at short notice;
- (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems”.

From the information supplied it is evident that the business currently operates on a small scale, albeit in a labour intensive manner. I understand that there have been a number of thefts, acts of vandalism and arson on the site over the last five-year period, although no crime reference numbers have been supplied. However, whilst this is understandably distressing paragraph 6 of Annex A to PPS7 expressly states:

“The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one.”

Any livestock enterprise gives rise to supervisory demands arising from

- (a) the general welfare of the animals involved;
- (b) the management of housed stock.

Agricultural legislation requires that all farm animals are managed in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; freedom to display most normal patterns of behaviour, and it is accepted that, without good stockmanship, animal welfare can never be adequately protected. The Codes of Recommendations for the Welfare of Livestock indicate that the size of a unit should not be increased or a large unit established unless it is reasonably certain that the stockman in charge will be able to safeguard the welfare of the individual animal.

The system being undertaken by the applicant involves the possible grouping of young calves from a number of sources, possibly straight from their mothers. This is stressful for calves and it is under such circumstances that diseases and infections can originate and multiply. In young animals this can have disastrous effects on mortality. Therefore, staff need to be vigilant and readily available to administer medication, sometimes at intervals of a few hours if a calf is very sick. The extent of on-site care required is directly proportional to the numbers of calves which require close monitoring on the holding. This level of care complies with the legislation set out in The Welfare of Farmed Animals (England) Regulations (2000). A throughput of 100 calves per annum would require the purchase of some 8 calves per month.

In addition, as identified above, the 2006 application also detailed the keeping and breeding of sheep as being an aim of the applicant on the holding. From the updated details it does not appear that there is any farm animal breeding being undertaken on the holding. The applicant and her partner rear livestock acquired from local farms, the aim stated in ‘PPS7 Guidelines Compliance’ being to rear unweaned calves. It is projected that some 100 calves would be reared in 2010. An unknown number of cade or bottle-reared lambs are acquired from local farmers. Nevertheless, the assessment for a permanent dwelling in PPS7 relates to the existing position of the enterprise at the time of the application, rather than any projected stocking levels.

The act of livestock rearing requires far less on-site surveillance than monitoring animals during calving or lambing as these often take place during anti-social hours and are difficult to anticipate along with potential complications during the birth process which may endanger mother and offspring.

The rearing of calves and lambs can be undertaken at more predetermined times such as feeding and bedding down in the winter and a good stockman will usually identify an animal in the first stages of illness due to behavioural changes during these periods. I do not consider it necessary for staff to live on site for such observations especially given the quantities of livestock on the holding. Animals do not generally become dangerously ill over a short period of time which would require constant monitoring.

However, the Courts have determined that where a Council agrees that the functional test for temporary permission is met for the establishment of a putative agricultural enterprise, it will be inappropriate for the Council to rescind that agreement at some later date if the proposed agricultural activities are met. Although I have not been provided with a copy of the officer's report detailing the decision making process for the 2006 application, it would appear that the level and nature of the activities proposed in 2006 have not properly been developed.

There is also an additional consideration to be had at the time of an application for a permanent dwelling, namely the labour requirement of the enterprise.

The Labour Requirements

Paragraph 3(ii) of Annex A to PPS7 requires that the functional need of the existing enterprise described in the Justification Report as 43 calves and 7 lambs, should relate to a worker who is employed full-time in agriculture or one who is primarily so employed, and not to a part-time operation. It is customary in assessing the labour requirements of different agricultural enterprises to refer to standard labour coefficients (Standard Man Days) for each enterprise and to compare the total against an availability of 275 SMDs per annum per worker. It is stated in the application that the applicant and her partner work full-time on the holding.

Standard data are obtained from the John Nix Farm Management Pocketbook 40th edition (2010).

Enterprise	SMD/head or hectare	Size	Standard Man Days
Calves to 6 months	1.2	43	52
Store cattle 6-12 months ⁽¹⁾	1.1	37	41
Bottle reared store lambs ⁽²⁾	0.6	7	4
Sub-total			97
15% management & maintenance			15
Total			112
No. of workers			0.4

- (1) An average number at the end of each month is used
- (2) An enhanced figure is given for store lambs as bottle feeding is more labour intensive than weaned lamb rearing.

Based on the existing scale of operations undertaken at the farm this total of 112 SMDs falls considerably short of one full-time worker and is too small to qualify for the phrase "primarily employed in agriculture".

In such circumstance, although the Council clearly accepted there would be need for a worker to be readily available at most times for the putative enterprise, the actual scale of existing operations is too small to warrant the provision of a permanent dwelling.

