

**APPLICATIONS FOR DETERMINATION
DEVELOPMENT CONTROL COMMITTEE - 19 August 2009
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Committee Report

Committee Date : 19 August 2009

Printed: 7 August 2009

Case Officer **Anna Lee**

EN/08/00276/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
12 February 2008	27 February 2008	23 April 2008	Oundle	Oundle

Applicant **Dr And Mrs M Richardson**

Agent **121 Design**

Location **69 Benefield Road Oundle Peterborough Northamptonshire PE8 4EU**

Proposal **Detached dwellinghouse and detached garage Resubmission of 07/00243/FUL**

The application is being reported to Committee as Oundle Town Council has objected. The Town Council considers the access to Benefield Road to be 'difficult and dangerous', lack passing facilities for vehicles; that the development would overbear neighbouring properties and would result in harm to a Grade II listed building.

1 Summary of Recommendation

1.1 That permission is delegated to the Head of Planning Services to GRANT the application following the expiry of the 21 day notice period served on the owners of the access drive by the applicant.

1.2 This is because Certificate B was not completed by the applicant and notice was not served on the owner of the access drive which runs past No.65 Benefield Road, and the certificate was only completed and served on 30th July 2009.

2. The Proposal

2.1 The application proposes the construction of a two-storey detached dwelling. The proposed dwelling comprises of 5 bedrooms at the first floor, and kitchen, lounge, dinning room, study and entrance hall areas at the ground floor.

2.2 Amended plans and information were received by the Council on 13th January 2009 and the Parish Council, neighbours and all consultees were re-consulted on the details. The amended plans show the dwelling positioned further to the rear of the site; identify a turning area for vehicles and the omission of a front dormer window on the first floor of the building. In addition, a Tree Survey/Arboriculturalist Report was submitted to support the application.

3 The Site and Surrounding

3.1 The site is set back from Benefield Road and forms the rear garden of No.69 Benefield Road, a Grade II Listed building. The site currently accommodates a domestic garage and is overgrown by trees and other vegetation.

3.2 No.69 Benefield Road is served by a two-lane vehicular access track; one track runs past No.73 Benefield Road to provide access to the front of No.69 Benefield Road and a number of other residential properties along Benefield Road. Another access track runs past No.65 Benefield Road in the northern direction and provides access to the garage located to the rear of No.69 Benefield Road and another residential dwelling,

No.67 Benefield Road.

- 3.3 The eastern boundary of the site next to the access track is currently enclosed by a stone wall, which varies between 1.8 metres to 1.0 metres in height. There are views of the site from the access route. Other boundary treatment including, stone walls, buildings, shrubs and fencing form the boundary along the right hand side of the access route, past No.65 Benefield Road.
 - 3.4 No.69 Benefield Road is a two-storey 'farm house style' dwelling constructed of lime stone with a brown coloured slate roof. The original dwelling appears to have been significantly extended at two-storey level to the rear, and these extensions, in accumulation, appear to create a 'triple-pile' roof with two valley-gutters over the original building. A mixture of red bricks and limestone were used for construction of the later extensions.
 - 3.5 The site is surrounded by residential development of a mixture of character and styles; with the historic terraces along Benefield Road and the more modern residential development to the east in Mildmay Close. The adjacent property No.67 Benefield Road is a traditional style building that is externally rendered, with a slated roof and is characterised by 4 by 4 glass pane, sliding-sash windows. This property has been extended to the side and rear and further extensions and alterations were granted under reference EN/08/02064/FUL and EN/07/02458/FUL.
 - 3.6 The site is surrounded by open countryside to the west.
- 4 Policy Considerations
 - 4.1 National Planning Policy Guidance:
 - PPS1– Sustainable Development
 - PPS3 – Housing
 - PPS9 – Biodiversity and Geological Conservation
 - PPG13 – Transport
 - PPG15 – Planning and the Historic Environment
 - 4.2 East Midlands Regional Plan, March 2009
 - 4.3 North Northamptonshire Core Spatial Strategy, June 2008:
 - 1 – Strengthening the Network of Settlements
 - 7 – Delivering Housing
 - 9 – Distribution & Location of Development
 - 10 – Distribution of Housing
 - 13 – General Sustainable Development Principles
 - 14 – Energy Efficiency and Sustainable Construction
 - 4.4 Supplementary Planning Guidance:
 - Parking SPG, March 2003
 - Planning Out Crime in Northamptonshire, Feb 2004
 - 4.5 Supplementary Planning Document:
 - Design SPD, March 2009
 - 4.6 Other Documents:
 - Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008
 - 5 Relevant Planning History
 - 5.1 An application for a detached dwelling with detached garage was submitted under reference: EN/07/00243/FUL and was withdrawn on 13.04.2007, following the advice that the dwelling would be too large and would have an unacceptable impact on the listed building.

- 5.2 EN/05/011111/FUL, Proposed new build stone double garage in garden of existing dwelling, Permitted, 20.07.2005.
- 5.3 EN/05/011109/LBC, Proposed new build stone double garage in garden of existing dwelling, Withdrawn, 27.06.2005.
- 5.4 EN/02/00963/LBC, Internal Alterations, Permitted, 24.12.2002.
- 5.5 EN/02/00724/LBC, Two storey rear extension and car port, Permitted, 12.09.2002.
- 5.6 EN/02/00324/LBC, Internal alterations, repair and refurbishment and detached double car port, Permitted, 07.06.2002.
- 5.7 EN/02/00323/FUL, Two storey rear extension and detached double car port, Permitted, 01.08.2002.
- 5.8 EN/84/00279/FUL, Improvements and extension, Refused, 28.03.1984.
- 5.9 EN/75/011174/OUT, Bungalow, Refused, 15.10.1975.

6 Consultations and Representations

- 6.1 Neighbours: On the initial consultation seven letters were received from the neighbours at Nos. 83, 75, 73, 71 and 67 Benefield Road, No.4 Mildmay Close and Oundle School. The contents are summarised below:
 - 6.1.1 No.83 Benefield Road – The neighbour wishes the Council to take into account the comments which were previously submitted for EN/07/00243/FUL in this application. In these comments, the neighbours confirm that they have no objection to the proposed dwelling, but have concerns regarding the loss of trees. They would like to be assured that the proposal would result in the minimal amount of tree being lost and any trees/planting lost will be compensated for by new planting.
 - 6.1.2 No.75 Benefield Road – Objection. The neighbour considers that development along Benefield Road has reached a maximum, “especially with regard to the additional traffic and parking caused by the present developments.” The neighbour is concerned about traffic problems along the existing access; that the existing access doesn’t have weight restrictions and that the access will not be wide enough for vehicles.
 - 6.1.3 No.73 Benefield Road – Objection. The neighbours wish the Council to note that the accesses do not fall under the ownership of the applicant, but under the ownership of two different owners. The neighbours wishes the Council to note that traffic on the driveway has caused damage to the foul water drain and damage to the wall of their listed building in the past, and would not wish to see any similar damage in their property in the future.
 - 6.1.4 No.71 Benefield Road – The neighbours would like the Council to note that the accesses do not fall under the ownership of the applicant and the access to the application site is less than 3 metres in width. The neighbours are concerned that the proposal would lead to more vehicles exiting onto the A427 and increase danger and more accidents. In addition, the neighbours consider the house to be out of character with the existing listed building; would be too closely positioned to the listed building and would drastically alter the listed building and its garden.
 - 6.1.5 No.67 Benefield Road – Objection. The access road is not 6 metres wide, as stated by the applicant, as this measurement includes both access lanes. The access to the proposed site is 3 metres at the widest and the neighbour considers that this contravenes the minimum 4.5 metre width requirements for a shared access to a

dwellinghouse as set out in the Northamptonshire County Council 'the layout of roads in residential area's document. In addition, because the site is more than 45 metres away from the road and without turning space on site, the neighbours are concerned that the access will not be sufficient to allow emergency vehicles to access the site safely.

- 6.1.6 The proposal would adversely affect the setting of a listed building. The proposal is considered to result in the loss of one third of the existing garden and the development would affect the mature trees and shrubs on site. The neighbours understand that there is a horse chestnut on the site which has a Tree Preservation Order on which is not shown on the plans and is concerned that this tree would be affected by the development.
- 6.1.7 In addition, the neighbours are concerned that the proposed dwelling would overbear their cottage which is approximately 200 years old, and would result in overlooking and loss of light.
- 6.1.8 No.4 Wildmay Close – Objection. The proposed dwelling is too large and modern and would adversely affect the character and appearance of the site and the surrounding area. The proposal would harm the setting of the listed buildings. The neighbours would wish to see conservation of the mature trees on site as it is considered that these form an integral part of the setting of the listed buildings. The neighbours are concerned that the proposed dwelling, due to scale, would result in a loss of light to the immediate neighbours and other surrounding properties. The neighbours have also objected on highway grounds: "The access to the proposed development is via a narrow lane immediately off the busy A427 main road. This lane cannot provide passing places and therefore there could be occasions when vehicles would be forced to reverse out onto the A427. The position of the lane is on a bend, with vehicles parked on both sides of the main road therefore reducing visibility for safe exit from the lane".
- 6.1.9 Oundle School – Objection on grounds that the access to the new property would be too narrow and would be insufficient for emergency services access; there will be no space to allow on-coming vehicles to pass and would lead to vehicles reversing onto Benefield Road and that the applicant does not have ownership of the access track.
- 6.2 In the second round of consultations, five additional letters were received from the neighbours at Nos.73, 71, 67 Benefield Road, and Nos. 4, 5 and 6 Midmay Close. The comments are summarised as follows:
- 6.2.1 No.73 Benefield Road – Objection. The neighbour advises that the applicant does not have full control over the existing drive and does not take into account the rights Nos.73 and 71 use over the existing access. The neighbour is still concerned that the proposal would result in 'excessive use' of the drive.
- 6.2.2 No.71 Benefield Road – The neighbours consider that the amended details show minimal alterations and request that the Council takes into account their initial comments.
- 6.2.3 No.67 Benefield Road – Objection. In addition to the comments mentioned previously, the neighbours do not consider the proposed turning area to be sufficient for the turning of emergency vehicles and the proposed access/parking layout do not meet County Council Highway standards. The neighbour refers to the recommendations made in the submitted Tree Report that the new house should be moved 4metres south away from the boundary to No.67 Benefield Road, in order to save their Walnut Tree and considers that the suggestion would result in more harm to the listed building.

- 6.2.4 The neighbours would like to point out the layout plan used in the Tree Report does not take into account their new extension as this is not shown on the plan and the Tree Survey is not correct as the proposed dwelling is within the Root Protection Area of their Walnut Tree.
- 6.2.5 No.4 Mildmay Close – Objection for reasons, as set out in previous letter (summarised above).
- 6.2.6 No.5 Mildmay Close – Objection. The neighbours consider that the amended details show minimal alterations. In addition, the neighbour feels that the removal of the trees and shrubs would have a serious adverse effect on the site and would not be in keeping with the remainder of the plot. The access is not considered to be wide enough for two-way traffic or for emergency vehicle access. “This access road is not owned by the residents of 69 Benefield Road and is a right of way for 67 Benefield Road only. It is also a very narrow access with no room to widen it at any point due to the stone boundary walls on either side.” There is no visibility for drivers exiting onto the A427 and cars will not be able to pass without conflict or may need to reverse down the drive and this could cause a problem for pedestrians. The neighbour also believes that the proposal would “affect the adjacent listed building at 67 Benefield Road”.
- 6.2.7 No.6 Mildmay Close - Objection. The neighbour has objected because the proposed dwelling would be visible from the neighbour’s bungalow and the neighbour considers that the dwelling would overbear the neighbour’s property. The neighbour considers the access to be too narrow; is concerned about noise during construction and harm to local wildlife should the trees be felled.
- 6.3 Parish Town Council - Objection raised on the following reasons: “Difficult and dangerous access onto Benefield Road, lack of passing facilities on access road, overbearing on the neighbouring properties, it effects on a listed building and will also impact on a tree with a tree preservation order”.
- 6.4 Northamptonshire Fire and Rescue Services: no comments received.
- 6.5 Senior Conservation Officer: no objections in principle. Full details of the Conservation Officers comments will be available in the Committee Update.
- 6.6 Local Highway Authority – No objections. In order to prevent loose material discharging onto the highway, the Highway Officer, however, has recommended that a condition be imposed to require the access be constructed with hard bound surface for a minimum distance of 5.0metres from the highway boundary.
- 6.7 Conservation Officer (Trees) – No objections, subject to conditions. The Tree Officer suggests that the construction of the site is undertaken in accordance with the details provided in the Tree Report, (see below for recommendations).

7 Evaluation

7.1 The main considerations in the determination of this proposal are; the principle of development; visual impact; impact on listed buildings; impact on neighbouring amenities; highway impact; impact on trees; and other material planning considerations.

7.2 Principle of Development

7.2.1 The site lies between two existing residential properties Nos.69 and 67 Benefield Road and is situated immediately adjacent to the built-up residential areas of Mildmay Close to the east and Benefield Road to the south. Whilst the site lies on the periphery of the settlement, it has a close affinity with the settlement and is considered to fall within the town’s boundary.

7.2.2 PPS1 and PPS3 encourages the re-use of brownfield sites within existing settlements

where good use can be made of land served by existing services. In accordance with the guidance contained in PPS1, PPS3 and Policy 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy, the site is located within an existing settlement well served by existing services and public transport facilities.

7.2.3 Overall, the area of land the subject of this planning application can be considered a suitable site for residential development subject to weighing against other normal planning considerations.

7.3 Visual Impact

7.3.1 The proposed dwelling would only be visible from the immediate surrounding properties and would not be visible in the street scene from the main road. In addition, the site is very much concealed away from the open countryside to the west, due to the degree of screening provided by the existing trees and planting along the western boundary.

7.3.2 The proposed layout of the dwelling would be commensurate with the density of the surrounding properties and it is considered that a dwelling can be accommodated on the site without appearing cramped. Whilst the immediate surrounding properties No.69 and No.67 Benefield Road are properties of a more traditional style, they are very different properties in design, character and layout. Furthermore, the properties opposite the site to the east are bungalows and are mostly concealed away by existing boundary screening. Given that there is no prevalent house type, scale, property style or character in the local area, it is not considered that the proposed dwelling would detract from the character and appearance of the site or the wider surrounding area.

7.3.3 In terms of design, the dwelling is designed on the front elevation to reflect a simple cottage-style house, with an open-sided porch, side chimney and three small dormer windows set in the eaves. The materials proposed include natural slate for the roof and natural stone for the external walls. The submitted drawings confirm that the windows and doors will all be in timber.

7.3.4 Overall, providing appropriate external materials are used in the construction of the development, no visual harm would result from this proposal and a condition to require the submission of full material details, including colour and finish details, before commencement of development, is recommended.

7.4 Impact on Listed Buildings

7.4.1 No.67 Benefield Road is not a listed building. The nearest listed buildings to the site includes No.69 Benefield Road and the properties located on both sides of the access along Benefield Road (including Nos.73 and 65 Benefield Road). These buildings are all Grade II listed.

7.4.2 Whilst the proposal involves dividing off the garden of the listed building No.69 Benefield Road, no harm is considered to result on the setting of the original Grade II listed building. No.69 Benefield Road would continue to benefit from a sufficiently large garden curtilage and the proposed dwelling would be sufficiently positioned way from the main listed house (some 30 metres away) to prevent any harm to the listed building.

7.4.2 Nos.65 and 73 Benefield Road, and the other listed building fronting Benefield Road are located more than 90 metres away and would be sufficiently positioned away to not be adversely affected.

7.5 Neighbouring Amenity

7.5.1 Nos.67 Benefield Road's extension was granted under reference EN/99/00416/FUL. Whilst the two-storey side extension attached to the west side of No.67 Benefield Road has

not been shown on the submitted plans, the plans which approved the neighbour's extension (for references EN/07/02458/FUL, and EN/08/02064/FUL) shows the extension to measure 4.4 metres in width. As the proposed dwelling would be positioned 16.0 metres back from the front boundary of the site, the proposed dwelling would be sufficiently positioned as so that it does not obstruct any of the front windows of the neighbour's two-storey extension and unacceptable overbearing or overshadowing is unlikely to result. In addition, any views from the front windows of proposed dwelling upon No.67 Benefield Road are likely to be oblique, and as such, it is considered that no significant overlooking is likely to result upon the front windows of the neighbouring property.

7.5.2 The proposed dwelling would be positioned at least 20 metres away from the bungalows along Mildmay Close and this distance is sufficient to prevent any undue overbearing, overlooking or overshadowing on these properties.

7.5.3 All other neighbouring properties will be sufficiently removed to not be adversely affected.

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

7.6 Highway Impact

7.6.1 The Highway Officer noted that the existing shared double driveway measures some 6.0 metres in width and creates two separate driveways each measuring approximately 3.0 metres in width.

7.6.2 The Local Highway Authority would usually require a shared access to measure 4.5 metres in width for the first 10 metres back from the highway boundary. Whilst the Officer commented that it may be advantageous if the EME (East Midlands Electricity) pole could be relocated to allow a 4.5 metre wide access to be created, the Officer notes that as the applicant does not have ownership of both access tracks, the applicant may not be able to implement these changes.

7.6.3 In addition, such access alterations would be unreasonable to insist upon, as the proposal would not result in intensification of use of the existing substandard access. No.69 Benefield Road currently benefits from a right of way along both access tracks and uses the right hand track to gain access to the garage located to the rear of the property. As the applicant intends to transfer the right of way of the right hand track to the new occupiers of the new dwelling and will stop using the right hand track, the existing access will not be intensified.

7.6.4 Whilst it is noted that the width of the existing access and visibility splays are substandard, it is not considered that the proposal would worsen the existing highway situation. In addition, given that two properties in total will be sharing the access track (No.67 Benefield Road and the new dwelling), it is not considered that the amount of resultant traffic would be so significant that it would warrant the refusal of planning permission on this application.

7.6.5 In terms of parking, the proposed dwelling would retain an adequate amount of at least two off-road car parking spaces in front of the property. Once the new dwelling will be served by the right hand access lane which runs past No.65 Benefield Road, No.69 Benefield Road would continue to benefit from a right of way along the left hand access track and will retain adequate off-road parking facilities in front of the property. Overall both properties would have adequate off-road parking.

7.6.6 In the amended details received, a turning area for emergency vehicles has been identified in front of the proposed dwelling. Local Highways have confirmed that they have no

objection to planning permission being granted, but would suggest that the first 5.0 metres of the access be bound with hard surface material. The applicant was contacted on this matter and the Council was advised by the applicant that whilst he does not have control over the access to make these alterations, the applicant would be happy to hold discussions with the owner of the land to discuss these alterations. A condition is therefore recommended to require details of the construction and surfacing of the vehicular access to the public highway, parking facilities and all other hard-surfaced areas within the site be submitted before commencement of development.

7.7 Ownership Issues

7.7.1 The applicant has submitted documentation to demonstrate that No.69 Benefield Road benefits from a legal right of way along both driveways and this included Land Registry documentation and legal deeds.

7.7.2 The original site location plan showed a red line around both access tracks and the applicant originally submitted a Certificate A with the application. The site location plan was later amended as so that the red line encloses only the access track proposed to serve the new dwelling and the applicant has subsequently completed a Certificate B and served relevant notices on the owners/occupiers at No.67 Benefield Road and Oundle School. Such notices were served on 30th July 2009. As the applicant is required to give other parties 21 days notice, the Council cannot issue a decision until after the 21 days after 30th July 2009.

7.8 Impact on Trees

7.8.1 The submitted Tree Survey identifies the trees located on the site and the trees to be retained within the development. Officers understand that it is the applicant's intention to retain the existing trees and none of the existing trees have been proposed to be felled.

7.8.2 The Council's Tree Officer has considered the submitted Tree Survey/Arboriculturalist Report and commented that "The report provides an in depth Tree Protection Plan and Arboricultural Implication Assessment and gives details of protective fencing and designated on-site storage areas. All of which will help to ensure that the remaining on site trees are appropriately protected." The neighbour at No.67 Benefield Road's Walnut Tree is also identified on the submitted Tree Survey and has also been considered by the Tree Officer.

7.8.3 Overall, the Officer considers that the applicants have submitted satisfactory arboricultural information to ensure the protection of on-site trees and has suggested that the construction of the site is undertaken in accordance with the details provided in this report. A condition has been recommended accordingly.

7.8.4 In addition, the Tree Officer has suggested that conditions be imposed to ensure that the hard surfaced areas within the site are installed before any construction work commences on site and that no dig construction be used for the construction of the driveway and turning area. This will enable construction traffic to use the new hard surface area and prevent any root damage during the very early stages of construction.

7.8.5 None of the existing trees are protected by a Tree Preservation Order. Whilst the Council's Tree Officer considered serving a Tree Preservation Order on a mature Horse Chestnut Tree situated adjacent to the eastern boundary of the site in early 2008, this Order was never implemented and the Tree Officer has not objected to this application.

7.9 Impact on wildlife/protected species

7.9.1 The proposal does not involve felling of any of the existing trees and as such any bats/birds residing in the trees are unlikely to be adversely affected by the development.

7.9.2 Furthermore, the site is not in a SSSI, County Wildlife Site, Local Nature Reserve or National Nature Reserve.

8 Other issues

8.1 Noise – Whilst neighbours have raised concerns over noise during construction, any construction traffic or noise resulting from the development is unlikely to be significant and is only expected to last during the construction of the development. This is given that the proposal involves the construction of a single dwelling. In addition, noise nuisance is covered by other environmental legislation.