The Financial Test

Paragraph 3(iii) of Annex A, states that the unit and the agricultural activity concerned should:

- i) have been established for at least three years;
- ii) have been profitable for at least one of them;
- iii) be currently financially sound; and
- iv) have a clear prospect of remaining so.

I have already noted that the business has been in operation since before 2006 and thus the Point (i) is met.

The financial information submitted is limited to abbreviated profit and loss accounts for the years ending 31st December 2007 to 2009. These show that a profit was made in each year and satisfies the requirement of Point (ii).

There is no guidance as to how Points (iii) and (iv) should be assessed though recourse is often had to a methodology described by the former MAFF in an advice note to LPAs in 1992 that stated:

“For a holding to be considered financially sound and to assess whether it can be sustained for a reasonable period of time it is necessary to ensure that it can be shown to provide a reasonable return on the land, labour and capital used in the business.”

Although this advice note is somewhat dated the methodology follows conventional economic assessment that a sound business should be able to provide a reasonable return on all the inputs used (in the case of agriculture, these are land, labour and capital). The methodology assumes that a reasonable return to land would be a notional rental value, that the minimum agricultural wage (currently £13,455 including National Insurance contributions) would provide a reasonable return to labour, and that a reasonable return to capital employed in the agricultural sector would be 2.5%. For a holding to be considered as financially sound both now and in the future, the net profit achieved would have to cover these notional deductions.

The notional rent on 15 hectares at £125/hectare (£50/acre) is £1,875. The application details state that £50,000 has been invested in the enterprise. A 2.5% return on this capital would be approximately £1,250. There are two full-time people employed in the business who do not draw a wage, thus the labour charge should be £26,910 including NI contributions - albeit for the purposes of this exercise only one labour unit is charged (£13,500) given the small scale of the activities undertaken. These figures give a notional charge of £16,625 which is considerably more than the reported profits shown in paragraph 5.1 of the Justification Statement. In such circumstance the financial test is not met.

I am aware that reference has been made to paragraph 8 of the annex to PPS7 which states that:

"authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns".

However, although reference has been made to hedge laying and pond restoration no especial justification has been submitted to support such this position.

Fundamentally, it appears that the justification for the retention of this dwelling is based on the agricultural merits of the case - and as such the profitability of the business is insufficient to prove that the business is genuinely sustainable. Profits of £6,000 per annum are insufficient to meet the requirements of even one person, but definitely not two people.

Other Suitable and Available Accommodation.

Since I have not undertaken a site visit I am unable to comment upon the availability of property in the area.

Other Matters

RAC is not retained to comment on these other non-agricultural aspects.

6.4.6 Conclusions

Temporary consent was granted to the applicant in 2006 for a period of three years to site a log cabin at Cabin View, Harley Way to enable the establishment of a calf and lamb rearing business. This consent has expired and the applicant is seeking permanent consent to retain the same log cabin on the site.

Having conducted the tests set out in PPS 7 Annex A, I consider:

- i. the enterprise has existed for at least three years but is only producing low levels of profit;
- ii. there is no essential functional need for a full-time worker to reside on the holding due to the category of livestock farmed. The Council has previously accepted that such a need would exist for the proposed farming activities at Cabin View. However, the level and nature of the activities proposed in 2006 have not properly been developed;
- iii. the enterprise does not require the input of a full-time farm worker;
- iv. the small profits generated are likely to be insufficient to meet the needs of the two people involved in the project, or even one.

7 Evaluation

7.1 The following issues are important in the determination of this application: principle of development; visual impact; residential amenity; highway safety; any other material planning considerations.

7.2 Principle of Development:

7.2.1 Planning Policy Statement 7 (PPS7) outlines a range of tests to be considered for a permanent agricultural workers' dwelling. An agricultural consultant has undertaken an assessment of the proposal on behalf of East Northamptonshire Council addressing the tests indicated in Annex A of PPS7, which need to be met in order to establish the need for an agricultural dwelling.

7.2.2 The original temporary consent was granted to allow the Local Planning Authority to reassess the impact at the end of the three year period. The conclusions of the Council's Agricultural Consultant are outlined in 6.3.6 above. This states that there is no functional or financial need for a permanent dwelling on this site given the level of activity, the labour requirements and the low level of profit made over the last three years.