8.2 The concerns raised by the occupiers/owners of No.73 Benefield Road with respect to the damage to the foul water drain and damage to the wall of their listed building, are civil matters and is covered by other legislation. This application is unlikely to lead to traffic intensification along the access track which runs along the side of No.73 Benefield Road, as the owners of No.69 Benefield Road already use this access, and as such, the proposal is unlikely to result in direct harm to the listed building.

8.3 Adequate private amenity space would remain within the surrounding curtilage of No.69 Benefield Road and adequate amenity space would be provided to serve the new dwelling.

8.4 Due to the proximity of the proposed dwelling to No.67 Benefield and in order to ensure the character and appearance of the dwelling is not adversely harmed in the future, a condition to withdraw Permitted Development Rights from the property, is recommended.

8.5 Crime and Disorder - This application does not raise any significant issues.

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

9 Recommendation

9.1 That the application be delegated to the Head of Planning Services to GRANT the application, subject to the following conditions, following the expiry of the 21 day notice period served on the owners of the access drive:

Conditions/Reasons -

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

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

2. Prior to the commencement of the development hereby permitted, details and samples of the external materials to be used for the construction of the dwelling, including colour and finish details, shall have been submitted to and be approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the details so approved.

Reason: To achieve a satisfactory appearance for the development.

3. Prior to the 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. This boundary screening shall then be provided in accordance with the details so approved before the building is occupied and shall thereafter be retained in perpetuity.

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 shall be submitted to and 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. Before the development hereby permitted is commenced, details of the construction and surfacing of the vehicular access to the public highway, parking facilities and all other hard-surfaced areas within the site shall have been submitted to and approved by the Local Planning Authority. These facilities shall then be provided in accordance with the approved details before the first occupation of the development.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending or re-enacting that Order with or without modification), there shall be no development within Classes A, B, C, D, E, F or G of Part 1 of Schedule 2 to that Order without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of adjacent occupiers and to ensure a satisfactory elevational appearance for the development.

7. The development shall be carried out in accordance with the submitted Tree Survey/Arboriculturalist Report, received by the Local Planning Authority on 13th March 2009, unless otherwise agreed in writing by the Local Planning Authority.

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 and to safeguard the visual amenity of the area.

8. Notwithstanding the submitted details, details of the no dig construction method for the driveway portion to the eastern part of the site covering the tree protection areas to the Horse Chestnut Tree and Blue Atlas Cedar Tree shall be submitted to and be approved in writing by the Local Planning Authority prior to the 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.

9. The driveway and turning areas in front of the dwelling shall be constructed before commencement of the construction of the dwelling.

Reason: To ensure that vehicle movements in and out of the site do not cause excessive soil compaction and root damage.

10. Notwithstanding the submitted details and before commencement of development hereby permitted, a sustainable strategy satisfying the requirements of PPS1 and Policy 14 of the North Northamptonshire Core Spatial Strategy shall be submitted to and be agreed in writing by the Local Planning Authority and the development shall be implemented in accordance with the details so approved.

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.

11. The development shall be carried out strictly in accordance with the amended details received on 13th January 2009, drawing numbers: 100108/1, 100108/2, 100108/21, 100108/5, 100108/4, unless otherwise agreed in writing by the Local Planning Authority.

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

Committee Report

Committee Date : 19 August 2009

Printed: 7 August 2009

Case Officer **Amie Baxter**

EN/09/00062/LBC

Date received	Date valid	Overall Expiry	Ward	Parish
13 February 2009	7 April 2009	2 June 2009	Fineshade	Duddington With Fineshade

Applicant **Mr S Scott**

Agent **Andrew Freer Design Consultant**

Location **The Mill House Mill Street Duddington Stamford Northamptonshire PE9 3QG**

Proposal **Demolition of flat roofed study, alterations and extensions to form a new kitchen and garden room with en- suite bathroom, insertion of three new dormers to rear elevation and new three bay garage and driveway.**

The application has been brought back to Development Control Committee after Members deferred the application for a Members site visit on 13th July 2009.

1 Summary of Recommendation

1.1 During the site visit, Members requested the following amendments to the scheme:

That the front elevation of the proposed extension be moved back by roughly 1 metre to limit the impact of the extension on views of the main house from Mill Street;
That the existing red brick boundary wall be retained to obscure the proposed extension.

2 Update

2.1 Further to the site visit, the agent has considered the requested alterations and has advised that:

2.2 If the extension were to be moved back, the internal space would not be practical and the external architecture would be inconsistent with a logical extension. In addition, features of the original building would be obscured and structurally damaged to the detriment of the listed building.

2.3 The applicant also feels that, compared to the other changes that have taken place to the house over the years, including the large extension to the right hand rear of the dwelling, the addition of bay windows and the building of the red brick wall- all of which are substantially visible from the road, the proposed extension would have a substantially lesser impact on the appearance of the house from the road. There will also be ample opportunity for the house to be viewed or even photographed (a concern expressed by the Parish Council) without the proposed extension being within view.

2.4 The applicant has not therefore, submitted any amended plans.

3 The following condition has been recommended by the Highway Authority to safeguard the safety of highway users:

3.1 Condition 8

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

1. Hard surfacing materials to form the driveway which shall extend 5 metres back from the edge of the adopted highway.
2. Details of the proposed vehicle access point which shall be a minimum of 4.5m wide for at least 10.0m to the rear of the highway, with the provision of pedestrian visibility splays either side of the access.
3. A maximum gradient (1 in 15) from the highway boundary.
4. Pedestrian visibility splays of at least 2.4m x 2.4m (2m x 2m where there is turning space within the site) shall be provided each side of the vehicular access. These measurements are taken along and to the rear of the highway boundary within the curtilage of the site. The areas of land forward of these splays shall be reduced to and maintained at a height of not exceeding 0.6m above carriageway level. The subsequent submitted details shall illustrate a vehicle access, which is to the local highway authority's adoptable standard. The hard surfacing shall be completed in accordance with the approved details in accordance with a timetable to be agreed in writing by the local planning authority prior to the commencement of development. Development shall be constructed in strict accordance with the approved details and approved vision splays retained thereafter.

4 Recommendation

4.1 That the application be GRANTED in accordance with the recommendations of the previous report (appended) and subject to the conditions attached to the end of that report and the additional condition concerning Highways (Condition 8) as noted above.

APPENDIX 1 : Report to Planning Committee, 18/05/2009

This application is brought before the planning committee because of an objection from Duddington with Fineshade Parish Council.

1 Summary of Recommendation

1.1 That consent be GRANTED subject to conditions.

2. The Proposal

- 2.1 The proposal comprises the construction of a two storey side extension to the existing Grade II Listed dwelling. The proposed extension would replace an existing single storey extension.
- 2.2 A timber double garage with lock up area and loft storage is also proposed within the site.

3 The Site and Surroundings

- 3.1 The application site is triangular in shape and sits to the North of Mill Street. The site benefits from an existing vehicular access off Mill Street.
- 3.2 The site accommodates a three storey dwelling which is positioned towards the southern extent of the plot.
- 3.3 The existing dwelling is constructed from natural stone under a Collyweston and slated roof and the building has undergone several extensions throughout its history. The building is detailed with stone capped parapet gables and small dormer windows.
- 3.4 The application site sits within a Conservation Area which is also subject to an Article 4

- direction.
- 3.5 Land levels in and around the site slope considerably from south to north, giving the main dwelling a prominent position.
- 4 Policy Considerations
- 4.1 National Planning Policy Guidance
PPS1- Sustainable Development.
PPG 15- Planning and the Historic Environment.
- 4.2 Northamptonshire County Structure Plan
None relevant
- 4.3 East Northamptonshire District Local Plan
None relevant
- 4.4 North Northamptonshire Core Spatial Strategy.
Policy 13- General Sustainable Development Principles.
- 4.5 Supplementary Planning Guidance
Residential Extensions and Alterations Design Guide
- 5 Relevant Planning History
- 5.1 None relevant.
- 6 Consultations and Representations
- 6.1 Neighbours: No objections received.
- 6.2 Parish Council: Object as they are have concerns that the garages are to be constructed from timber as they will be visible and would've been better constructed from stone. It is felt that the extension to this very fine Grade II Listed house is damaging to the look of the property and wonder why it cannot be added at the rear. It is an important house in the history of Duddington and the first house you see as you enter from the A47, is visually very important.
- 6.3 Conservation Officer (Trees): No response received.
- 6.4 Senior Conservation Officer: No objections.
- 6.5 Highways Authority: No objections subject to conditions.
- 6.6 Ancient Monuments Society: No response.
- 6.7 The Environment Agency: Comments which have been addressed by condition.
- 7 Evaluation
- 7.1 The sole consideration for the determination of this application is the impact upon the Listed Building.
- 7.2 Impact upon the Listed Building.
- 7.2.1 The design of the extension takes its lead from the design and appearance of the existing dwelling, and includes the use of heavy stone parapet walls on the gable ends, stone corbels, quoins and Collyweston roof slates. The design of the proposed extension is considered to be sympathetic to the main dwelling in that it would be designed to mimic its appearance and would be constructed from appropriate materials. Such an extension would not harm or detract from the character of the main dwelling, due to its suitable design and given that the extension continues the simple plan form of the main dwelling. The extension would not compromise the architectural integrity of the main dwelling, little historic fabric would be lost as a result of the proposed extension and traditional construction methods would be employed.
- 7.2.2 The extension is proposed to the rear of an existing red brick boundary wall which would help to conceal the lower part of the extension and reduce the overall impact upon the character and appearance of the Listed Building. As the structure is set back from the front elevation of the existing property, the eye would not be immediately drawn to the extension and instead the main dwelling would retain its dominance in both views within the setting of the listed building. The ridge height of the proposed extension would also be set one metre below the ridge of the existing dwelling and again, the design of the roof would help the

extension to appear visually subservient to the main dwelling.

7.2.3 The proposal involves the demolition of an existing single storey extension along the north western elevation which is of relatively recent construction and is not considered to fit well visually with the main house. The removal of such an extension would be encouraged as it currently detracts from the character and appearance of the listed building.

7.2.5 It is important to note that the original building has undergone several extensions to reach its form of today and therefore the character and form of the original building has been lost to a significant degree. The proposed extension is unlikely to have a significant detrimental impact upon the form of the original dwelling.

7.2.6 The proposal also includes the erection of a double garage which sits at a height of 6.1 metres and is 9.8 metres wide and 6.2 metres deep. The garages include a lock up area, space for the parking of two vehicles and a storage area in the loft space. The garages would not be positioned close to the Listed building and therefore it is very unlikely that the garages would have an impact upon the structure of the listed building or its overall character.

7.2.7 The garage is proposed to be constructed from green oak which is considered an appropriate material given its natural setting within an established wooded area. The green oak is considered to blend well with the trees and vegetation it would sit against, lessening its visual impact and impact upon the setting of the listed building. The use of slate for the roof is appropriate but a condition is recommended to ensure that an acceptable colour and texture of slate is used.

7.2.8 Access to the garage would be via an existing point of access which shall be extended along the western boundary of the site and along the edge of the existing group of trees. By laying the access road in this way, no trees along the front boundary of the site would need to be removed to facilitate the proposed development and the existing stone boundary wall to the front of the site would remain as existing.

8 Other issues

8.1 The applicant has followed the advice from the Conservation Officer and attempted to address the concerns of the Parish Council. The scheme has been amended in line with comments received in order to achieve an overall better design and to limit the impact upon the street scene. The Parish Council maintain their objection.

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. The development the subject of this planning permission shall be carried out using natural external materials matching those of the existing building, samples of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To achieve a satisfactory elevational appearance for the development and to protect the historical integrity of the building.
3. All re-pointing shall be carried out using a natural hydraulic lime mortar mix- free from any cement. The mortar composition, joint width and finish shall be first agreed in writing by the Local Planning Authority (LPA) following an inspection on site by the LPA's representative, of a sample panel of no less than 1 metre square prepared as the first re-

pointing work to take place associated with the works hereby approved.
Reason: To protect the historical fabric of the listed building.

4. All disturbed external surfaces shall be made good to match existing.
To achieve a satisfactory elevational appearance for the development and to ensure the development would not harm the setting, character and appearance of the listed building.
Reason: To protect the historical fabric of the listed building
5. The works hereby approved shall be carried out in complete accordance with the details shown in the application particulars and amended plans.
Reason: To clarify the terms of this consent and to avoid adversely affecting features of the building which may be of architectural or historic importance.
6. Notwithstanding the submitted information, prior to the commencement of the development, detailed sectional drawings at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, and be thereafter retained in perpetuity.
Reason: In the interests of preserving the historic character, fabric and appearance of the Grade II Listed Building and its setting.
7. The existing red brick wall shall be retained and left undisturbed, unless agreed in writing by the Local Planning Authority. Any making good of the wall shall be done with materials matching that of the existing wall.
Reason: To achieve a satisfactory elevational appearance for the development and to ensure the development would preserve the character and appearance of the listed building.

Committee Report

Committee Date : 19 August 2009

Printed: 7 August 2009

Case Officer **Amie Baxter**

EN/09/00500/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
7 April 2009	7 April 2009	2 June 2009	Fineshade	Duddington With

Fineshade

Applicant **Mr S Scott**

Agent **Mr A Freer**

Location The Mill House Mill Street Duddington Stamford Northamptonshire PE9 3QG

Proposal **Alternations and extensions to house, new drive and new garages**

The application has been brought back to Development Control Committee after Members deferred the application for a Members site visit on 13th July 2009.

1 Summary of Recommendation

1.1 During the site visit, Members requested the following amendments to the scheme:

- That the front elevation of the proposed extension be moved back by roughly 1 metre to limit the impact of the extension on views of the main house from Mill Street;
- That the existing red brick boundary wall, be retained to obscure the proposed extension.

2 Update

2.1 Further to the site visit, the agent has considered the requested alterations and has advised that:

2.2 If the extension were to be moved back, the internal space would not be practical and the external architecture would be inconsistent with a logical extension. In addition, features of the original building would be obscured and structurally damaged to the detriment of the listed building.

2.3 The applicant also feels that, compared to the other changes that have taken place to the house over the years, including the large extension to the right hand rear of the dwelling, the addition of bay windows and the building of the red brick wall- all of which are substantially visible from the road, the proposed extension would have a substantially lesser impact on the appearance of the house from the road. There will also be ample opportunity for the house to be viewed or even photographed (a concern expressed by the Parish Council) without the proposed extension being within view.

2.4 The applicant has not therefore submitted amended plans.

3 Additional Conditions.

3.1 The following condition is recommended, following advice from the Highways Authority, in order to safeguard the safety of highway users:

3.2 Condition 8

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

1. Hard surfacing materials to form the driveway which shall extend 5 metres back from the edge of the adopted highway.
2. Details of the proposed vehicle access point which shall be a minimum of 4.5m wide for at least 10.0m to the rear of the highway, with the provision of pedestrian visibility splays either side of the access.
3. A maximum gradient (1 in 15) from the highway boundary.
4. Pedestrian visibility splays of at least 2.4m x 2.4m (2m x 2m where there is turning space within the site) shall be provided each side of the vehicular access. These measurements are taken along and to the rear of the highway boundary within the curtilage of the site. The areas of land forward of these splays shall be reduced to and maintained at a height of not exceeding 0.6m above carriageway level. The subsequent submitted details shall illustrate a vehicle access, which is to the local highway authority's adoptable standard. The hard surfacing shall be completed in accordance with the approved details in accordance with a timetable to be agreed in writing by the local planning authority prior to the commencement of development. Development shall be constructed in strict accordance with the approved details and approved vision splays retained thereafter.

4 Recommendation

- 4.1 That the application be GRANTED in accordance with the recommendations of the previous report (appended) and subject to the conditions attached to the end of that report and the additional condition concerning highways (Condition 8) as noted above.

APPENDIX 1 : Report to Planning Committee, 18/05/2009

1 Summary of Recommendation

- 1.1 That permission be GRANTED subject to conditions.

2 The Proposal

- 2.1 The proposal comprises the construction of a two storey side extension to the existing Grade II Listed dwelling. The proposed extension would replace an existing single storey extension. Two existing windows in the rear elevation would be raised slightly and a further window, which matches the existing windows in size and design, shall be added.
- 2.2 A timber double garage with lock up area and loft storage is also proposed within the site.

3 The Site and Surroundings

- 3.1 The application site is triangular in shape and sits to the North of Mill Street. The site benefits from an existing vehicular access off Mill Street.
- 3.2 The site accommodates a three storey dwelling which is positioned towards the southern extent of the plot.
- 3.3 The existing dwelling is constructed from natural stone under a Collyweston and slated roof and the building has undergone several extensions throughout its history. The building is detailed with stone capped parapet gables and small dormer windows.
- 3.4 The application site sits within a Conservation Area which is also subject to an Article 4 direction.
- 3.5 Land levels in and around the site slope considerably from south to north, giving the

main dwelling a prominent position.

4 Policy Considerations

4.1 National Planning Policy Guidance

PPS1- Sustainable Development

PPG3- Housing.

PPG 15- Planning and the Historic Environment.

4.2 Northamptonshire County Structure Plan

None relevant

4.3 East Northamptonshire District Local Plan

None relevant

4.4 North Northamptonshire Core Spatial Strategy.

Policy 13- General Sustainable Development Principles.

4.5 Supplementary Planning Guidance

Residential Extensions and Alterations Design Guide

5 Relevant Planning History

5.1 None relevant.

6 Consultations and Representations

6.1 Neighbours: No objections received.

6.2 Parish Council: Object as there are still concerns that the garages are to be constructed from timber as they will be visible and would have been better constructed from stone. It is felt that the extension to this very fine Grade II Listed house is damaging to the look of the property and wonder why it cannot be added at the rear. It is an important house in the history of Duddington and as the first house you see as you enter from the A47, is visually very important.

6.3 Conservation Officer (Trees): No response received.

6.4 Senior Conservation Officer: No objections.

6.5 Highways Authority: No objections subject to conditions.

6.6 Ancient Monuments Society: No response.

6.7 The Environment Agency: Comments which have been addressed by condition.

7 Evaluation

7.1 The following issues are relevant to the determination of this application: Visual impact and impact upon the Listed Building, Residential Amenity, Impact on Trees, Highway Issues, Flood risk.

7.2 Visual Impact and Impact upon the Listed Building.

7.2.1 The design of the extension takes its lead from the design and appearance of the existing dwelling, and includes the use of heavy stone parapet walls on the gable ends, stone corbels, quoins and Collyweston roof slates.

7.2.2 The extension is proposed to the rear of an existing red brick boundary wall which would help to conceal the lower part of the extension and reduce the overall impact upon the street scene. As the structure is set back from the front elevation of the existing property, the eye would not be immediately drawn to the extension and instead the main dwelling would retain its dominance in both views within the plot and within the street scene when approaching the village from the South West. The ridge height of the proposed extension would also be set one metre below the ridge of the existing dwelling and again, the design of the roof would help the extension to appear visually subservient to the main dwelling.

7.2.3 The proposal involves the demolition of an existing single storey extension along the north western elevation which is of relatively recent construction and is not considered to fit

well visually with the main house. The removal of such an extension would be encouraged.

7.2.4 The proposed extension is only visible within the public realm when viewed from the south west and the view of the extension would be obscured by an existing tree until one is directly outside the application site. Upon leaving the village in a south westerly direction, the eye is automatically drawn in the direction of the road out of Duddington and, due to the elevated position of the property and its relationship with Main Street, the proposed extension would only be visible within glimpsing views. The extension would not therefore have a significant detrimental impact upon the street scene from this direction.

7.2.5 It is important to note that the original building has undergone several extensions to reach its form of today. Two windows in the rear elevation of the extended part of the dwelling shall be repositioned and an additional window is proposed beside the existing two. This would have little impact upon the integrity of the Listed building and would create a vision of symmetry along the rear elevation.

7.2.6 The proposal also includes the erection of a garage which sits at a height of 6.1 metres and is 9.8 metres wide and 6.2 metres deep. The garage includes a lock up area, space for the parking of two vehicles and a storage area in the loft space.

7.2.7 The garage is proposed to be constructed from green oak which is considered an appropriate material given its natural setting within an established wooded area. The green oak would blend well with the trees and vegetation it would sit against, lessening its visual impact. The use of slate for the roof is appropriate but a condition is recommended to ensure that an acceptable colour and texture of slate is used.

7.2.8 Access to the garage would be via an existing point of access which is proposed to be extended along the western boundary of the site and along the edge of the existing group of trees. By laying the access road in this way, no trees along the front boundary of the site would need to be removed to facilitate the proposed development and the existing stone boundary wall to the front of the site would remain as existing.

7.3 Residential Amenity.

7.3.1 Due to the positioning of the dwelling, away from neighbouring property, and as the extension is to be located to the north west of the dwelling, no neighbours are situated close enough to suffer any detrimental impacts in terms of overshadowing, overlooking or an overbearing impact.

7.3.2 The proposed garage is also positioned away from neighbouring dwellings and would not therefore, detrimentally impact any neighbours.

7.4 Impact on trees.

7.4.1 The proposed access would limit the disturbance caused by trees within the site, however, a condition shall be used to ensure that appropriate construction methods are employed and that 'no dig' foundations are used where necessary.

7.5 Flood Risk.

7.6.1 The consultation response from the Environment Agency has highlighted that the site could be at a low risk of flooding due to the river running close to the site boundary. The proposed extension and garage would be considered as householder development in Flood Zone 2 or 3. The Environment Agency's advice states that the garage should be set 300mm above the known 1 in 100 annual probability river flood level (1%) in any year. A condition shall be used requiring the applicant to submit a plan demonstrating the finished floor levels.