7.2.3 The Council's consultant highlights that the Courts have determined that where a Council agrees that the functional test for temporary permission is met for the establishment of an agricultural enterprise, it will be inappropriate for the Council to rescind that agreement at some later date if the proposed agricultural activities are met. However, in this particular case, it is concluded that it would appear that the level and nature of the activities proposed in 2006 have not properly been developed to an extent where a permanent dwelling could be justified.

7.2.4 There is also an additional consideration to be had at the time of an application for a permanent dwelling, namely the labour requirement of the enterprise. The consultant's assessment points out that paragraph 3(ii) of Annex A to PPS7 requires that the functional need of the existing enterprise described in the Justification Report as 43 calves and 7 lambs, should relate to a worker who is employed full-time in agriculture or one who is primarily so employed, and not to a part-time operation. He advises further that "it is customary in assessing the labour requirements of different agricultural enterprises to refer to standard labour coefficients (Standard Man Days) for each enterprise and to compare the total against an availability of 275 SMDs per annum per worker. It is stated in the application that the applicant and her partner work full-time on the holding."

7.2.5 It has been calculated that the scale of operations on this site require a total of 112 Standard Man Days, which falls considerably short of one full-time worker and is too small to qualify for the phrase "primarily employed in agriculture". Although the Council previously accepted there would be need for a worker to be readily available at most times for the putative enterprise, the actual scale of existing operations is too small to warrant the provision of a permanent dwelling.

7.2.6 Taking these conclusions into account, it is considered that the proposal to retain the dwelling on a permanent basis is premature in this regard and is therefore recommended for refusal.

7.3 Design, Materials and Visual Impact

7.3.1 The dwelling takes the form of a log cabin and, given its single storey height of 3m, sits comfortably within the landscape. The associated agricultural paraphernalia such as the open sided barn interrupt views of the dwelling from the highway. The landscaping condition attached to the previous consent has been complied with and over time, trees to the front of the site could screen the site further, although at the current time, these are young specimens. Notwithstanding this, Policy EC6 of PPS4 advises that "local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all." The fact that views of the building are interrupted by other structures and may one day be screened cannot override this point.

7.4 Residential Amenity

7.4.1 The occupier of Harley Lodge has commented on the noise emanating from the on site generator, however this has been investigated by the Council's Environmental Protection Officer, who has confirmed that several monitoring visits were made without nuisance being established. There are no other residential properties within close proximity to the site.

7.5 Impact on the Highway

7.5.1 The Highway Authority is satisfied that the access would be acceptable subject to standard conditions. These conditions were discharged at the time of the previous temporary consent.

8. Other Issues

8.1 Crime and Disorder – Part of the justification for this dwelling is the need for a permanent presence on this site due to previous instances of theft.

8.2 Access for the Disabled - There are no particular issues relevant to the determination of this application.

8.3 Enforcement – As this is a retrospective application, the applicant should be allowed a sufficient amount of time in which to remove the building should permission be refused. In this case it is considered that three months is a reasonable period of time given that livestock does not necessarily have to be removed from the holding if there is no dwelling on site.

9. Recommendation

9.1 That the application be REFUSED for the following reason and that enforcement action be taken to seek the removal the temporary dwelling within three months of the date of the decision

Conditions/Reasons -

1. The applicant has failed to demonstrate that there is a functional and financial need for the provision of a permanent residential unit of accommodation on the site to serve the holding, having regard to its location within the open countryside. As such, the proposal is contrary to PPS7 – Sustainable Development in Rural Areas.

Informatives

1. The drawings to which this decision relates are as follows :
NS011 - 1, 2, 3, 8, 9
RLR/DRRO09

received by the Local Planning Authority on 07/04/10

Committee Report

Committee Date : 30 June 2010

Printed: 18 June 2010

Case Officer **Anna Lee**

EN/10/00721/RWL

Date received	Date valid	Overall Expiry	Ward	Parish
19 April 2010	19 April 2010	19 July 2010	Higham Ferrers	Chichele

Applicant **Ashford And Campion Limited**

Agent **MWS Design - Mr Mark Shrive**

Location **Westfields Terrace Higham Ferrers Northamptonshire NN10 8BB**

Proposal **Replacement of extant planning permission EN/06/02402/FUL:
Residential development comprising of nine two-bedroomed flats
and one two-bedroomed maisonette dated 9/10/2007**

The application has been brought to Development Control Committee in accordance with the 2010 scheme of delegation as the proposal relates to 10 units in the town of Higham Ferrers.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes to replace planning permission number EN/06/02402/FUL, which is due to expire on 9th October 2010.

2.2 This application is for residential development comprising of nine two-bedroomed flats and one two-bedroomed maisonette. The proposed development is identical to that granted under ref: EN/06/02402/FUL.