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 - this application does not raise any significant issues
- 8.4 Access for Disabled - this building would not be subject to any public access and this does not raise any significant issues
- 8.5 The applicant has followed the advice from the Conservation Officer and attempted to address the concerns of the Parish Council. The scheme has been amended in line with comments received in order to achieve an overall better design and to limit the impact upon the street scene. The Parish Council maintain their objection.
- 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. The development the subject of this planning permission shall be carried out using external natural materials matching those of the existing building, samples of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To achieve a satisfactory elevational appearance for the development and to protect the historical integrity of the building.
3. All re-pointing shall be carried out using a natural hydraulic lime mortar mix- free from any cement. The mortar composition, joint width and finish shall be first agreed in writing by the Local Planning Authority (LPA) following an inspection on site by the LPA's representative, of a sample panel of no less than 1 metre square prepared as the first re-pointing work to take place associated with the works hereby approved.
Reason: To protect the historical fabric of the listed building.
4. All disturbed external surfaces shall be made good to match existing.
To achieve a satisfactory elevational appearance for the development and to ensure the development would not harm the setting, character and appearance of the listed building.
Reason: To protect the historical fabric of the listed building
5. The works hereby approved shall be carried out in complete accordance with the details shown in the application particulars and amended plans.
Reason: To clarify the terms of this consent and to avoid adversely affecting features of the building which may be of architectural or historic importance.
6. Notwithstanding the submitted information, prior to the commencement of the development, detailed sectional drawings at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, and be thereafter retained in perpetuity.
Reason: In the interests of preserving the historic character, fabric and appearance of the Grade II Listed Building and its setting.
7. The existing red brick wall shall be retained and left undisturbed, unless agreed in writing by the Local Planning Authority. Any making good of the wall shall be done with materials matching that of the existing wall.

Reason: To achieve a satisfactory elevational appearance for the development and to ensure the development would preserve the character and appearance of the listed building.

Committee Report

Committee Date : 19 August 2009

Printed: 6 August 2009

Case Officer **Mr Rhys Bradshaw**

EN/09/00694/LBC

Date received	Date valid	Overall Expiry	Ward	Parish
6 May 2009	6 May 2009	1 July 2009	Prebendal	Nassington

Applicant **Mr M Padley**

Agent **Beacon Planning - Mrs Hawkins**

Location The Queens Head 54 Station Road Nassington Peterborough
Northamptonshire PE8 6QB

Proposal **Internal alterations consisting of enlargement of existing opening, removal of bar area, replacement of support pillar with column and alterations to step access/floor level of dining area**

This application is reported to the Development Control Committee at the request of the local Ward Member because it is considered that the small portion of an internal wall that is the subject of this application is not original structure because it contains modern breeze blocks and has already been tampered with.

1 Summary of Recommendation

1.1 That permission be REFUSED

2 The Proposal

2.1 This application proposes the enlargement of an existing internal opening, the removal of a bar area, replacement of a support pillar with a column and the installation of steps into the existing dining area.

3 The Site and Surroundings

3.1 The building in question is the Queens Head public house on the eastern side of Station Road. It is grade II listed.

4 Policy Considerations

4.1 National Planning Policy Guidance

PPS1– Sustainable Development

PPG15 – Planning and the Historic Environment

4.2 North Northamptonshire Core Strategy

Policy 13 – General Sustainable Development Principles

5 Relevant Planning History

5.1 None

6 Consultations and Representations

6.1 Neighbours: 4 letters of support received, including comments from County Councillor Heather Smith. These comments can be summarised by the following points:

- The property was closed and derelict for many years.
 - The current layout does not make sense and the alterations will make this business more viable.
 - This is a local facility and is of benefit to the community.
 - The alterations will improve access for the disabled.
-

- This small change will enhance the dining area.
 - There are many pubs and hotels closing, this application should be supported.
- 6.2 Nassington Parish Council: No objection. The Council is supportive of the proposed alterations as it will benefit a local business that the village fought very hard to preserve some years ago. This is a village asset and the Council is supportive of the owners endeavours to develop it from a loss making business to a profitable business.
- 6.3 Site Notice posted: No representations received.
- 6.4 ENC Senior Conservation Officer: Objection.
The wall in question is likely to be one of the remaining pieces of C17 fabric from the interior of the building. It is important, therefore, for this very reason and also for the way in which it divides the spaces and character that it provides. I note that this conclusion has in part been drawn out in the applicant's supporting information (section 6.9 of Heritage statement). I acknowledge the wall and indeed the interior of the building has been compromised to a degree in the past, however I do not feel that this is sufficient justification to compromise the building/wall further.

7 Evaluation

- 7.1 The main consideration in the determination of application is the impact on the character of the grade II listed building
- 7.2 Impact on listed building and conservation area.
- 7.2.1 PPG 15 highlights the responsibility of Local Planning Authorities to protect listed buildings in its opening paragraph. Paragraph 3.3 states "While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent."
- 7.2.2 The building operates purely as a pub and is currently occupied after undergoing alterations and refurbishment in recent years. In judging the effect of any alteration or extension to a listed building, PPG15 advises that "it is essential to have assessed the elements that make up the special interest of the building in question. They may comprise not only obvious visual features such as a decorative facade or, internally, staircases or decorated plaster ceilings, but the spaces and layout of the building and the archaeological or technological interest of the surviving structure and surfaces. These elements are often just as important in simple vernacular and functional buildings as in grander architecture." It is the internal spaces and layout of the building that are of particular interest in this case.
- 7.2.3 Alterations to assist accessibility, security and general viability are important considerations and local support for the application highlights the importance and benefit this business brings to the community. Notwithstanding this, no detailed information has been submitted to demonstrate that not altering the building in the manner proposed would impact on the viability of the pub. Similarly, there are no details of current security issues linked to the existing internal layout.
- 7.2.4 It is the view of the Council's Senior Conservation Officer that the proposed internal alterations would not have an acceptable impact on the fabric of the listed building, noting that the wall in question is part of the historic plan of the building and is important in the way in which it divides the spaces and character that it provides. The past alterations to the fabric of the building are acknowledged; however, it is not considered that this is sufficient justification for further works to this element of the

building, which would have an impact on how the historic plan of the building is divided.

8 Other issues

8.1 None

9 Recommendation

9.1 That the application be REFUSED for the following reason:

Conditions/Reasons -

1. The proposed works, by reason of the alteration to the historic plan of the building and the loss of historic fabric, would fail to preserve or enhance the character and special architectural interest of the Grade II Listed Building. The proposal is therefore contrary to Policy 13 of the North Northamptonshire Core Spatial Strategy and the advice contained within PPG15 – Planning and the Historic Environment.

Committee Report

Committee Date : 19 August 2009

Printed: 7 August 2009

Case Officer **Amie Baxter**

EN/09/00696/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
8 May 2009	1 June 2009	27 July 2009	Rushden Bates	Rushden

Applicant **Mr C Gilbert**

Agent **Mr P Cartwright**

Location 49 Crabb Street Rushden Northamptonshire NN10 0RH

Proposal **Two storey building comprising of two flats land to rear of 49 Crabb Street**

The application has been brought back to Development Control Committee after Members deferred the application for a Members site visit on 11th August 2009. The site visit had not been conducted at the time of writing the update to this report and any issues raised at the site visit shall be covered in the Committee update sheet.

Update

1.1 The applicant has now altered the red boundary line to include an additional portion of amenity space for the use of occupiers of the proposed flats. All consultees have been made aware of the alteration to the boundary line.

1.2 The Architectural Liaison Officer has been consulted and has confirmed that he has no objections to the proposal in terms of its impact on crime. The applicant's agent has agreed that the existing gates at the entrance to the site could be used to improve security.

2 Impact upon the Listed Building.

2.1 The proposed development would sit along an elevation of the listed factory which is not visible from the streetscene and it is considered that the proposal would not have a detrimental impact upon the setting or character and appearance of the Listed property.

2.2 A distance of 4 metres exists between the proposed structure and the listed building, which is 2 metres further away from the Listed building than the rear element of the existing building.

2.3 The Listed building is a disused factory and whilst it has historical and architectural importance, it is already recognised, by nature of its siting in a heavily built up area, that its setting is not necessarily its appealing factor. Therefore, as the proposed development would not be visible in views of the Listed Building from the street and as a sufficient physical distance would exist between the proposed development and the listed building, in this instance, it is unlikely that the proposal would result in any harm to the historic fabric or structure of the Listed property.

2.4 The Conservation Officer was consulted as part of this application but gave no written response. He was also consulted at Pre-application stage and gave verbal confirmation that he had no objections. The Conservation Officers formal comments will follow in the update sheet.

3 Recommendation

3.1 That the application be GRANTED in accordance with the recommendations of the previous report (appended) and subject to the conditions attached to the end of that report.

APPENDIX 1 : Report to Planning Committee, 19/08/2009

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes a two storey building comprising two two bedroomed flats, one on each floor. The proposed building would be attached to the rear of an existing block of two flats.

2.2 Each unit would rely on the on street parking provision on Crabb Street.

2.3 This application is a resubmission of a previously refused application for a detached block of two flats Ref: EN/07/01513/FUL

3 The Site and Surroundings

3.1 The application site is a vacant parcel of land to the rear of 41 to 49 Crabb Street and appears to have once formed the gardens of numbers 41 and 43. The site is unkempt, somewhat overgrown and is accessed via a passageway adjacent to number 45.

3.2 Crabb Street is a narrow Victorian terraced street joining Park Road to the northeast to High Street South to the southwest. Most properties front directly onto Crabb Street, with factory buildings occupying corner plots at either end of the street.

4 Policy Considerations

4.1 National Planning Policy Guidance
PPS1 Sustainable Development
PPS3 – Housing
PPG13- Transport.

4.2 Northamptonshire County Structure Plan
None relevant

4.3 East Northamptonshire District Local Plan
None relevant

4.4 North Northamptonshire Core Spatial Strategy.
Policy 13- General Sustainable Development Principles.
Policy 14 – Energy Efficiency and Sustainable Construction.
Policy 15 - Sustainable housing provision

4.5 Preferred Options Document:
Three Towns Plan: Rushden, Higham Ferrers, Irthlingborough

4.6 East Midlands Regional Plan.

4.7 Supplementary Planning Guidance
Planning Out Crime.
Minor Planning Applications that have an Effect Upon the Highway, 1999

5 Relevant Planning History

5.1 EN/07/01513/FUL Erection two storey building comprising two flats. Refused on 25.09.2007.

6 Consultations and Representations

6.1 Neighbours:

39 Crabb Street -

- There is already an inadequate parking provision which is worse at weekends and weekday evenings.
- Residents have to park on the road and pavement which is dangerous.
- Planners should visit that site between the hours of 10.00 and 10.30 during a church service to see the full extent of the parking problem.
- If the gravel yard shown on the plans is to be used for parking, it would be inadequate in that it is too narrow and would only accommodate 2 cars- both of which would have to reverse out onto Crabb Street.