2.3 A shared vehicular access is proposed off Westfield Terrace to serve the development. In addition, facilities, including a resident's garden, bin store, cycle store and ten car parking spaces, are proposed on site to serve the development.

3 The Site and Surroundings

3.1 The application site measures 0.11 hectares in area and accommodates a former shoe factory, the former Ashford and Campion factory.

3.2 The existing building is a two-storey vacant factory unit. A series of flat-roof buildings, including a 1960s style rendered office and an electric substation, front onto Westfield Terrace and pitched-roof buildings of more industrial character make up the rear part of the site.

3.3 The site is bounded by residential development to the south side and to the west (rear). The surrounding residential properties consist of a mixture of two-storey early 1900s style terraces, post war style semi-detached houses and bungalows.

- 3.4 Directly facing the factory are the backs of properties along High Street. Most of these are commercial properties, including a motor repairs shop, Higham Ferrers Technical Services, and a shop providing flooring services. To the immediate north of the site is the Higham Ferrers Social Club.
- 3.5 The existing factory benefits from a parking area at the front of the site, located between the office and electric substation. This parking area is currently gated.
- 3.6 The designated conservation area finishes at the rear of the properties fronting High Street to the east. The site lies outside of the conservation area, but sits immediately adjacent to the conservation area.
- 3.7 The site lies outside of the boundary of the town centre, as defined in the Adopted Local Plan and Three Towns Plan.

4 Policy Considerations

- 4.1 National Planning Policy Guidance:
 - PPS1 – Sustainable Development
 - PPS3 – Housing
 - PPS5 – Planning for the Historic Environment
 - PPS9 – Biodiversity and Geological Conservation
 - PPG13 – Transport
- 4.2 Regional Spatial Strategy 8: East Midlands Regional Plan, March 2009
 - Policy 1 – Regional Core Objectives
 - Policy 2 – Promoting Better Design
 - Policy 3 – Distribution of New Development
 - Policy 11 – Development in the Southern Sub-area
 - Policy 27 – Regional Priorities for the Historic Environment
 - Policy 39 – Regional Priorities for Energy Reduction and Efficiency
 - Policy 45 – Regional Approach to Traffic Growth Reduction
 - Policy 48 – Regional Car Parking Standards

The Secretary of State for Communities and Local Government issued a letter to all Local Planning Authorities on 27.05.10, which stated the intention of the Government to abolish Regional Spatial Strategies. Local Planning Authorities and The Planning Inspectorate will be expected to have regard to this letter as a material consideration in any decision they are currently taking.
- 4.3 North Northamptonshire Core Spatial Strategy, June 2008:
 - Policy 1 – Strengthening the Network of Settlements
 - Policy 7 – Delivering Housing
 - Policy 9 – Distribution & Location of Development
 - Policy 10 – Distribution of Housing
 - Policy 13 – General Sustainable Development Principles
 - Policy 14 – Energy Efficiency and Sustainable Construction
- 4.4 Supplementary Planning Guidance:
 - Parking SPG, March 2003
 - Planning Out Crime in Northamptonshire, Feb 2004
 - Residential Extensions and Alterations Design Guide, 1998
- 4.5 Supplementary Planning Document:
 - Design SPD, March 2009
 - Developer Contributions, June 2006

- 4.6 Other Documents:
Manual for Streets, March 2007
Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008
Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough

5 Relevant Planning History

- 5.1 The existing planning permission ref: EN/06/02402/FUL was allowed at appeal on 09.10.2007. The application was refused by the Council on 22.02.2007 due to the anticipated effect of the proposed development on the living conditions of the future occupiers in terms of noise and disturbance and the failure to submit an adequate noise assessment. The Council's main concern at the time was the noise and disturbance generated by the activities and traffic associated with the nearby Social Club.
- 5.2 At appeal, the Inspector was satisfied that an acceptable living environment could be achieved through the use of noise mitigation measures and therefore allowed the appeal (full details in paragraphs 7.6.5 and 7.6.6 of this report).
- 5.3 Prior to the submission of EN/06/02402/FUL, a similar application was submitted under ref: EN/06/00831/FUL. This earlier application was refused by the Council on 12.06.2006 for the same reason as EN/06/02402/FUL.
- 5.4 69/0087//HFB, 'Alterations and extensions', Granted on 02.12.1969.
- 5.5 69/0025//HFB, 'Extension', Granted on 03.06.1969.