25 Crabb Street –

- The area is already overdeveloped and is currently above the recommended number of dwellings for the area.
- Parking is already very limited with many residents using the pavement for parking, causing a proposed Conservation Area to be blighted.
- Crabb Street has many other empty flats which have been on the market or for rent for many months- The last thing the area needs is more flats.

6.2 Rushden Town Council: Objection.

- Lack of on site parking- Crabb Street is already congested with existing residents having to park on the pavement
- The proposal constitutes overdevelopment of the plot with an insufficient provision of amenity space.
- There is already sufficient provision for this type of accommodation within the town.

6.3 Highway Authority: Highway standards and planning conditions set out in the NCC document 'Minor Planning Applications that may have an effect on the highway' should be applied to this planning application.

6.4 Environmental Services: No comments received.

6.5 The Ramblers Association: No comments received.

6.6 Senior Conservation Officer: No comments received.

6.7 Housing Officer: No objections.

7 Evaluation

7.1 The main considerations in the determination of this proposal are the principle of development; design and visual impact; impact on neighbouring properties; highway matters impact upon the adjacent listed building and other matters.

7.2 Principle of Development

7.2.1 With reference to guidance contained in PPS1 and PPS3, which encourages the reuse of previously developed land and bearing in mind the site's location within a primarily residential area, it is considered that the principle of residential development is acceptable. The site is currently overgrown and is not being utilised to its full potential. Therefore, the proposed development would constitute a more positive use of land and would lessen the need for residential development on land that has not been previously developed.

7.2.2 In areas close to local facilities and with access to other means of transport than the private car, Government policies encourage higher densities in order to make the best, most efficient use of land in existing urban areas. The guidance of PPS 1 is that, where well designed and built in the right location, more intensive development can enhance the quality and character of an area.

7.3 Design and Visual Impact

7.3.1 The proposed block is situated some 13.5m from the rear of the existing terrace row fronting Crabb Street and has a simple design, including a plain front facing facade and two dormer windows along the North East elevation. The materials would match those of the existing building at Number 49 and a condition is recommended to ensure this.

7.3.2 The two units of accommodation are split into ground and first floor flats with identical floor plans. The proposed units have separate external entrances which sit side by side at the front of the building.

7.3.3 Since the previous application was refused, the proposed building has been re-sited to enable it to be read more easily with the existing built form along Crabb Street. The building would now be attached to the south eastern end of the existing building at Number 49. Whilst it is recognised that it is not common for backland development along Crabb Street, the proposed development would appear to sit as part of the original building and therefore, would not detract from the character and form of the area.

7.3.4 No existing boundary treatments shall be disturbed.

7.4 Highway matters

7.4.1 The proposal utilises the existing on street parking provision along Crabb Street. Whilst the Highway Authority has not commented specifically on this aspect of the application, it is not considered that the proposed additional residential units would place significant pressure on this provision.

7.4.2 The issue of parking provision is a concern for both Rushden Town Council and local residents. However, it is felt that the addition of two small units of residential accommodation would not have a significant impact on local parking provision. A free car park, which is open 24 hours a day, sits opposite the site with a capacity for over 12 cars, as well as the provision of on-street parking along Crabb Street and other nearby roads. Should any inappropriate parking occur to prevent the free flow of traffic, then enforcement action may be taken by the appropriate authority.

7.4.3 Government guidance within PPG13 indicates that to promote sustainable forms of development, developers should not be required to provide more parking spaces than they wish, other than in exceptional circumstances, and that the council should not adopt minimum parking standards. PPS3 indicates that consideration of parking requirements should take account of local circumstances and it is recognised that there are limited local bus services and public transport options, particularly for commuting out of Rushden. However, the application site is on the periphery of the town centre and local buses pass nearby. The main shopping centre is within easy walking distance as are other bus routes.

7.4.4 Policy 13 of the North Northamptonshire Core Spatial Strategy sets out general sustainability principles which, amongst other things, aim to promote a modal shift and allow for travel to home, shops, work and schools by cycle and public transport. The proposed development consists of two, two bedroomed flats, is well situated and of a type to contribute to sustainability objectives through restricting parking provision.

7.4.5 Attention is drawn to a recent appeal decision in Rushden, where the Inspectors reasoning included reference to government policy to restrict parking in order to encourage more sustainable forms of transport. In one case, (APP/G2815/A/08/2088437- 131 High Street, Rushden. Planning Ref: EN/08/00183/FUL) the Inspector found in favour of the provision of flats without any parking in the High Street. It is considered that the proposed application would accord with the Government and Local Policy referred to above.

7.4.6 Overall then, the proposed development is not considered to have such a significant impact upon the current parking provision which would warrant the refusal of this application.

7.5 Residential Amenity.

7.5.1 Policy 13 of the North Northamptonshire Core Spatial Strategy supports residential redevelopment within existing built up areas provided there is no adverse impact on the amenities of neighbouring land users or the character of the surrounding area.

7.5.2 Due to the positioning of the proposed building and given that the windows within the north east elevation do not face onto any neighbouring habitable room windows, overlooking is not considered to be an issue. The development would facilitate minimal overlooking to the end portion of neighbouring rear gardens, however, a degree of overlooking is expected within residential areas of this kind and in any case, the overlooking allowed would not be direct: with a distance of 7.0 metres between the rear elevation of Number 43, the closest dwelling likely to be affected, and the proposed building. The development would not give rise to the overlooking of Number 45 Crabb Street due to the relationship between the two buildings and as no windows are proposed for the north west elevation. A condition is recommended preventing any further windows from being inserted without prior written approval of the Local Planning Authority, to prevent the potential for any further overlooking.

7.5.3 In terms of the private amenity space provision for the proposed flats, it is considered that the area of garden land remaining is sufficient to be used in a communal nature for the use of the occupiers of the two existing flats as well as those of the proposed residential units. A gravelled area and a patio area are also available as amenity space. Although the grassed area is not contained within the red line, it shall still be available for use by the occupiers of the proposed flats.

7.6 Housing Issues.

7.6.1 The Housing Officer has been consulted and has verbally confirmed that she does not have any objections to the proposed development. Written comments are to be reported on in the update sheet.

8 Other issues

8.1 Crime and Disorder - this application does not raise any significant issues. The garden area to the rear of the site is to remain private for the residents use only and is currently gated.

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

8.3 Trees – None of the trees on site are subject to Tree Preservation Orders.

9 Recommendation

9.1 That the application be APPROVED subject to 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, samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason: In the interest of visual amenity.

3. Prior to the commencement of construction works on site, details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

4. Adequate provision of foul water and surface water drainage installations to serve the development hereby approved shall be installed and maintained in perpetuity.

Reason: To safeguard public health.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in any elevation of the proposed development without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy of adjoining properties.

Committee Report

Committee Date : 19 August 2009

Printed: 7 August 2009

Case Officer **Amie Baxter**

EN/09/00780/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
20 May 2009	29 May 2009	24 July 2009	Higham Ferrers	Lancaster

Applicant **The Duchy Of Lancaster**

Agent **Smiths Gore - Mr M Fountain**

Location **Moulton College Chelveston Road Higham Ferrers Northamptonshire NN10 8HN**

Proposal **Construction of separate two storey side extension to plumbing and leadworking building and new first floor classrooms to brickwork and carpentry building to include new fenestration**

This application has been brought before the Planning Committee at the request of a local Ward Member to ensure that the application and other relevant issues, regarding the sites history, are highlighted to the committee members.

- 1 Summary of Recommendation
 - 1.1 That permission be GRANTED subject to conditions.
- 2 The Proposal
 - 2.1 The application seeks approval for the erection of a two storey extension to an existing classroom building.
 - 2.2 The extension would accommodate for two additional classrooms and an extension to an existing classroom.
- 3 The Site and Surroundings
 - 3.1 The application site sits adjacent to Chelveston Road (B645) and has a vehicular access along the northern boundary of the site.
 - 3.2 The site accommodates the main college building and several smaller outbuildings and detached classroom units. Most buildings on site are constructed from brick with a profiled metal sheeted roof. Car parking is laid out to the front of the main building.
 - 3.3 The site is surrounded by open land and is therefore somewhat detached from the main built up area of Rushden. The closest buildings to the application site would be those at Duchy Farm, some 200 metres away.
- 4 Policy Considerations
 - 4.1 National Planning Policy Guidance
PPS1- Sustainable Development
PPG13- Transport.
 - 4.2 Northamptonshire County Structure Plan
None relevant
 - 4.3 East Midlands Regional Plan

- 4.4 East Northamptonshire District Local Plan
None relevant
- 4.5 North Northamptonshire Core Spatial Strategy
Policy 11- Jobs
Policy 13- General Sustainable Development Principles.
- 4.6 Supplementary Planning Guidance
Planning Out Crime Adopted (February 2004)
Minor applications that have an effect on the highway -Adopted (March 2003)
- 5 Relevant Planning History
- 5.1 05/00203/CWN Conversion of farm buildings, demolition works, construction of new buildings and associated new access, car parking and landscaping to form New College campus and incubator units. Permitted on 13.04.2005.
- 5.2 Planning permission EN/05/01273/CWN which allowed the change of use and alterations to existing farm buildings together with new development to form a new educational campus specified at Condition (7) that prior to occupation of the development an agreed pedestrian/cycleway link between the site and the existing pedestrian footway network would be completed. On 22.05.2006 the officers approved a submission from the Duchy of Lancaster's Agents that provided for a footpath on the northern verge, on the opposite side of the road to the Moulton College site. This approval was given without the technical approval of the County Highways Department who favoured access by the southern verge as there was no provision by the Developers of a safe crossing across the Chelveston Road from the northern verge to the College. The Agents consider that the approval given by East Northamptonshire Council Planning Authority stands.
There are on-going negotiations between East Northamptonshire Council, Northamptonshire Highways Department and the Agent about the pedestrian/cycle access but as yet no pedestrian/cycle access of any kind has been provided as required by permission 05/01273/CWN. The Highway Authority's view is, that the condition can not be fully discharged until the facility has been constructed.
- 6 Consultations and Representations
- 6.1 Neighbours: No comments received.
- 6.2 Rushden Town Council: No objection but notes that Moulton College has not complied with conditions from a previous planning approval and given that the current application will increase traffic volumes, further urges the Planning Authority to enforce the condition.
- 6.3 Highways Officer: No objection subject to comments and condition.
- 6.4 Planning Policy: No comments received.
- 6.5 School Organisation Officer: No comments received.
- 6.6 Environment Agency: No objections but makes informative comments regarding the private sewage treatment plant.
- 6.7 Community Safety Officer: No comments received.
- 6.8 Economic Development: No comments received.
- 7 Evaluation
- 7.1 The following issues are relevant to the determination of this application: Visual Impact, Impact on Neighbouring Amenity and Impact on local highway network.