6 Consultations and Representations

- 6.1 Neighbours: One letter of objection received from the occupants at 2 Milton Street, "The properties will obscure light and sun in my garden, also my house and garden will be overlooked".
- 6.2 Higham Ferrers Town Council: has no comment or objection to the application.
- 6.3 ENC Housing Strategy: no objection. Whilst the 2007 Housing Market Assessment provides evidence that larger family sized homes are required in the town and the application proposes flats and one maisonette, Housing Strategy consider that this needs to be balanced with the fact that this is a replacement application, and is seeking to develop a relatively small number of dwellings.
- 6.4 Environmental Protection (land contamination): no objection, subject to conditions to investigate and remediate contamination, (see recommendations below).
- 6.5 Environmental Protection (noise): "The conditions appear reasonable and enforceable based on the Inspector's findings."
- 6.6 Northamptonshire Police (Crime Prevention Officer): Northamptonshire Police did not have the opportunity to comment on the original application, but makes the following recommendations on this application:
- That the flats be built to attain the 'Secured by Design Award'. The main requirement would be for the external doors and internal flat entrance doors and windows at the ground floor level be made to secure standards.

- That external lighting be provided in the car park, bin store and cycle store areas.
- That the northern boundary of the site is provided with screening to a minimum height of 1.8 metres.
- "There should be no public access to the cycle store/rear of the site via the front of the site. The gap at the front of the building between the electric sub station should either be filled in with 1.8 metre high close boarded fencing or a lockable gate should be installed".
- "Ideally vehicular and pedestrian gates should be installed to the main access drive, these should be located as near as possible to the front building line of the undercroft."

The Crime Prevention Officer considers these recommendations would be commensurate with the crime risks associated with the development.

- 6.7 Local Highway Authority (NCC): no objections, subject to conditions to ensure that a shared access measuring 4.5 metres in width for the first 10 metres back from the highway boundary is provided to serve the development and that the vehicular access is bound with hard surfaced materials for a minimum distance of 5.0 metres back from the highway boundary.
- 6.8 Site Notice posted: no other representations.

7 Evaluation

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

7.2 Principle of Development

7.2.1 The site is located within the built up area of Higham Ferrers with good access to local services and public transport facilities. This site is also located on previously developed land and is surrounded by existing residential development. Overall, the proposal is in accordance with the aims of PPS1, PPS3 and PPG13.

7.2.2 Although planning applications for residential development were previously refused by the Council on this site (EN/06/02402/FUL and EN/06/00831/FUL), this was on grounds of harm to the amenity of future occupiers. The principle of residential development on the site had been accepted in these previous applications.

7.2.3 Overall, the principle of redevelopment of the site for residential purposes is considered acceptable.

7.3 Housing Need

7.3.1 Since the determination of the original application, the North Northamptonshire Strategic Housing Market Assessment was completed in 2007. The Housing Market Assessment provides evidence of the property size requirements, and for Higham Ferrers the assessment found that larger family size homes are required in the town.

7.3.2 As suggested by ENC Housing Strategy; whilst the application seeks to provide smaller units, consideration has to be given to the fact that this is a replacement application. The site benefits from a valid planning permission EN/06/02402/FUL which could be implemented providing the pre-commencement conditions are discharged prior to the expiry of the existing permission on 9th October 2010. In addition, the application seeks to develop a relatively small number of dwellings.

7.3.3 Saved Policy H4 of the 1996 Adopted Local Plan requires the provision of a variety of dwelling types and styles for residential developments with more than 10 units. This policy, however, is not relevant to the proposed development, as the number of dwellings proposed falls below this threshold.

7.3.4 Overall, it is considered that it would be difficult justify the refusal of planning permission on this application on the basis of housing need.

7.4 Visual Impact

7.4.1 The existing buildings and structures have very limited architectural merit, and at present appear disused and run-down. Redevelopment of the site, therefore, would make a positive contribution to the street scene.

7.4.2 The area is characterised by a mixture of pre-war and post war development, of varying character and style, and primarily two-storeys high and positioned in-line with the road. Some modern developments are found in Westfield Mews (a mixed use scheme) located some 50 metres northeast of the site. The proposed development would reflect the existing surrounding pattern of development by being two-storey in height, and by being positioned close to the front of the site, continuing the existing building line.

7.4.3 The scheme would be in the form of a row of terrace properties punctuated by a vehicular archway created by an undercroft. The building is designed to incorporate chimneys and bay windows, whilst gables and dormer windows break the eaves. Two entrance doors are proposed to the flats at the front of the building and these would be located on either side of the building facing the road. The proposed development would, overall, create an active frontage to the main street and would be difficult to refuse on grounds of design.

7.4.4 The external materials proposed for the buildings are reconstituted stone for the walls and natural slate for the roof. Whilst the materials for the windows and doors have not been specified on the original application, stone cills and oak lintels are shown around the windows on the drawings.

7.4.5 The predominant material used on the properties along Westfield Terrace is brick. However, stone and render are also found on the wider surrounding properties, including the Westfield Mews development located some 50 metres away from the site, which is in stone.

7.4.6 The Conservation Officer in 2006 raised concerns over the proposed use of stone finish in this location and it was considered that the Local Planning Authority should retain control of the use of these materials by way of planning condition.

7.4.7 Condition 2 of EN/06/02402/FUL requires samples of the materials to be used for the external surfaces of the buildings be submitted prior to commencement of development. The same condition is recommended on this replacement application, in order to ensure an acceptable visual appearance for the development.

7.5 Impact on the Conservation Area

7.5.1 Whilst the development site lies adjacent to the conservation area, it does not form part of any significant views into or out of the conservation area. Again, subject to the use of appropriate external materials in the development, no significant harm would result from this proposal.

7.6 Neighbouring Amenity

- 7.6.1 No.2 Milton Street has objected on grounds that the proposed development would reduce light and sun into the rear garden and would lead to overlooking into the property and rear garden of the neighbouring property.
- 7.6.2 On the rear of the proposed development, 11 Windows are proposed in total at the first floor level. These windows would face west towards the properties on Milton Street. Whilst the concerns of the adjacent occupiers are noted, the physical distance separating the proposed development from the existing properties along Milton Street is approximately 26 metres and this distance is sufficient to ensure that no significant overshadowing or overlooking would occur.
- 7.6.3 The immediately adjacent properties No.24 Westfield Terrace and the Higham Ferrers Social Club have no living accommodation windows in the side facing the application site.
- 7.6.4 There would be no significant overlooking issues arising from the front of the development, as the buildings located on the opposite side of the road consist mainly of outbuildings which appear to be associated with commercial use.
- 7.6.5 The issue of noise and disturbance associated with the social club and the impact of this on the future occupiers of the flats and maisonette was considered under EN/06/02402/FUL and at appeal in 2006. Whilst the Council raised concerns about the living conditions of the future occupiers due to noise and disturbance associated with the social club, the Planning Inspector noted that there were a number of existing residential properties located to the side and behind the social club and that some are positioned closer to the social club than the proposed flats and have windows facing directly onto the social club. The Inspector took the view that the living environment for the future occupiers of the proposed scheme would be little different to that experienced by the occupiers of the existing neighbouring properties. In addition, the Inspector commented that "As the surrounding area has an established mixed use character, future occupiers would be aware of the Club and its potential to be a source of noise and disturbance at certain times", (paragraph 8 of Inspector's Decision of EN/06/02402/FUL).
- 7.6.6 In the Appeal Decision, the Inspector concluded that an acceptable living environment could be achieved through the use of noise mitigation measures and imposed two planning conditions. The first condition requires the provision of mechanical ventilation that should be no louder than the British Standard (Condition 8). The second condition requires the provision of acoustic double glazed windows to the rear and side elevation of Flats 5, 7, 8, 9 and 10 and a noise absorbing layer between the ceiling and the roof (Condition 9). In the interest of the residential amenity of the future occupiers, the same conditions are recommended on this application.
- 7.6.7 Overall, in light of the appeal decision to the original planning application, the impact on the residential amenities of the future occupiers is considered insufficient to justify the refusal of this application.

7.7 Highway Impact

- 7.7.1 A shared vehicular access, beneath the undercroft, is proposed to serve the development. The Highway Officer noted that drawings for EN/06/02402/FUL show a shared access measuring 4.25 metres in width and this width is below the Local Highway Authority's (NCC) standards of 4.5 metres. However, the Highway Officer does not object to the proposed development, as the Officer notes that a condition was imposed by the Planning Inspector which requires drawings be submitted to the Local Planning Authority to show a 4.5 metre wide access for the first 10 metres, prior to commencement of development (condition 6). The Highway Officer recommends that the same condition be carried forward on this application.

7.7.2 In terms of the Highway Officer's recommendation that the first 5.0 metres of the access be bound with hard surface materials, this matter could be addressed by the same condition, condition 5 imposed on EN/06/02402/FUL. This condition requires details of hard landscaping, including car parking, vehicle and pedestrian access, and other hard surfacing materials, be submitted before commencement of development.

7.7.3 Subject to the imposition of the above conditions, there would be no significant highway issues from the proposal.

7.7.4 The application proposes 10 off-road parking spaces at the rear of the site to serve the development at the rear of the site. This in effect, provides one parking space per residential unit.

7.7.5 National planning guidance contained in PPG13, Northamptonshire's Parking SPG, Manual for Streets and the East Midlands Regional Plan, advise of the need to consider the availability of alternative on-street parking, the distance of the site to the town centre and its range of amenities and public transport facilities. Paragraph 51 of PPG13, in particular, advises that Local Planning Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety.

7.7.5 The previous use of the site as a factory would have generated a need for parking that is unlikely to have been satisfied by the small 2-3 space parking area located at the front of the site. Therefore, considering the former use of the site and proximity of the site to the town centre which is well served by existing local services and public transport facilities, it is considered that the level of off-road parking proposed would be sufficient.

7.8 Impact on Wildlife

7.8.1 Whilst the existing building is vacant, it appears to be in good structural condition and has been boarded up such that it would not provide access for bats and birds. Furthermore, given the site is located in an urban setting, with no trees to provide suitable cover for bats and birds, it is considered that there would be no significant wildlife issues from this proposal.

7.9 Land Contamination

7.9.1 Due to the previous use of this site, as a factory, contamination is considered likely to be present. The Environmental Protection Officer notes that a condition was placed on the Inspector's decision to investigate and remediate contamination and has no objections to planning permission being granted subject to the same condition. This condition would ensure that any contamination found is appropriately managed and treated and, therefore, is recommended on this application.

7.10 Crime and Disorder

7.10.1 Since the determination of the original application, the Council adopted the North Northamptonshire Core Spatial Strategy (NCSS) in 2008. Policy 13 (b) of the NCSS states that development should seek to design out anti-social behaviour, crime and reduce the fear of crime by applying the principles of Secured by Design.

7.10.2 The Crime Prevention Officer has assessed the crime risks associated with this development and has recommended conditions to require that (1) the ground floor doors and windows to the flat/maisonette be made to secure standards, (2) lighting be provided to the car park, bins and cycle storage areas, (3) the vehicular access and pedestrian gates be installed to the main access drive and (4) the cycle storage area to the side of the maisonette be made secure by installing a 1.8 metre high close boarded fence or lockable gate.

7.10.3 The conditions recommended above by the Crime Prevention Officer are recommended on this application, in the interest of preventing crime, anti-social behaviour and reducing the fear of crime. Whilst conditions relating to crime and disorder were not imposed by the Planning Inspector for EN/06/02402/FUL, it would be reasonable to impose these conditions on this replacement application, in light of the introduction of new NCSS policy. Furthermore, the Crime Prevention Officer considers these recommendations would be commensurate with the crime risks associated with the development.

7.10.4 The Crime Prevention Officer suggested that boundary screening of a minimum height of 1.8 metres be provided along the northern boundary of the site to the social club, in the interest of ensuring security of the flats and maisonette. This matter could be addressed by condition 2 previously imposed on EN/06/02402/FUL by the Planning Inspector, which requires the submission of boundary treatment details before commencement of development.

7.11 Sustainable Construction and Energy Efficiency

7.11.1 Policy 14 of the Core Spatial Strategy states that development shall incorporate techniques of sustainable construction, provision for waste reduction/recycling, and water efficiency/recycling.

7.11.2 Whilst no information has been submitted to demonstrate how the development would meet the requirements of this policy, a condition is recommended to require the submission of these details before commencement of development. This is in the interest of promoting sustainability in accordance with the advice contained in PPS1 and the Design SPD (March 2009). Again, this would be a reasonable condition to add given this guidance was introduced following the determination of the previous application.

7.12 Developer Contributions

7.12.1 The development falls below the threshold for contributions such as affordable housing (15 units) and open space (15 units for Higham Ferrers). In terms of contributions towards education, the Developer Contribution SPD advises that whilst ENC in collaboration with Northamptonshire County Council (NCC) would assess the contributions toward education for residential development yielding 10 units or more, developments comprising one bed-roomed dwellings or flats would be generally exempt. The NCC has been contacted on this matter, and their recommendations will be reported in the updates to committee.

8 Other issues

8.1 An area of garden space, measuring some 10 metres by 13 metres, is proposed to the rear of the flats/maisonette to serve the future occupiers of the properties. Given the proposal is for town centre flats and the availability of open space/recreational areas not too far from the site near Wharf Road, the lack of amenity space provision would be insufficient to justify a refusal of planning permission.

- 8.2 Access for Disabled – the proposed units would not be subject to any public access and therefore do not raise any significant issues.

9 Recommendation

- 9.1 That the application be GRANTED subject to the conditions recommended by the Planning Inspector for EN/06/02402/FUL (ordered as conditions 1 to 9 below and slightly re-worded) and the additional conditions relating to crime and disorder and sustainable construction:

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To achieve a satisfactory appearance for the development.
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. This boundary treatment shall then be provided in accordance with the details so approved prior to the first occupation of the dwellings, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed slab levels. The submitted details shall clearly show the slab level relationship with the slab level of the adjacent dwellings. Development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.
5. No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details. These details shall include car parking layouts, vehicle and pedestrian access and circulation areas and all other hard surfacing materials.
Reason: In the interest of highway safety and visual amenity.
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the means of access to include provision of an access width of 4.5 metres for the first 10 metres of the access and these works shall be carried out as approved.
Reason: In the interest of highway safety.

7. Before the development hereby permitted begins, a Phase 2 investigation of the site shall be undertaken and the results shall be submitted in writing to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

Reason: To ensure potential risks arising from previous site uses have been fully assessed and to ensure that any contamination present on the site is properly contained/removed in the interest public health.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed mechanical ventilation, including details of noise generated by passive and rapid ventilation. Any noise produced by the mechanical ventilation system must not be louder than the good standard quoted in BS8233. These works shall be carried out as approved before any residential units hereby permitted are first occupied.

Reason: In the interest of residential amenity.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of acoustic double glazing to the rear and side elevation windows of apartments 5, 7, 8, 9 and 10, and details of a noise absorbing layer to be installed in apartments 7, 9 and 10 between the ceiling and roof. These works shall be carried out as approved before any residential unit hereby permitted is first occupied.

Reason: In the interest of residential amenity.

10. Prior to commencement of development, a scheme to ensure the security of the ground floor external and internal entrance doors and windows, and cycle storage area shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preventing crime, anti-social behaviour and reducing the fear of crime, in accordance with Policy 13 of the adopted North Northamptonshire Core Spatial Strategy.

11. Prior to the commencement of development, a scheme of lighting for the car park, bin store and cycle store shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preventing crime, anti-social behaviour and reducing the fear of crime, in accordance with Policy 13 of the adopted North Northamptonshire Core Spatial Strategy.

12. A vehicular and pedestrian access gate shall be provided to secure the car park area in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. The gate shall then implemented in accordance with the approved details and be retained unless otherwise agreed in writing by the Local planning authority.

Reason: In the interest of preventing crime, anti-social behaviour and reducing the fear of crime, in accordance with Policy 13 of the adopted North Northamptonshire Core Spatial Strategy.

13. Prior to the commencement of development hereby permitted, details of provisions for waste reduction and recycling, water efficiency and recycling, and techniques of sustainable construction to be used for the construction of the building(s) hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with national government advice contained in PPS1 and Policy 14 of the adopted North Northamptonshire Core Spatial Strategy.

Informatives

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

Plans and information received by the Local Planning Authority on 9th November 2006, drawing numbers: 1060-1, 1060-2B, 1060-3A, 1060-4B, 1060-5D, 1060-6A.

2. In recommending approval to this application, the relevant planning guidance and policies were identified as: PPS1, PPS3, PPS5, PPS9, PPG13; Policies 1, 2, 3, 11, 27, 39, 45, 49 of the East Midlands Regional Plan 2009; Policies 1, 7, 9, 10, 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Developer Contributions SPD; Design SPD 2009; Manual for Streets 2007; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008; and Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; housing need; visual impact; impact on the setting of the conservation area; impact on neighbouring amenities; highway impact; impact on wildlife; land contamination; crime and disorder; sustainable construction; and access for the disabled.

The application has been recommended approval as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national and regional planning policies.
2. It would be difficult to justify the refusal of planning permission on this application on the basis of housing need in the local area.
3. The proposal would have no significant impacts on visual amenity or the character and appearance of the area.
4. The proposal would not harm the conservation area.
5. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
6. The proposal would not have an unacceptable impact on the local highway.
7. The proposal would have no significant impact on wildlife.
8. Any land contamination issues could be considered by condition.
9. The proposal would have no significant crime and disorder issues.
10. Waste and recycling storage could be reasonably provided for the dwellings.
11. The proposal could potentially meet the sustainable construction and energy efficiency standards.

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