7.2 Policy Context

7.2.1 Crown compliance with the planning acts was introduced on 7 June 2006 as part of the planning reforms covered by the Planning and Compulsory Purchase Act 2004. Prior to 7 June 2006, the Crown was exempt from planning legislation, but followed a similar procedure for applying for planning and listed building clearance under DoE Circular 18/84 Crown Land and Crown Development. On 7 June 2006 the provisions relating to the Crown in the Planning and Compulsory Purchase Act 2004 came into force. These fully integrate the Crown into the planning system by making the Crown compliant with the following acts:

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990

7.2.2 The Department for Local Government Circular 02/06, Crown Application of the Planning Acts gives guidance on the content of the Statutory Instruments and explains to local planning authorities and Crown bodies how applications from the Crown should be handled. Planning permission will be required from the local planning authority for all development covered by the Town and Country Planning Act 1990.

7.2.3 The permitted development rights granted to Crown bodies are broadly similar to those granted to local authorities and statutory undertakers, however, the Crown benefits from a wider range of permitted development rights for emergency development and national security. The development proposed as part of this application does require planning consent.

7.3 Visual Impact

7.3.1 The proposed extension would follow the dimensions of the existing classroom building and would sit at a height of 6 metres (ridge level) above ground level with a length of 10.4 metres and a width of 9.8 metres.

7.3.2 The proposed extension would be constructed from materials matching the brick and corrugated metal sheeting of the existing building. The extension would be visible within the streetscene and would become particularly prominent when turning into the access road to the College. However, as the scale of the proposed extension is reasonable and appropriate materials are to be used, the extension is not considered to be detrimental to the streetscene or the existing building, particularly given the current nature of the site. A condition is recommended to ensure that appropriate materials are used.

7.4 Neighbouring amenity

7.4.1 Given the remote location of the site and the scale of the proposed extension, it is unlikely that neighbouring amenity would be harmed as a result of this proposal. The nearest buildings to the application site would be those at Duchy Farm which sit approximately 200 metres from the proposed extension. No other buildings or residential property would be harmed by this proposal.

7.5 Impact on Local Highway Network.

7.5.1 The proposed development would create additional teaching space and therefore further numbers of students could be accommodated at the college. The applicants have confirmed that the extension would allow for 24 additional students to attend, in addition to the 356 students currently enrolled at the college (these figures are based on last years enrolment numbers). Therefore, the proposed extension would allow for, approximately, a 10% increase in student numbers. An increase of approximately 10% would not warrant the submission of an amended travel plan.

7.5.2 The Council is aware that there are outstanding conditions relating to previous planning permission (Ref: 05/00203/CWN) in relation to the provision of a footpath, giving pedestrian access from Higham Ferrers to the application site. The Council is

investigating the failure to discharge the necessary condition and the absence of a formal travel plan pursuant to that condition. Although it is not desirable to significantly intensify the use of the application site whilst the site is in breach of such a condition, the applicant has submitted sufficient information, at officers' request, to demonstrate that the projected increase in student numbers is not greater than 10%. On this basis, it would not be reasonable to refuse planning permission for the extension proposed in this planning application. However, any further significant extensions are unlikely to be considered acceptable until suitable provisions are made for pedestrians and cyclists. Investigations will continue by the Council's enforcement team into the provision of an appropriate pathway for students and staff travelling to the site on foot and by cycle.

7.5.3 Overall then, an increase in student numbers by 10% is not considered sufficient to warrant the submission of a travel plan or to refuse the application on the basis that the extension would result in the unacceptable intensification of the site. A condition is recommended, and endorsed by the Highways Officer, requiring a pedestrian/cycle way to be provided, linking the existing pedestrian footway network to the application site prior to the first use of the proposed development.

8 Other issues

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

8.2 Access for Disabled – The proposed extension would be for public use and would be regularised under separate powers, to ensure that the building is constructed appropriately in terms of disabled access.

9 Recommendation

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

Conditions/Reasons -

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

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

2. Prior to the commencement of development samples of materials (brick and metal sheeting) to be used on the external face of the buildings shall be made available on site for the approval of the Local Planning Authority and development shall thereafter be carried out in accordance with these approved details.

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

3. Prior to the commencement of development details of the proposed slab levels to the extension hereby permitted shall be submitted to and approved in writing by the local planning authority. The submitted details shall clearly depicting the slab level relationship of these dwellings to the slab level of the existing dwellings. Development shall be completed in accordance with the approved details.

Reason : In the interests of visual amenity.

4. Prior to first occupation of any part of the development hereby permitted details of a pedestrian/cycleway link between the existing pedestrian footway network and the site shall be submitted to and approved in writing by the Local Planning Authority. The details as may be agreed shall then be completed to the satisfaction of the Local Planning Authority within six months (or other such period as may be agreed in writing by the Local Planning Authority) of the first occupation of the development hereby permitted.

Reason: In the interests of highway and pedestrian safety and to encourage means of travel other than private car to the site.

Committee Report

Committee Date : 22 July 2009

Printed: 7 August 2009

Case Officer **Carolyn Tait**

EN/09/00846/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
1 June 2009	17 June 2009	12 August 2009	Higham Ferrers	Chichele

Applicant **Mrs S Linnitt**

Location Westfields Tannery 3 Westfields Avenue Higham Ferrers Rushden
Northamptonshire NN10 8AX

Proposal **To create a dance studio**

The application has been brought back to Development Control Committee after Members deferred the application for a site visit on 11 August 2009.

1 Summary of Recommendation

1.1 The site visit had, at the time of writing this report, not yet taken place. Any additional comments/information will be updated at the Development Control committee meeting.

1.2 The Officer's report to Development Control Committee of 22 July 2009 is appended to this report.

2 Updates required prior to the Development Control Committee held 22 July 2009

2.1 Comments were received from the Council's Environmental Protection Team. Comments can be summarised as follows:

- No objection to the application subject to conditions being added.
- Recommendation for condition 7 to be removed.
- It is recommended that a condition be added to say "Prior to the hereby approved change of use the roller door to the west elevation shall be sealed to prevent noise breakout. Reason: In the interests of the amenities of the occupiers of nearby properties.
- Powers under the Environmental Protection Act 1990 to take action should noise emanate from the building such that it is a statutory nuisance.

2.2 Langley Leathers of Westfield's Tannery commented on the application. However Langley Leathers are the owners of the application site. Comments can be summarised as:

- The studio would be an ideal venue for a dance studio.

2.3 Comments received from a local resident. Comments can be summarised as follows:

- The letter from Langley Leathers should be removed from the planning application as they are the same company that owns the property. The letter shows a clear disregard for the feelings and concerns of the residents.

2.4 Comments were received from Harmatan and Oakridge Leathers 2008 Ltd. Comments can be summarised as follows:

- No objection, but wish to draw attention to the fact that there is full planning consent on their property as per reference EN/05/00191/FUL.

2.5 Comments received from 29 Thrift Street. Comments can be summarised as follows:

- Support the application and would welcome the use of the building for anything other than housing.
 - There is sufficient parking to the rear of JJ's public house.
 - As a resident parking in Thrift Street is already a problem anyway.

2.6 Comments received from 24 Northampton Road. Comments can be summarised as follows:

- The building was not designed for the proposed use.
- The cost of soundproofing the building would more than likely be in excess of the cost of rebuilding it from scratch.
- In hot weather the doors and windows would be opened rendering any soundproofing worthless.
- Parking is a concern as there is terracing on both Thrift Street and Commercial Road which are currently full to the brim with parked cars.
 - Parking suggestions by the applicant are fanciful at best.
 - Commercial Street is too full with parked cars for a dustbin lorry to venture down it.
- The land directly across the roadway from the site has permission as per reference EN/05/00191/FUL for further residential dwellings meaning that the area will be placed under even more pressure to provide residential parking.
- Residents on three sides of a predominantly residential block will have to give up the enjoyment of their gardens every evening, weekends and bank holidays.
- More time had been invested in googling the various forms of dance than had been spent considering the impact on local residents.
 - A high number of people attended the Town Council meeting.
- It is very curious indeed that the planning department have decided to suggest that this application should be granted.

2.7 Comments received from 16 Commercial Street. Comments can be summarised as:

- The applicant states that there will only be 25 people on site at any one time, however, there will only be 13-15 cars on site at any one time due to people car sharing and walking. In winter months what would happen if 25 people decide to drive?
- JJ's public house only has 15 spaces if empty and available. The parking situation has only been based on assumption and not worst case scenario.
- The Higham Hopper bus service is not a viable solution.

2.8 Comments received from the Local Highway Authority. No objection in principle to this proposal, however, if approval is minded please impose the following conditions:

- A travel plan shall be implemented and approved in writing by the Planning Authority to serve this facility, to maximise travel to and from the site by methods other than by the use of private car and shall be reviewed and updated on an ongoing basis.

2.9 The Police were consulted in response to objections raised with regards to crime. The Development Control Manager has discussed the proposal with Sgt Byrne who has viewed the site. Sgt Byrne has advised that, whilst he has not scrutinized every incident, the site does not have crime, anti-social or traffic issues and advises that the site is no different to a lot of other areas. In addition written correspondence has been received from the Crime Prevention Design Advisor. Comments can be summarised as:

- Several telephone calls have been received from residents concerned on various grounds regarding the proposal that this application be granted.
- Northamptonshire Police has no objections to this application in terms of crime and disorder.

3 Updates received post the last Development Control Committee meeting

3.1 An email from the applicant was received on 29 July 2009 with an attachment entitled "Explanation of how dance school will run". The points in the document are:

- This majority of the lessons will be in the main studio only. The smaller studio will only be

used for private dance lessons when the main studio is being used and will not be used to hold classes. Just to clarify, there will not be more than one class being held at the school at any one time.

- Private dance lessons will not have more than 6 people in it and will be held for ½ an hour or 1 hour at a time.
- Dance workshops will only be held on a Sunday from 10am until 4pm and will only be held 2 or 3 times a year. They will be limited to 12 couples per workshop.
- All partner based lessons (ballroom, latin, rock and roll, salsa) will have an upper limit of 12 couples per class.
- All exercise classes (yoga, tai chi, pilates, exercise, pop dance) will have an upper limit of 25 people to each class.
- All teachers and assistants will be required to park at 3 Bailey Court, Higham Ferrers which is my home address. There will be a maximum of 1 teacher and 2 assistants at classes.
- The Sunday adults dance class will change during the year and may only be held in the winter months.
- There will a 15 minute gap if there are two classes being held to allow for the first class to leave and the other class to park.
- All adult classes will finish at 9.30pm at the latest with only ½ hour private lessons being given from 9.30pm until 10pm.
- Please see letter from JJ's public house regarding parking facilities in their car park. He has advised me that they have a clamping policy for unauthorised parking – I am going to be providing everyone with a parking permit for the car park so to avoid this! He has stated in his letter that they have provisions for a maximum of 27 cars.
- There are currently 4 parking spaces outside Connolly House. I am looking to increase this to 6 by taking the gate off the side of the unit, which is currently being used as outside storage – I have confirmed that there is room for parking for small to medium sized cars.
- Everybody who signs up for lessons with the dance school will be given a welcome pack including directions to the studio and where not to park. I will state that no-one should be parking on Thrift Street or Commercial Street.

3.2 A letter from JJ's public house has also been received. This can be summarised as:

- JJ's car park has enough official parking bays for 19 vehicles.
- A further 8 vehicles can be accommodated should the need arise.
- As the dance classes are to be held predominantly during the week, there is no reason that the students can not use the car park.
- This offer was intended to relieve an already over congested street of further traffic and to help with safety issues that this could cause.

4 Recommendation

4.1 That the application be GRANTED in accordance with the recommendations of the previous report and subject to the conditions attached to the end of this report.

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

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions and the expiration of the re-consultations.

2. The Proposal

2.1 The application proposes the change of use from an office, warehouse and leather finishing factory to a dance studio.

2.2 The inside area of the unit is 309.3 square metres. The unit will not be expanded or reduced in size as part of this application.

2.3 The property currently consists of three offices, two toilets and two open areas. The proposal is to change one of the offices into a storage room. The other two offices will be converted into one room to serve the purpose of a kitchen, waiting and changing area.

2.4 The two main open areas will not change in size, however, sliding doors will be put between them.

2.5 The Design and Access statement states that there are 5 parking spaces to the front of the site, with an area of land to the side of the property currently used for storage that could be used to accommodate two further parking spaces.

2.6 The proposed opening hours for the dance studio are 9am to 10pm Monday to Friday, 9am to 5pm, Saturday and 9am to 8pm on Sundays and Bank Holidays.

2.7 Classes will be limited to 25 people per class with one teacher at each class except for ballroom and Latin classes which will also require a teaching assistant.

2.8 Classes will include; private lessons, old time and sequence classes, dance exercise classes, children's dance classes, exercise classes, rock and roll classes, salsa exercise classes, pop dance classes, ballroom classes and ballroom and Latin classes. On a Monday there are three classes and a number of private lessons, on a Tuesday there are three classes and a number of private lessons, on a Wednesday there are private lessons for two hours and one class, on a Thursday there are three classes and a number of private lessons, on a Friday there are three classes and a number of private lessons, on a Saturday there are children's dance classes until 2pm and on a Sunday there will be a ballroom and Latin class only in the winter months.

2.9 A change to the description of this application was made on 9 July 2009. The original description read: To create a dance studio and multi functional community centre. The new description reads: To create a dance studio. This change to the description was made after a letter was received from the applicant on 7 July 2009 asking for the Local Planning Authority to change the description. As a result of this change to the description neighbouring properties, the Environmental Protection Officer and Higham Ferrers Town Council were re-consulted. These consultations will expire on 23 July 2009.

3 The Site and Surroundings

3.1 The application site accommodates a single storey detached use.

3.2 The current use of the site is for an office, warehouse and leather finishing factory. This permission was granted under reference EN/60/0020//HFB.

3.3 The site is surrounded by residential development of mixed character and style.

3.4 The plot of land to the west of the site was formerly a factory, however, permission was granted under reference 06/02587/FUL for the conversion of the existing building and the erection of a new building to form 9 flats and associated works.

4 Policy Considerations

4.1 National Planning Policy Guidance
PPS1– Sustainable Development
PPG13- Transport
PPG24 – Planning and Noise

4.2 Northamptonshire County Structure Plan
None relevant

4.3 North Northamptonshire Core Spatial Strategy
Policy 13 – General Sustainable Development Principles

4.4 Supplementary Planning Guidance
None relevant

4.5 Other Documents
Highway Authority Standing Advice for Planning Authorities, Working Draft, July 2008.

5 Relevant Planning History

5.1 60/0020//HFB Office, warehouse and leather finishing factory. PERMITTED.

5.2 66/0105//HFB Extension. PERMITTED.

6 Consultations and Representations

6.1 Neighbours: Comments received from 26 Commercial Street, 20 Commercial Street, 24 Northampton Road and 24 Commercial Street.

Comments can be summarised as follows:

- The construction and location of the building make it unsuitable for the proposed purpose.
- Concerns regarding noise caused by a single-leaf solid brick outer wall, single glazing to the open-able windows, a profiled steel panel roof, no soundproofing, windows and doors being open on hot days and the additional noise of persons arriving and departing.
- Lack of parking
- The Higham Hopper does not operate after 5:30pm
- Petty crime
- Opening hours would cause noise pollution
- Health and Safety issues due to lack of ventilation
- Increased traffic
- Refuse collection

6.2 Parish Town Council: "The Council acknowledges that the creation of a dance studio would be an asset to the Town, however, the subject property is in its view entirely unsuited to the proposed use given the close proximity to domestic properties which would lead inevitably to a loss of amenity, and the additional vehicle traffic that would be generated would lead to further problems in an area where parking is already at a premium".

6.3 Environmental Protection Officer: Comments received on 3 July 2009. "At the time that advice was given, the intention was to use the site as a dance studio only. The application now refers to a multi functional community centre, but no further information is given on this. The Environmental Protection Officer spoke to the applicant in May and explained our comments during a phone conversation, again these referred only to the dance studio. At this time, there is insufficient information for me to comment fully on the application. Therefore we OBJECT to the application due to lack of information."

Comments were also received on 27 May 2009 including pre-application advice. "It is likely that the application could be dealt with by way of condition in this instance. At the full application stage we would suggest conditions that refer to:

- the replacement of a door to the side of the building with an acoustic doorset
- that doors and windows remain closed at all times when activities are taking place inside that could cause noise nuisance (i.e. music, amplified speech etc).

Due to the nature of the roof materials, I cannot be certain that noise would not escape from what I consider to be an acoustically weak point. Therefore we would seek to add a condition limiting the hours of use of the building in order that noise nuisance is not caused. As there are no plans to make material changes to the structure, there are no concerns in relation to contamination at this time".

Verbal communication took place with the Environmental Protection Officer on 9 July 2009. It was agreed that they would be re-consulted on the change of the description on the application to include a dance studio only. Therefore any further comments received from the Environmental Protection Officer will be included in the Committee update sheet.

6.4 Site Notice posted: 1 July 2009 on a drain pipe to the side of the property.

7 Evaluation

7.1 The main considerations in the determination of this proposal are the principle, the impact on parking and highway safety, alterations to the design and neighbouring amenity.

7.2 Principle

7.2.1 The principle for the proposed change of use to a dance studio is considered acceptable as the property already has an established commercial use and is within the settlement boundary of Higham Ferrers.

7.2.2 The proposal is providing a community facility that is currently run at the Working Men's Club at 6 Westfield Terrace.

7.3 Parking/highway safety

7.3.1 The maximum number of visitors to the site at any one time will be 25 plus one member of staff and on occasion a teaching assistant. The applicant has included information relating to the parking for the proposed dance studio. This states that there will be a maximum of 13 to 15 vehicles trying to park at the site at any one time. The applicant will encourage, walking, cycling, bus use and car sharing.

7.3.2 The application form states that there will be 7 parking spaces available within the site.

7.3.3 There is a lot of on street parking and neighbours have raised concerns regarding issues that the proposal will increase the amount of on street parking and the problems this may cause. However, the information that the applicant has provided states that JJ's (a local public house) has agreed that people using the dance studio can park their cars in their car park. This car park has approximately 15 spaces.

7.3.4 The applicant has stated that they will encourage visitors to the site to car share by putting together a car sharing rota.

7.3.5 The applicant has stated that she will walk to the site and encourage staff to park at the applicant's house and walk to the site.

7.3.6 The proposal is within in a central location and therefore it is considered that there are a number of sustainable modes of transport available, such as bus, cycling and walking.

7.3.7 Although the above points have been stated as part of this application a condition is recommended to ensure that a staff and visitor Travel Plan is submitted prior to the commencement of development. This is to minimise the number of car-borne visits to the site in the interests of sustainability and neighbouring amenity.

7.4 Alterations to the building

7.4.1 There are no proposed external changes to the building, therefore, the visual impact of the proposal would not be detrimental to the character or appearance of the street scene or the surrounding area.

7.5 Neighbouring Amenity

7.5.1 The Environmental Protection Officer has verbally agreed to the proposed opening hours. The Environmental Protection Officer was re-consulted on 9 July 2009 relating to a change in the description of the proposal from a dance studio and multi-functional community centre to a dance studio only. Any comments received as a result of this re-consultation will be added to the Committee update sheet. In their pre-application advice the Environmental Protection Officer stated that due to the nature of the roof materials it is not certain that noise would not escape from what the Environmental Protection Officer considers to be an acoustically weak point, and therefore they recommended that a condition be added to limit the opening hours.

7.5.2 As part of pre-application advice given the Environmental Protection Officer commented that conditions could be imposed which would make the scheme acceptable. These conditions are to include the replacement of a door to the side of the building with an acoustic doorset and that doors and windows remain closed at all times when activities are taking place inside that could cause noise nuisance (i.e. music, amplified speech etc). It is considered that these two conditions would alleviate any potential noise issues raised by neighbours and therefore the proposal would not have a detrimental impact to neighbouring amenity.

8 Other issues

8.1 Health and Safety – neighbours concerns have been noted regarding ventilation, however, this is not within the jurisdiction of planning and is an issue that will be looked at through Building Regulations.

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

8.3 Access for Disabled – The proposed development is located on a level surface and a disabled toilet will be provided.

9 Recommendation

9.1 That the application be GRANTED subject to the expiry of the re-consultations and 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 development hereby permitted shall be used as a dance studio only and for no other purpose.

Reason: In order to clarify the terms of this planning permission and to safeguard the amenity of adjacent occupiers.

3. The premises shall be open only between the hours of 09:00am to 22:00pm from Mondays to Fridays, 09:00am to 17:00pm Saturdays and 09:00am to 20:00pm Sundays including bank holidays.

Reason: In the interests of the amenities of the occupiers of nearby properties.

4. The door to the west elevation of the building shall be replaced with an acoustic doorset. Details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development will be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties.

5. Notwithstanding the submitted details, prior to the commencement of development a full staff and visitor Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in full and retained in perpetuity.

Reason: To minimise car-borne visits to the site in the interests of sustainability and neighbouring amenity.

6. Doors and windows shall remain closed at all times when activities are taking place inside that could cause noise nuisance.

Reason: In the interests of the amenities of the occupiers of nearby properties.

7. Prior to the commencement of development, full details of soundproofing to the roof of the building 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 thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties.