

APPLICATIONS FOR DETERMINATION

DEVELOPMENT CONTROL COMMITTEE - 22 December 2010

INDEX OF APPLICATIONS FOR CONSIDERATION

Application	Location	Recom.	Page No.
EN/10/01025/OUT	Vehicle Depot And Adjacent Land Kettering Road Islip Northamptonshire	Grant	2
EN/10/00752/RWL	Farm Buildings Mill Lane Sudborough Northamptonshire	Grant	25
EN/10/01538/FUL	112 Glapthorn Road Oundle Northamptonshire PE8 4PS	Grant	30
EN/10/01613/CND	Former Factory Site Finedon Road Irthlingborough Northamptonshire		40
EN/10/01720/REM	109 Wellingborough Road Rushden Northamptonshire NN10 9YL	Grant	76
EN/10/01756/REM	8 Courtwood Stanwick Wellingborough Northamptonshire NN9 6PN	Grant	82
EN/10/01791/LBC	Nethertown Farm House Glapthorn Road Upper Benefield Peterborough Northamptonshire PE8 5AN	Refuse	89
EN/10/01947/FUL	Nene Business Park Diamond Way Irthlingborough Northamptonshire	Grant	93

Committee Report

Committee Date : 22 December 2010

Printed: 10 December 2010

Case Officer **Mr Rhys Bradshaw**

EN/10/01025/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
2 June 2010	2 June 2010	1 September 2010	Thrapston Lakes	Islip

Applicant **Greatline Developments Ltd**

Agent **Roger Tym And Partners - Mr T Coleby**

Location **Vehicle Depot And Adjacent Land Kettering Road Islip Northamptonshire**

Proposal **Outline: Demolition of existing buildings and redevelopment comprising 60320m2 (gross external) class B8 floorspace and 15010m2 (gross external) class B1 (C)/B2 floorspace together with associated roads, parking/servicing and landscaping (some matters reserved)**

At its meeting on 01.12.2010 the Development Control Committee resolved to defer the determination of the application to conduct a site visit to assess the impact on the Islip roundabout and potential signage. This site visit took place on 09.12.10 and the application is now brought back before the Committee for determination

1 Introduction

1.1 The Officers' report to committee of 01/12/2010 is appended to this report as Appendix A.

2. Impact on the Islip roundabout

2.1 Northamptonshire County Council has confirmed that the £50,000 contribution it has negotiated directly with the applicant is entirely for bus service improvements to aid the required modal shift and cannot be used for any other purpose. Maintenance issues associated with the roundabout and the surfacing around it are the responsibility of Northamptonshire County Council as the highway authority and can be rectified by them in the normal manner by registering the concern with their Street Doctor service. As this application represents the reuse of an existing site, where the HGV traffic flows would be similar to those generated by the existing operations on site, it would be unreasonable to require financial contributions towards its maintenance. Enhancements to the roundabout may be promoted by other planning applications that may come forward if they generate significant traffic flows.

3. Signage

3.1 Members noted on site that there are currently no signs at the site entrance to direct HGV traffic to the A14. It is therefore recommended that a condition be imposed to ensure the submission of a scheme to provide signs within the site.

4. Conditions

4.4 Please note that conditions 2 and 15 have been amended in accordance with the update sheet dated 01.12.10

5 Recommendation

5.1 It is recommended that the Head of Planning Services be authorised to approve the application subject to the prior completion of a Section 106 Agreement and the imposition of planning conditions as set out in the appended report and the following additional condition:

1. Prior to the commencement of development, a scheme to provide signage within the site to direct HGV traffic towards the junction with the A14 shall be submitted to and approved by the Local Planning Authority in writing. This scheme shall be implemented prior to the occupation of the buildings unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure an appropriate provision of signage for the development.

APPENDIX A : report to Planning Committee – 01/12/2010

This application is brought before the Development Control Committee for determination as the site area exceeds that which can be determined by the Head of Planning Services under the current scheme of delegation.

1 Summary of Recommendation

1.1 That the application be APPROVED subject to the imposition of planning conditions and the prior completion a Section 106 Agreement to secure the following:

- Target modal shift
- Remedial payment mechanism for failure to meet targets
- Staff bus provision
- Financial contribution of £50,000 towards public transport provision.
- Detailed scheme for the ownership and maintenance of surface water drainage assets.

2 The Proposal

2.1 This is an outline application for the redevelopment of a vehicle storage depot. The proposed development involves the demolition of existing buildings on site and the creation of some 60,320 m² of B8 (storage and distribution) floor space and 15,010m² mix of B1 and B2 floor space. The indicative master plan also includes associated roads, parking and landscaping.

2.2 The indicative master plan shows a total of eight buildings; four larger warehouse style structures the south alongside the A14 and four smaller units closer to the Kettering Road. Indicative drawings show units 1-4 to have ridge heights of 16m and units 5-8 to have ridge heights of 11m. Each unit has associated parking and loading areas and are served by a spine road leading from the access from Kettering Road.

2.3 All matters, save access, are reserved for future consideration.

2.4 The application is accompanied by the following documents:

- Indicative drawings
- Flood Risk Assessment
- Framework Travel Plan
- Transport Assessment
- Phase 1 Environmental Statement
- Noise Report
- Ecological Appraisal
- Sustainability and Energy Statement
- Utility Services Report
- Design and Access Statement

3 The Site and Surroundings

- 3.1 The site is situated on the southern side of Kettering Road, approximately 0.55 miles from Islip and 0.57 miles from Woodford. The southern boundary of the site is defined by the A14 dual carriage way and the entire western boundary abuts the Dodson and Horrell site. A large wooded area cuts into the north-eastern corner of the site. The majority of the northern boundary runs alongside Kettering Road, where there is a single dwelling (Red Road Lodge) and open countryside opposite.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1– Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPS7 – Sustainable development in rural areas
PPS9 - Biodiversity and Geological Conservation
PPG13 – Transport
PPS22 – Renewable Energy
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk
- 4.2 Regional Spatial Strategy for the East Midlands (RSS8)
Policy 20 - Regional Priorities for Employment Land
Policy 21 – Strategic Distribution
On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Strategies was unlawful as it had been taken without primary legislation. Technically therefore the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. However the decision by the Government to abolish Regional Strategies is a material consideration that needs to be taken into account. It is understood that the Government will be introducing the new Localism Bill to parliament in November 2010 which will sweep away Regional Strategies. The relevance of this to East Northamptonshire is not the same as in other areas as we have an adopted Core Strategy.
- 4.3 East Northamptonshire Local Plan 1996
Saved Policy GEN3 – Planning Obligations
- 4.3 North Northamptonshire Core Spatial Strategy
Policy 1- Strengthening the Network of Settlements
Policy 8 – Delivering Economic Prosperity
Policy 9 – Distribution & Location of Development
Policy 11 – Distribution of Jobs
Policy 13 – General Sustainable Development Principles
Policy 14 – Energy Efficiency and Sustainable Construction
- 4.4 Rural North, Oundle and Thrapston Plan
Policy 17 – Employment sites occupied by single businesses
The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination on 8 July 2009 the Inspector found the document sound. However, as yet the Council has not adopted the Plan as a Development Plan Document as such the Council is still treating the document as emerging policy.
- 4.5 Supplementary Planning Guidance
Planning out crime; Parking
- 4.6 Other guidance:
East Northamptonshire Employment Land Review (ELR), December 2006
Northamptonshire Strategic Employment Land Assessment (SELA), November 2009

5 Relevant Planning History

- 5.1 EN/ 93/00646/FUL - Use of land for the storage and repair of motor vehicles, extension to commercial workshop, vehicular access and gate-house. Permitted

6 Consultations and Representations

- 6.1 Neighbours: 1 summarised by the following points

- Strongly object
- We believe this will be a 24 hour operation once occupied and we will have to endure the constant piercing noise of vehicles reversing and the light pollution that will emanate from the site. This will greatly reduce the value of property in the close vicinity.
- There will be an issue with regards to the volume or large traffic entering and exiting the site given the visibility restrictions of the road.

- 6.2 Twywell Parish Council: The plans will improve the visual appearance of the area. The Council's main concern is about transport, access to and from the site plus the potential increase in traffic flow in the area. The scale of this development is a major car trip generator (despite claims of laying on staff buses – where from and who will be paying for them?) and the proposals indicate 771 car spaces available, which suggests an extra 700+ car trips a day, a good proportion of which may come via Twywell and Slipton. 40 of these spaces are aimed at car sharing; given that they can't make this work at an obvious location such as Kettering General Hospital, the Council doubts that this initiative will have any success on an industrial site with its disparity of shifts and other travel requirements. It will also be a major trip generator for lorries as that will be the only type of vehicle able to service this development.

Thus the immediate problem for the villages in the area, including Twywell, is, potentially, the significant increase in traffic - both car and lorry. Therefore the Council suggest that within any planning agreement there is a demand that the developers provide, at the very least, for proper signage to prevent lorries turning left from the estate (better still a weight limit from the Woodford turn onwards) and, preferably in addition, chicanes and other calming measures in the two villages to deter traffic coming through Twywell and Slipton.

The other issue is that there is likely to be a significant increase in the amount of vehicles entering and leaving the site on what is already a busy road; are they planning to install traffic signals? Some of this may be mitigated if an entrance and exit were built from the A14; westbound vehicles would need to travel via the A6116 exit slip road, go over the bridge and access the A14 via the westbound slip road.

In terms of the wider political perspective:

Wind farms have been proposed as part of the sustainable energy and carbon reduction agenda: the Council questions why distribution facilities are built in locations that can only be served by road? There is current debate about rising fuel costs and road congestion which somehow must question developments miles from where they could be served by other modes of transport.

- 6.3 Thrapston Town Council: No objection subject to a height restriction on any buildings.

- 6.4 Islip Parish Council: No objection subject to:

- Adjacent road widened and footpath/cycle track created
- Road and footpath/cycle track extended to Furnace site
- Present gates to be removed, re-site security gates and raise road levels
- Buildings to be kept to a reasonable height and obscured with trees wherever possible. Trees to be planted in new topsoil.
- Security lighting to be installed and consideration given to light pollution
- Nearby roundabout to be enlarged and made safe as part of planning obligations
- Access road to be the subject of a 7.5 tonne limit except for the site access
- Site to be controlled as a whole, not as individual units

- 6.5 Woodford Parish Council: Most concerned regarding transport arrangements to and from the site. The transport plan suggests local traffic heading west will travel towards Twywell, however we believe most vehicles will travel through Woodford to the A510 before turning to the A14 or towards Finedon as at present or towards Irthlingborough via Great Addington. Slipton would also be affected. Local traffic travelling from the west to the site is also more likely to travel through Woodford.

Thrapston Road, Woodford is not particularly wide and is in an extremely poor state of repair and increased vehicle movement will only make it worse. We therefore suggest that the entrance to the site is designed in such a way that the vehicles enter and leave the site from the direction of the A6116 junction, only directing the traffic towards the A14 or Corby.

We believe that the roundabout at the top of Islip hill and the feeder road to the A14 should be upgraded to allow easier navigation by large vehicles and dependant on the traffic survey it would be an ideal opportunity to investigate safety improvements at the Thrapston Road junction and former A604. Any opportunity to gain access direct to the site from the A14 would alleviate some of the potential traffic problems especially as we understand the road between Twywell and Thrapston could be designated as part of a national cycle network. Provision of a cycle path would perhaps be appropriate. This would also be an ideal opportunity to introduce a weight limit between the A6116 and A510 (through Woodford)

Public transport past the site is limited to the hours of 8am-6pm from Kettering and 9am – 5.45pm towards Kettering, consequently public transport will be of little value to shift workers. Given the predicted increase in employment at the site we believe many more vehicles will visit the site.

The buildings are reasonably well screened from the north as the site is lower than surrounding land however, it is very open to the south, so improved screening including a high bund and tree planting between the site and the A14 is needed to screen the site from Woodford. This site is very visible from much of Mill Road, Thrapston Road and part of Alledge Drive as well as locations such as the road between Denford and Ringstead. The maximum height of the warehousing must be considered in conjunction with the ability to screen the site from the south.

Sympathetic lighting rather than the present style utilised on the site should be installed in order to reduce light pollution. The gatehouse and entrance should be redesigned to prevent queuing vehicles backing up on the road, either through a dedicated slip road or the position of the gatehouse further into the site.

The size of the balancing pond is questionable as is the ability to drain the site to the nearby brook. The present site is almost all surfaced with a permeable material yet the proposal will almost reverse this factor i.e. the majority of the site will be hard surfaced.

- 6.6 Kettering Borough Council: No objection subject to the following comments:
Policy 8 of the North Northamptonshire Core Spatial Strategy identifies that 47,400sq.m of additional commercial floor space is to be delivered across the plan area in order to support economic activity and create jobs in line with anticipated growth. Accordingly, the CSS goes on to say that development should be focused on the three Growth Towns of Corby, Kettering and Wellingborough. Although it is recognised that the site is brownfield in nature, it occupies a rural location and is relatively isolated; this does not appear to accord with the above policy. East Northamptonshire Council should be satisfied that the development would not jeopardise the strategic vision for the area through over-provision of commercial uses in inappropriate locations. Reference should be made to the Council's Employment Land Needs Assessment to ensure sustainable provision of commercial uses in North Northamptonshire.

It is also noted that Kettering Borough Council considered a planning application (KET/2009/0142) for a strategic truck stop for North Northamptonshire last year, also submitted by Greatline Developments Ltd. The site in question was identified within the supporting information as a potential location, but was discounted as being unavailable. It would appear that this situation has now changed and the site may well be suited to such a use, given its close association with the A14. A need has been identified for such a facility through the Northamptonshire HGV Parking Scheme Report, dated February 2009 which was commissioned by the County Council and the applicant may therefore wish to pursue this development.

6.7 Highways Agency:

Initial objections but issues have since been resolved. The Framework Travel Plan addresses most of the issues raised by the HA and can be considered as a robust Travel Plan document, and the necessary procedures are implemented to secure a S106 agreement for the following items:

- Target modal shift (20%)
- Remedial payment mechanism for failure to meet targets
- Staff bus provision

Whilst there continues to be little information on securing the implementation of the staff bus service, it is recommended at this stage of the application that the principal of the staff bus service is accepted and funding and mode shift outcomes are secured through a S106 agreement; the details of delivery can then be left at the risk of the developer. As such, the Agency request that you liaise with us on the drafting of this schedule of the S106 so we can ensure that the items agreed with the applicant form part of the obligations for the development.

6.8 NCC Highways: No objection subject to conditions to secure surfacing and vision splay details, the implementation of the off-site pedestrian access

The revised Transport Assessment demonstrates that the proposals would not have an impact upon the local highway network, however this does not incorporate any view that the Highway Agency may take on this proposed development and the impact on the trunk road network.

A footway is being promoted to connect to the existing feature within Kettering Road Islip within the scope of the proposals to aid the safe passage of pedestrian movement.

The proposed vehicle access arrangements appear to be satisfactory to serve the proposed development. However a full technical appraisal will need to be undertaken to aid the new access arrangements to be implemented and initiate a Section 278 Agreement under the Highways Act 1980.

I note the inclusion of the internal layout arrangement and make no further comment at this time where a reserved matters application will be required to facilitate the overall estate road design.

Issues regarding the provision of contributions towards the improvement to public transport have been agreed in principle although the trigger point of this additional facility can be agreed during the S106. I can confirm that our own discussion with the operator of service 16 give us as an Authority sufficient comfort that the uplift to the service frequency can be delivered within a smaller anticipated cost uplift and that £50,000 will be sufficient to accommodate this need.

I refer to the Framework Travel Plan that appears to have been agreed in principle dated 2nd August 2010 and would request that a condition be imposed to satisfy this ongoing need.

- 6.9 Environment Agency: Initial objections as revisions to the Flood Risk Assessment were required. The Environment Agency has liaised direct with the applicant to successfully resolve these matters and has withdrawn its objection subject to conditions appended to this report.
- 6.10 ENC Environmental Protection: The applicant has submitted a Phase 1 environmental study in support of the application. The site is currently used for the refurbishment and storage of vehicles. The environmental engineer has identified a number of risks to current/future users of the site and the wider environment from its current and historic use. Previously the land had been the subject of quarrying, now backfilled, and infrastructure associated with the former Islip furnaces.

The principle points of concern are risks to human health and controlled waters from:-

- Contamination from backfilled quarry including landfill gas
- Hydrocarbon contamination from the storage and dispensing fuel (diesel and petrol)
- Contamination associated with made ground
- Contamination from refurbishment of vehicles

The environmental engineer has recommended that further work is necessary to assess these risks and this can be dealt with via conditions. Therefore, provided conditions are placed on the planning permission to investigate and remediate contamination I have no objection to the planning permission being granted.

Noise - Notwithstanding the final layout design, we may consider that acoustic fencing is required on the northern boundary of the site, dependant on the end use of the buildings. As we are unsure of the end use category of buildings near to the northern boundary, we cannot define exact requirements at this stage, other than to advise that any fencing must mitigate the noise of any deliveries/activities at the site to ensure that the nearby residential premises is not adversely affected.

We would suggest that the design of Unit 7 in particular be revisited, prior to final submission with the mind to placing the building on the northern boundary to act as an acoustic barrier for deliveries and activities from that unit. We would not consider this necessary were this used for B1 use only. We may also consider restricting hours of operation to control noisy activities dependant on final layout.

- 6.11 ENC Planning Policy: The area/site boundary for this application incorporates the majority of the proposed employment land allocation site referred to in the Rural North, Oundle and Thrapston Plan (Inspector's Modifications, 8 July 2009), Policy 17. The application raises a fundamental planning policy question, i.e. could this application be supported, given the proposed mix of uses on site?

When assessing the proposal, a number of key issues will need to be considered, in respect of:

- Generic policies, in respect of the submitted details (e.g. design and access statement) – design, environment, accessibility and provisions to address climate change
- National policies, with particular reference to PPS1 and PPS4
- Current (adopted and emerging) development plan policies, i.e. Core Spatial Strategy (CSS) and Rural North, Oundle and Thrapston Plan (RNOTP)
- Evidence base, with particular reference to Strategic Employment Land Assessment (SELA), November 2009

Given the size of the proposal, the details of the scheme will need to be considered against a large number of generic national and CSS policies. The details of the scheme (e.g. landscape impacts) will need to be assessed against various design and other environmental and climate change criteria. Relevant generic policies are set out below.

PPS1 – In the first instance, the proposal should be assessed against the principles of sustainable development set out in PPS1. PPS1 (paragraph 5) refers to the need for sustainable economic development. PPS1 also sets out a positive approach to delivering sustainable economic development, including through recognising its environmental and social benefits and ensuring that suitable locations are available (paragraphs 23(i) and 23(iii)).

PPS4 represents the key set of national policies against which the scheme should be considered. Of particular significance, Policy EC10.1 states that planning applications that secure sustainable economic growth should be treated favourably; i.e. a presumption in favour of development.

A potential concern may be identified, given the application site's location away from existing settlements (Policy EC6.2(a)). Nevertheless, it is considered that the principal of development has been established through site allocations proposals in the emerging Rural North, Oundle and Thrapston Plan (RNOTP). It may also be argued that Policy EC11 is a relevant consideration, given that the RNOTP is not, as yet, adopted. Similarly, given that the RNOTP has already been found "sound", it should be accorded significant weight, including establishing the principal of employment related development on the former automotive storage site.

The North Northamptonshire Core Spatial Strategy forms the principal development plan for the District. It specifies a need to make and safeguard allocations for specific employment use classes in order to ensure the delivery of balanced economic growth (Policy 8). Further detail is provided in Policy 11(b)/ 11(c), which sets out the overall spatial approach to selecting site allocations (11(c)).

Policies 8, 9 and 11 set out the overall locational strategy for new employment development across North Northamptonshire. Policy 9 specifies that priority will be given to development in urban areas. While the site is located in open countryside it is just 2km from Thrapston (nearest town) and is served by a direct bus service. Furthermore, Policy 8 specifies that sites will be allocated for specific employment use classes in order to ensure the delivery of balanced economic growth, which provides a basis for the allocation of specific employment land sites in the emerging RNOTP. The principle of employment related development at Islip Furnace is long established and has been promoted through the emerging RNOTP and supporting evidence base, notably the Employment Land Review (Atkins, December 2006).

A site specific policy for redeveloping the automotive storage site to the west of Islip Furnace is set out in the emerging RNOTP (Policy 17). As yet, the Council has not adopted the RNOTP and its current status has been the subject of ongoing legal advice and discussions. Following receipt of legal advice regarding the status of the RNOTP (September 2009), the Council's position remains that: "The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination the Inspector found the document sound. However, as yet the Council has not adopted the Plan as a Development Plan Document as such the Council is still treating the document as emerging policy." The Inspector's finding of the RNOTP to be a "sound" DPD would therefore accord considerable weight to this as a material planning consideration.

Policy 17 sets out thresholds for the proportions of new floor space to be provided for offices (B1), general industry (B2) and warehousing (B8) which should form the basis for considering any redevelopment scheme for the site. Clearly, the vast majority of floor space on the site would be dedicated to B8 warehousing uses. It is therefore considered on this basis; that the scheme does not accord with the emerging RNOTP.

Are there sufficient circumstances to justify granting permission?

Roger Tym & Partners has prepared a comprehensive "Planning and Economic Statement" (May 2010) setting out the case for the scheme and its relationship with the adopted policy context. The statement (paragraph 4.33) acknowledges that any redevelopment should comprise a mix of B1, B2 and B8 uses. However, the statement concludes (paragraph 5.21) that: "The application proposals accord with this emerging policy [RNOTP Policy 17] by making more efficient use of the existing employment site and realising opportunities to improve the existing stock of employment land".

It is concluded that these conclusions are incorrect, insofar as emerging Policy 17 specifically refers to proportions of floor space. RNOTP Policy 17 provides considerably more detail than the CSS, which refers to job creation alone and acknowledges the demands of strategic distribution for large areas of land, which has put significant demands on transport infrastructure (CSS paragraph 3.95). It could therefore be argued that some conflict exists between the adopted CSS and emerging RNOTP in this aspect.

National Guidance ("The Planning System: General Principles") – The Planning and Compulsory Purchase Act 2004 Section 38(5) states that where conflict exists between development plan policies, "the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published". This is supported by "The Planning System: General Principles" paragraph 10, which states that if there is conflict between policies in an RSS or policies in a DPD, the most recent policy will take precedence.

In these circumstances, it could be argued that the RNOTP, formally found sound with the publication of the Inspector's Report on 8 July 2009, is a more recent DPD than the CSS; given the latter's adoption over 1 year previously. However, the following factors also need to be taken into account.

- Ongoing uncertainty regarding the possible adoption of the RNOTP;
- The RNOTP's status as part of the development plan, given that this DPD is not yet adopted;
- The evidence base for the RNOTP, illustrated by Policy 17's focus upon floor space;
- More recent evidence documents, notably the Strategic Employment Land Assessment (SELA), November 2009;
- Role of new PPS4 (December 2009) in defining current planning policy re employment generating development.

Given the wording of the published government guidance ("The Planning System: General Principles"), then it may be deemed that the RNOTP would be a major consideration in determining any development proposals for the application site. It applies the overall spatial strategy set out in the adopted CSS to specific site allocations. Given that the RNOTP has been found sound, in practice it may be appropriate to consider Policy 17 as if it is adopted. The applicants report specifically notes this, stating (paragraph 5.21) that Policy 17 (formerly 24) is not one of the policies of remaining concern to the Council.

Evidence base for the RNOTP – Employment land policies in the RNOTP were principally informed by the 2006 Employment Land Review (Atkins). This was acknowledged by the Inspector to form "a reasonably robust and credible evidence base to justify the employment strategy of this DPD [RNOTP]" (paragraph 3.146). Nevertheless, it should be noted that the site specific survey work undertaken for the Atkins Employment Land Review is now around four years old and more recent evidence should also be taken into account.

The current Strategic Employment Land Assessment (SELA, November 2009) emphasises the need for local authorities to take a proactive and flexible approach to planning for economic development (paragraph 2.134). The SELA also contains (paragraphs 10.68-10.81) analysis of the role of warehousing and distribution. The high and continued demand for such development across North Northamptonshire is acknowledged.

The perceptions about the impact of large scale warehousing and its delivery of low skilled, low value and low density employment are also noted in the SELA (paragraph 10.70). Nevertheless, Atkins are keen to emphasise the importance of warehousing as a key sector of the wider employment market. The SELA argues that:

- 15% of all jobs created by warehousing development are provided through office-based (B1) floor space;
- Wider economic benefits arising from the competitive strength of the area as a location for logistics businesses;
- Scope for profitable B8 development in optimal locations to facilitate other office or light industrial developments;
- Many B8 developments are now knowledge based and technology driven.

Overall, the SELA concludes (paragraph 10.81) that: “Northamptonshire is undoubtedly a strong logistics location”. These conclusions are utilised in the applicant’s statement, which argues that there is limited capacity for warehousing development in East Northamptonshire (paragraph 6.14). It is acknowledged that the applicant, through their statement, provides a robust argument in favour of their proposals.

Role of new PPS4 in defining current planning policy – PPS4 forms a key consideration in assessing the proposals. It clearly sets out a presumption in favour of sustainable economic development (Policy EC10.1). A question is raised, however, insofar as the emerging development plan (RNOTP) specifically states that redevelopment of the site should consist of: “Not more than 40% of new floor space for storage, distribution or warehousing (B8 usage)” (Policy 17(3)) and this could therefore be viewed, to some extent, as contrary to current national policy, which the RNOTP predates.

Conclusion

It is concluded that the application proposals are contrary to emerging RNOTP Policy 17, in respect of the proportion of floor space dedicated to B8 warehousing. The impact of generic development control factors such as design, layout, landscaping and highways would also be critical in determining any proposals.

The applicant has put together a number of strong arguments in favour of the principle of development. It is accepted that the SELA emphasises the importance of warehousing as a key economic growth sector across North Northamptonshire. The SELA is supported by PPS4, which clearly sets out a presumption in favour of development that secures economic growth. It is also noted that the Tyms statement argues that 45% of the jobs created on site would be associated with core logistics and distribution activities (paragraph 7.12). Other B1 or B2 uses would make up the remaining 55% of jobs on site.

PPS4, supported by the SELA, represents the most up to date policies and supporting evidence to date. Both clearly favour, in principle, new development which is going to lead to significant levels of job creation. The proposed scheme, which the Tyms statement argues would deliver over 1300 jobs, ought therefore to be supported on this basis.

Nevertheless, in the event that the Council is minded to refuse the scheme, this case might be argued on the grounds that this is contrary to emerging RNOTP Policy 17, with reference to the quantity of new B8 warehousing proposed on the site.

The principal of redevelopment has been established through adopted CSS policies 8 and 11, and the site is already proposed as a specific allocation in the emerging RNOTP site allocations DPD. Any decision by the Council to refuse the application in principle would therefore rest solely upon emerging RNOTP Policy 17, together with specific highways, design or landscape considerations.

6.12 ENC Design Officer:

The location of the site is separate from any residential development. However, employees and visitors may travel to the site by bus (stop on the Kettering Road) or by bicycle as identified in the Transport Assessment. As such, the needs of these users should be given detailed consideration as a high priority – i.e. people entering and moving around the site on foot and by bicycle. Whilst there are a number of references to making provision for these users within the design and access statement which accompanies the application, I can see little evidence within the indicative masterplan of how this might be accommodated in practice.

For example, how could existing external cycle routes link into the site for access, and where would pedestrian desire lines be? How would the movement space and routes within the site be designed to ensure a comfortable environment?

The indicative masterplan does not distinguish between the fronts and backs of the blocks, which would also have implications for pedestrians and cyclists, both in terms of routes and perceptions of safety. Single access points and 2.4m high security fencing around units outlined in the submitted design and access statement would also have significant impact on the movement and perceptions of these users, which must be carefully considered.

The application proposes the retention of the existing vehicular access into the site. The rationale for this is set out within the design and access statement which accompanies the application. The vehicular route into the site takes a winding route, and differs from the original concept identified in the drawing on page 10 of the design and access statement. This is not explained within the document as far as I can see, but is thought to be connected with the site topography.

The undefined orientation of the proposed units will also have implications for the car parking areas, both in terms of convenience and legibility for those using them, and in terms of natural surveillance of these spaces. The detailed landscaping (hard and soft) of these car parking areas would also have a significant impact on the quality of the spaces, although it is accepted that outline proposals are identified in the landscape assessment and the detail is a reserved matter

The design and access statement outlines that the proposed built form has been sited according to the topography of the site, to minimise the visual impact of development. As a general approach, I support this, albeit that there remain landscape and visual impacts which will be addressed by colleagues.

I note that the application outlines other methods proposed to minimise the visual impact of what would be very large buildings. The design and access statement claims that the building design would break with public conceptions of the appearance of such units (p16), and naturally occurring colours would be employed to help the buildings blend into the environment (p11). In my opinion, there is still significant potential to go much further in demonstrating high quality design and architecture, as required by Policy 13 of the adopted Core Spatial Strategy. I would like to see for example, the exploration of green roof and/or green wall technologies.

The use of green roof and/or green wall systems could also assist in enhancing the overall performance of the buildings. I understand the application proposes that buildings would achieve a BREEAM rating of 'very good'. In considering only the illustrative design of the site, it is concluded that there remains scope to improve the quality of the overall scheme in terms of layout and built form, whilst acknowledging the unique challenges that this type of development brings.

6.13 ENC Conservation Officer (Trees)

The reviewed details appear to show an improvement in the layout of the site and how this subsequently impacts on the surrounding landscape. The revised photomontages from viewpoint 7 (the most affected point) now show the units being set much deeper in the site, with added colouration. The western end of the site (surrounding unit one) appears to be greatly improved; however unit four still protrudes above the existing horizon line at the eastern end of the site.

The impact of this will lessen with the establishment of new planting; however this will not be an immediate effect. I would also suggest that the design of the buildings could be further amended with future applications which could further lessen the impact of this end of the site. Additional structure planting running on a north to south axis through the site (between the units) may help to break up the units even more and would suggest that this is brought through in future applications. On the basis of the additional information, the impact on the surrounding landscape is not likely to be any more severe than the existing usage and the additional planting will certainly benefit the site and immediate surrounding area.

6.14 ENC Economic Development: The application is proposing to create around 1300 jobs, 600 jobs in B8 floor space, 450 in B1 or B2 floor space and between 250 and 300 jobs in associated office elements. The jobs created will be at all skills levels, elementary, supervisory, technical, professional and managerial positions. No objections to the proposal as there is a mix of B8 and B1/B2. My only concerns would be regarding the increased traffic on the roundabout and A6116 and the Kettering Road and issues regarding parking of lorries if they are not parking onsite.

6.15 North Northants Joint Planning Unit (JPU)

Officers from the Joint Planning Unit have now visited the current operation in Corby to gain a more in depth understanding of the nature of the established use at Islip and the scale of these operations. At my request, more detailed information has now been provided by Roger Tym & Partners (RTP) showing the previous level of employment on the Islip site, which makes clear the net additional employment resulting from the current proposal.

On the basis of this information, it is accepted that the Islip site was last used for a national storage and distribution function. Information from RTP indicates that

- the Islip site has been in established B8 use since 1991;
- the site has also had authorised ancillary class B1 and B2 uses since 1991, in the form of offices and other buildings for indoor storage, valeting, pre-delivery inspection/preparation and minor repair of vehicles;
- the split of current usage of the site as authorised by the Council since 1991, is such that 90% of the land area is in class B8 use and 10% of the area is class B1/B2, which represents a higher proportion than in the current outline application;
- the existing site use is national in nature, meeting a need for national vehicle storage and distribution sites. It is not simply a local or regional operation, and the demand met by the current application is no different to the current use of the site.

It appears therefore that the application proposals represent a continuation/intensification of current site use on a Brownfield site (reflecting policy 8 of the adopted core strategy). Continued operations that safeguard employment on the site are consistent with the requirements of Policy 11: Distribution of Jobs.

The Joint Planning Unit's previous objection in respect of strategic impact and implementation of the core strategy centred on the fact that the over provision of B8 is contrary to Policies 9 and 11 of the core strategy and represented an over-provision on the site in respect of the policies of the Rural North Oundle and Thrapston Plan. It is however evident from the above information that the current proposal requires less B8 floor space than the previous use of the site, albeit that this would be in warehouse form rather than open storage.

Having reviewed the additional information provided by RTP it is evident that the previous usage of the site had a total of 390 jobs, and the estimated total of jobs from the current proposal is 1350, a net gain of 960 additional jobs. This net gain in jobs was supported in the Joint Planning Unit's previous response. Significantly, when the site was last in full use 244 jobs (63%) were (according to RTP information) in B8, 62 jobs (16%) in B1c/B2 and 84 jobs (22%) in B1a. Only 60% of these jobs were skilled or semi-skilled.

According to RTP information, the estimated number of jobs arising from the proposed scheme is 600 in B8 (44% of the total); 450 in B1c/B2 (33% of the total); and 300 B1a (offices associated with the above uses 22%). Over 80% of these jobs would be skilled or semi-skilled.

Although there would be a net gain in B8 jobs on the site, the overall percentage of B8 jobs would be reduced from the previous usage on site. Significantly B1 and B2 jobs have increased from 146 jobs to 750, and the proposed scheme therefore significantly contributes to diversifying the economy into higher value activities, consistent with Policies 8 and 11 of the core strategy. The proposal could contribute to a net gain in higher value employment, which is welcomed. It is also noted that in terms of land take, the quantum of B8 land is reduced compared to the established use, though within B8 warehouse units rather than as open storage. Therefore, the proposal represents a continuation of the previous authorised use but with less floor space in B8 uses and significantly enhanced B1/B2 employment provision, which is supported by the Joint Planning Unit.

In summary, the Joint Planning Unit is satisfied that:

- The proposal represents Brownfield development consistent with Policy 8 of the core strategy;
- The previous authorised use of the site fulfilled a national B8/B2 function and the proposal safeguards this use consistent with policy 11 of the core strategy;
- Whilst there is a net gain in B8 jobs on the site, the total proportion of B8 jobs on site has reduced compared to the previous, established use;
- There is a significant increase in B1/B2 jobs, consistent with the core strategy, which seeks to diversify the economy into higher value activities.

As a consequence of the above new information, the Joint Planning Unit withdraws its objection regarding the strategic impact of the proposal on the implementation of the core strategy. It should be noted that this position is based on securing at least the element of B1 and B2 uses currently proposed and it is recommended that a condition is attached to this effect, should East Northamptonshire Council be minded to approve the application.

6.16 JPU Design Action Manager

Following revisions to the scheme, I have the following observations:

My concerns related primarily to the visual impact of the built form on the landscape. Some significant changes to the scheme will mitigate this impact, namely the variation in levels, colour changes, elevation amendments and hipping the roofs back make significant improvements. These help break up the visual bulk and mean that the built form does not appear as one long slab, and instead is more articulated and better follows the natural contours of the wider landscape.

At present the site is used for car storage. This has a significant visual impact because whilst the cars themselves are low in scale, they are reflective and bright which does intrude on the landscape character. In addition, the site is floodlit, making a significant detrimental impact on the rural character after dark. The large expanses of hard surfacing mean there is little landscaping to break up the site too.

In my opinion, the proposed scheme, with the revisions, would not have a worse effect on the landscape since it would incorporate much more landscaping, lighting would be better controlled and the shiny bright cars would be largely hidden within or behind built form in most long views. Therefore, whilst the scheme does propose a large group of rather monolithic buildings, it would be hard to argue that they would have a worse effect, and in many ways, the scheme would be beneficial. Introducing more innovative green roofs and walls would be welcomed and would help embed the scheme better in the landscape. Conditions will need to include details of lighting, materials and landscaping.

- 6.17 Natural England: No objections but recommend conditions relating to site clearance, badgers and bats.
- 6.18 Northamptonshire Police: No formal objection or comment to the planning application in its present form, other than to state the importance of, and that we are most anxious to work with all parties to secure a sustainable environment, I would welcome the opportunity to discuss any possible future application with the applicant at the earliest opportunity. The future success of this development can be critically influenced by crime and Northamptonshire Police need to have a major impact on design issues. It is important that certain parameters are highlighted and that it is clear that architects and developers should consult with the Police Crime Prevention Design Advisor as advised in 'Safer Places', preferably prior to further application submission.

7 Evaluation

- 7.1 The following issues are relevant to the determination of this application for planning permission:
- 7.2 Principle of Development
- 7.2.1 PPS1 refers to the need for sustainable economic development. It sets out a positive approach to delivering sustainable economic development, including recognising its environmental and social benefits and ensuring that suitable locations are available (paragraphs 23(i) and 23(iii)). The more recently published PPS4 provides further guidance and advises in policy EC10.1 that planning applications that secure sustainable economic growth should be treated favourably. Policy EC10.2 states that all planning applications for economic development should be assessed against the following impact considerations:
- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change
 - b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured

- c. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- e. the impact on local employment

The following paragraphs assess the proposed development against these considerations:

7.2.2 Policies 8, 9 and 11 of the Core Spatial Strategy set out the overall locational strategy for new employment development across North Northamptonshire. Policy 9 specifies that priority will be given to development in urban areas. Whilst the site is located away from existing settlements, it is just 2km from Thrapston and is served by a direct bus service. Twywell Parish Council has raised concerns regarding the location of the site away from alternative modes of transport and, whilst it could be argued that the location of the site is less sustainable given the distance from existing settlements, the principle of employment related development at Islip Furnace is long established and has been promoted through the emerging RNOTP and supporting evidence base, notably the Employment Land Review.

7.3 Floor space split

7.3.1 As highlighted by the Council's Senior Planning Policy Officer, the proposal considered here is contrary to Policy 17 of the Rural North, Oundle and Thrapston Plan, which stipulates thresholds for the proportions of new floor space to be provided for offices (B1), general industry (B2) and warehousing (B8) on this site. Whilst this document is a material consideration in that it was found sound at enquiry, it must be noted that it has not been formally adopted by the Council.

7.3.2 Notwithstanding the status of the RNOTP, other policies and evidence should be taken into account when determining the principle of this development. The Strategic Employment Land Assessment (SELA) emphasises the importance of warehousing as a key economic growth sector across North Northamptonshire. The findings of the SELA are strengthened by PPS4, which clearly sets out a presumption in favour of development that secures economic growth and lead to significant levels of job creation. The applicant states that 45% of the jobs created on site would be associated with core logistics and distribution activities. Other B1 or B2 uses would make up the remaining 55% of jobs on site.

7.3.3 The applicant has provided additional information to both the Council and the North Northants Joint Planning Unit (JPU) and it is evident that the previous use of the site had a total of 390 jobs, and the estimated total of jobs from the current proposal is 1350, a net gain of 960 additional jobs. A detailed analysis of the job creation on this site shows that when the site was last in full use 244 jobs (63%) were (according to RTP information) in B8, 62 jobs (16%) in B1c/B2 and 84 jobs (22%) in B1a. Only 60% of these jobs were skilled or semi-skilled.

7.3.4 According to the submitted information, the estimated number of jobs arising from the proposed scheme is 600 in B8 (44% of the total); 450 in B1c/B2 (33% of the total); and 300 B1a (offices associated with the above uses 22%). Over 80% of these jobs would be skilled or semi-skilled. Figures for B1(c) and B2 jobs have been calculated using employment densities in a study by Arups for English Partnerships called "Employment Densities: A Full Guide", 2001 and work undertaken by Roger Tym & Partners for SERPLAN. The applicant has taken a mid point figure between those found in these studies to generate the employment figures above. The Applicant's Planning and Economic Statement shows that density figures for B8 jobs are more diverse, ranging from 1 job per 43 sq m (Atisreal) to 1 per 95 sq m (ProLogis). In this case a density of 1 job per 93 sq m has been used to generate the number of B8 jobs.

7.3.5 As advised by the JPU, although there would be a net gain in B8 jobs on the site, the overall percentage of B8 jobs would be reduced from the previous use on this site. Significantly B1 and B2 jobs have increased from 146 jobs to 750, and the proposed scheme therefore significantly contributes to diversifying the economy into higher value activities, consistent with Policies 8 and 11 of the core strategy. It must also be noted that the overall percentage of the site taken up by B8 use would reduce through the use of warehouses rather than open storage and it is important to note that the proposal represents a continuation of the previous authorised use with less floor space in B8 uses and significantly enhanced B1/B2 employment provision. On balance and based on this breakdown of job types, Officers consider that the principle of the development should be supported.

7.4 Layout and Visual Impact

7.4.1 Although currently vacant, the permitted use on this site had a significant visual impact on the surrounding landscape, especially when viewed across the valley from high points at Ringstead/Denford and also Woodford. The spectrum of colours of the vehicles stored did not sit easily in the landscape and on particularly sunny days it would not be uncommon for the sun to reflect off the metallic roofs and create glare. As well as the visual impact, this possibly had implications for highway safety.

7.4.2 This is an outline application where full details of the layout of the development and design of the individual buildings would be considered under a reserved matters application. However, the Council would need to consider whether it has been sufficiently demonstrated that the buildings can be accommodated on this site without resulting in an adverse visual impact or impact on the character and appearance of the surrounding area and the site itself. There is no doubt that the buildings proposed, although the details are indicative at this stage, would have a significant visual impact given their scale; however, it is important to draw a direct comparison with the current situation. Both the Council's Conservation Officer and the JPU Design Action Manager are of the view that subject to additional landscaping, and the approval of materials, the scheme considered here would not have a worse effect on the landscape than the current use. On balance therefore, although some questions remain regarding the detailed orientation of the buildings, Officers are of the view that these aspects have been adequately demonstrated at this stage.

7.4.3 The indicative drawings have been revised as both the Council's Conservation Officer and JPU Design Action Manager expressed concerns regarding the long distance views. The revised indicative drawings retain the units in the same positions as originally proposed but with reduced finished floor levels and alterations to the orientation of the buildings. Initially the indicative drawings showed the four largest units to the south of the site as having a series of roof ridges running in an east-west alignment. The revised drawings now show these ridges running on a north-south alignment with shallower pitches and hipped gable. The rationale behind this is that the southern facing hipped gables would serve to break up the mass of the building when viewed from the south. These are only small adjustments but nevertheless would help these bigger units sit more comfortably in the landscape.

7.4.4 Although the applicant has provided visualisations at one and fifteen year landscaping growth intervals, appearance and landscaping are reserved matters and can be controlled through any future reserved matters application. Conditions can also be imposed to ensure details such as levels, lighting and materials are submitted and approved. It must be acknowledged that the current use has a significant visual impact as a result of the colours and glare of the vehicles, the vast expanse of hard standing and the degree of floodlighting on site.

7.5 Means of Access and Highway matters

7.5.1 The means of access is to be determined under this application. The reuse of the existing access point is considered appropriate in this location and for the intended use.

- 7.5.2 Neighbour and Parish concerns regarding increased traffic are noted, however neither the Highways Agency nor Northamptonshire County Council have concerns in this regard. Both consultees had asked for amendments to the Transport Assessment, which have been forthcoming and objections were removed accordingly. The Highways Agency has recommended that the mode shift target, remedial payment mechanism for failure to meet targets and staff bus provision be secured through a Section 106 Agreement. Northamptonshire County Council has requested that contributions of £50,000 to public transport also be secured via a legal agreement. This contribution would relate specifically to an increase in the frequency of the number 16 service as this is currently insufficient. The applicant has agreed to this and any consent for this scheme shall be subject to a Section 106 Agreement.
- 7.5.3 Islip Parish Council has suggested that the road be widened and a footpath created. Whilst there is no requirement for the main Kettering Road to be widened at this point, the applicant has agreed to the provision of a pedestrian footway from the site to the existing footpath in Islip and this will be secured through a condition should Members be minded to approve the application.
- 7.5.4 Twywell Parish Council has questioned whether traffic signals will be installed. Officers can confirm that there is no intention to do this at the site entrance as the position of the access is acceptable to both the Highways Agency and County Council in terms of the visibility.
- 7.5.5 Woodford Parish Council has expressed concerns that most vehicles will travel through Woodford. Whilst there is a possibility that some private vehicles may use this route, ie people travelling to work (the Transport Assessment suggests 15% from Kettering Road West), this route would be unsuitable for HGVs and the Travel Plan suggests that no commercial traffic, including HGVs, would come from either direction on Kettering Road but instead from the A14 (east and west) and the A6116 (north). Concerns regarding public transport provision are noted and the contribution of £50,000 is expected to improve this.
- 7.6 Impact on neighbour amenity
- 7.6.1 The closest residential property to the application site is Red Road Lodge some 65m north of the parking area to unit 7. The Council's Environmental Protection Officer has recommended that an acoustic fence is provided along part of the northern boundary of the site closest to this property to mitigate against noise from heavy goods vehicles associated with units six and seven. As the layout is not committed at this stage, it is unclear whether there would be an undue impact on this property. Should the final layout show a parking area in the northwest corner, a fence would adequately mitigate against any noise. There are no other residential properties within close proximity to the site which could be unduly affected.
- 7.6.2 There is the potential that some or all of the units could operate on a 24 hour basis, which raises the important issue of light pollution. Whilst it is inevitable that some form of lighting will be required, this application provides the opportunity to improve the quality of installations on this site so that the impact on amenity can be reduced from the current set up, which uses flood lighting given the security issues with high volume car storage. A condition can be imposed to ensure that details are submitted and approved in consultation with the Council's own Environmental Protection team and the Campaign for Dark Skies.
- 7.7 Contamination
- 7.7.1 A phase 1 survey has been submitted and assessed by the Council's Environmental Protection Officer. She recommends that measures can be sought through the use of planning conditions to ensure the development can be safely delivered.

7.8 Ecological Issues

7.8.1 The applicant has submitted an Ecological Appraisal, which specifically investigates badgers, bats, reptiles, and nesting birds. The report makes several recommendations with regard to these species, mainly precautionary actions during site clearance and the opportunities for enhancement. Although Natural England recommends conditions to control site clearance, badger protection and bat habitats, section 6 of the Appraisal makes the same or similar recommendations. A condition is recommended to ensure that these recommendations are implemented before and during the development. Specific recommendations on enhancements can be incorporated into the landscaping condition.

7.9 Drainage and Flooding

7.9.1 The proposed development involves the re-routing of a culverted brook, which currently runs through the centre of the site and then under the A14. The proposed re-routing would take the brook around the edge of the site and exiting at the same point

7.9.2 The application was accompanied by a Flood Risk Assessment (FRA), to which the Environment Agency initially objected. The applicant liaised directly with the Environment Agency and submitted a revised FRA to which there is now no objection subject conditions to secure a Stage Two Flood Risk Assessment, including a surface water drainage strategy for the whole application site and flood risk reduction measures/scheme. The Stage Two FRA required by this condition will also include finer details of the watercourse diversion and phasing details for the implementation of works. The Environment Agency has advised that long term maintenance of the culvert is also required and this can be ensured through a S106 agreement.

7.10 Sustainable Design

Policy 14 in the North Northamptonshire Core Spatial Strategy requires that non-residential developments be compliment with a BREEAM rating of at least 'very good' and the application makes a commitment to achieving this. The submitted sustainability appraisal and energy statement makes a commitment to investigate the following at the reserved matters stage:

- Ground source heat pumps
- Biomass heating

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

8 Other issues

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

8.2 Access for Disabled – Any issues arising in this sense will be covered under Building Regulations.

8.3 Property Values – A nearby resident has expressed concerns that the proposed development will result in a reduction in property value. This concern is noted however this is not a material planning consideration.

9 Conclusion

In recommending approval of this application, the relevant planning guidance and policies were identified as PPS1, PPS4, PPS7, PPS9, PPG13, PPS22, PPG24, PPS25, North Northamptonshire Core Spatial Strategy 2008 policies 1, 8, 9, 11, 13 and 14, Policy 17 of the Rural North, Oundle and Thrapston Plan (The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination on 8 July 2009 the Inspector found the document sound. However, as yet the Council has not adopted

the Plan as a Development Plan Document as such the Council is still treating the document as emerging policy). Other guidance also includes the Northamptonshire Strategic Employment Land Assessment (SELA), November 2009

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenity, the design and visual impact, the highway implications and the impact on trees and vegetation. The application has been recommended for approval as:

- The principle of the development is acceptable.
- The proposal would not have an unacceptable impact on the local or strategic highway network.
- The indicative layout is acceptable and demonstrates that development would not harm the visual amenity or character of the area.
- The development would not have an adverse impact on ecology and biodiversity.
- The development will not have an adverse effect on flood risk and sewage capacity subject to the imposition of conditions.
- The development would not be exposed to significant levels of contamination.
- The proposal would not have a significant impact on the amenities of neighbouring occupiers

10 Recommendation

10.1 It is therefore recommended that the Head of Planning Services be authorised to approve the application subject to the prior completion of a Section 106 Agreement and the imposition of planning conditions as set out in the report.

11 Conditions/Reasons -

1. Development shall not commence until details of:

- a) the layout of the new development;
- b) the scale of the new development;
- c) the appearance of the new development and;
- d) the landscaping of the site.

(hereinafter called the reserved matters) shall be obtained from the local planning authority.

Reason: The application is in outline only and the reserved matters referred to will require full consideration by the local planning authority.

2. An application for the approval of reserved matters in respect of at least 16,860 sq m, representing a mix of B8 and B1c/B2 floor space, must be made not later than the expiration of three years beginning with the date of this permission. An application for the approval of reserved matters in respect of the remaining approved floor space must be made not later than the expiration of three years from the date of the approval of the first phase.

3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

4. The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include slab levels of the buildings in relation to the existing and proposed levels of the site and the surrounding land. The buildings shall thereafter be constructed in accordance with the slab levels that have been approved in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.

5. Prior to the commencement of development details of all external materials shall be submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.

Reason: In the interest of amenity

6. Prior to the commencement of the development hereby permitted, details of the location, height, design and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the erection of the buildings. Such approved details shall be erected and retained in perpetuity thereafter.

Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to ensure that the private areas of the development are afforded an acceptable measure of privacy.

7. In accordance with condition 1, prior to the commencement of development, a comprehensive landscaping scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include the enhancement measures identified in section 6 of the Ecological Appraisal undertaken by Land Use Consultants dated May 2010. The scheme shall thereafter be implemented in accordance with the approved details in the first planting season following the occupation of the development. Any trees that die or become diseased within a 5 year period of implementation shall be replaced on a like-for-like basis.

Reason: To ensure a reasonable standard of development.

8. No development for each phase of development shall commence until precise details of the means of controlling pollution from surface water run-off on parking, external storage, manoeuvring and loading areas has been submitted to and approved in writing by the LPA and the development shall be carried out in accordance with the scheme so approved and occupiers shall maintained systems in accordance with the submitted maintenance plan or device manufacturers instructions.

Reason: To prevent pollution to the water environment

9. No development for each phase of development shall commence until precise details of the means of controlling pollution during construction has been submitted to and approved in writing by the LPA and the development shall be carried out in accordance with the scheme so approved.

Reason: To prevent pollution to the water environment

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

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters. We consider that a site investigation is necessary in order to fully assess the risks to controlled waters associated with the current and historic uses of the site. Sampling at the site should be targeted with reference to the potential sources of contamination at the site, with analysis required for all identified contaminants of concern.

11. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol.

12. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

13. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

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

14. No reserved matters application shall be submitted unless and until a Stage Two Flood Risk Assessment (FRA), including a surface water drainage strategy for the whole application site (as shown on 3831/100/P10) and flood risk reduction measures/scheme has been submitted to and approved in writing by the Local Planning Authority. The Stage Two FRA shall be undertaken in accordance with the parameters set out in the outline FRA (dated 19 October 2010) and FRA addendum (dated 1 November 2010) and shall include details of the watercourse diversion and shall also include timings or a phasing plan for the implementation of works identified by this FRA. The approved Stage Two FRA and any works identified by this shall be implemented in accordance with the approved timings or phasing plan. The development shall be carried out in accordance with the approved details.

Reason: To reduce the impact of flooding on the proposed development, its future occupants and further downstream in accordance with PPS 25 and Policy 13 (q) of the Core Strategy for North Northamptonshire

15. Each reserved matters applications shall accord with the approved drainage scheme required by condition 14 unless otherwise agreed in writing by the Local Planning Authority and shall be accompanied by a written statement of conformity which demonstrates compliance with the drainage scheme.

Reason: To manage the risk flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with PPS 25, PPS 23 and Policy

13 (q) of the Core Strategy for North Northamptonshire.

16. All building works which comprise the erection of a building required to be served by water services shall be served by mains foul water drainage.
Reason: To manage the risk of pollution through provision of suitable water infrastructure in accordance with PPS 25 and Policy 13 (q) of the Core Strategy for North Northamptonshire
17. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: To ensure that infiltration systems such as soakaways do not increase the potential for contamination migration. Soakaways should not be located in areas of potential contamination.
18. No development shall commence until a scheme to provide a footpath from the site connecting to the public footpath at Islip has been submitted to and approved in writing by the local planning authority. No development shall commence until a timetable for the completion of offsite improvement works has been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with this approved timetable.
Reason: In order to ensure that offsite pedestrian improvements are completed in the interests of highway and pedestrian safety and convenience to users of the public highway.
19. The reserved matters required to be submitted under condition 1 above shall follow the design principles and scale parameters shown on the indicative drawings 3831-110/P6, 3831-100/P10, 3831-300/P3, 3831-200/P2
Reason: To ensure that the development respects the character of its surroundings in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.
20. Notwithstanding the submitted details, prior to the commencement of development the following access details shall be submitted to and approved in writing by the local planning authority:-
1. Hard surface materials to form the new junction layout arrangements as indicted on drawing NO 100112-10
2. Provision of vision splays at the junction with the public highway.
The subsequent submitted details shall illustrate a carriageway which is to the local highway authority's adoptable standard. The hard surfacing shall be completed in accordance with the approved details in accordance with a timetable to be agreed in writing by the local planning authority prior to the commencement of development. Development shall be constructed in strict accordance with the approved details and approved vision splays retained thereafter.
Reason: In the interest of Highway Safety.
21. Prior to the commencement of development a lighting scheme shall be submitted to and approved by the Local Planning Authority in writing and development shall be carried out in accordance with these approved details.
Reason: In the interest of amenity and crime prevention.
22. At least 10% of the demand for energy shall be met on site and renewably/from a decentralised renewable or low-carbon energy supply (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007). Prior to the commencement of development, details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the

approved details and shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy and the Sustainable Construction and Design SPD.

23. The reserved matters required to be submitted under condition 1 above shall reflect the floor space mix of B1, B2 and B8 uses as specified in the description of the development hereby permitted

Reason: To ensure that the development delivers an adequate mix of uses.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS4, PPS7, PPS9, PPG13, PPS22, PPG24, PPS25, North Northamptonshire Core Spatial Strategy 2008 policies 1, 8, 9, 11, 13 and 14, Policy 17 of the Rural North, Oundle and Thrapston Plan (The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination on 8 July 2009 the Inspector found the document sound. However, as yet the Council has not adopted the Plan as a Development Plan Document as such the Council is still treating the document as emerging policy). Other guidance also includes the Northamptonshire Strategic Employment Land Assessment (SELA), November 2009

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenity, the design and visual impact, the highway implications and the impact on trees and vegetation. The application has been approved as:

- The principle of the development is acceptable.
 - The proposal would not have an unacceptable impact on the local or strategic highway network.
 - The indicative layout is acceptable and demonstrates that development would not harm the visual amenity or character of the area.
 - The development would not have an adverse impact on ecology and biodiversity.
 - The development will not have an adverse effect on flood risk and sewage capacity subject to the imposition of conditions.
 - The development would not be exposed to significant levels of contamination.
 - The proposal would not have a significant impact on the amenities of neighbouring occupiers
2. The drawings to which this decision relates are as follows : 3831-110/P6, 3831-100/P10, 3831-300/P3, 3831-200/P2 received by the Local Planning Authority on 13/10/10

Committee Report

Committee Date : 22 December 2010

Printed: 9 December 2010

Case Officer **Susan Scott**

EN/10/00752/RWL

Date received	Date valid	Overall Expiry	Ward	Parish
16 April 2010	16 April 2010	11 June 2010	Lyveden	Sudborough

Applicant **D Bierton**

Agent **Henry H Bletsoe & Son**

Location Farm Buildings Mill Lane Sudborough Northamptonshire

Proposal **Replacement of extant planning permission EN/04/01180/FUL Change of use from Agricultural to office use (B1) dated 26/04/2005**

This application has been brought to Committee at the request of the Ward Member due to concerns raised by the Parish Council regarding the information submitted.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes to replace extant planning permission number EN/04/01180/FUL, which expired on the 26th April 2010.

2.2 The proposal seeks a change of use from Agriculture to office use (B1) over an approximate floor space of 188 square metres.

3 The Site and Surroundings

3.1 The site consists of a stone and brick-built barn on the western edge of Sudborough.

3.2 Mill House sits to the east of the application site, The Mill is to the north-east and New House lies to the south.

3.3 In addition to Mill House and The Mill, Mill Lane also serves as a vehicular access to numbers 48 and 49 Main Street.

4 Policy Considerations

4.1 National Planning Policy Guidance
PPS1-Sustainable Development
PPS7 - Sustainable Development in Rural Areas

4.2 Regional Spatial Strategy for the East Midlands

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. Technically, therefore, the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. A statement has been issued by the Government reiterating the intention to remove RSSs and that this should be treated as a material consideration. However, following further legal action, the High Court has since ordered that no regard should be placed on this intention prior to a full legal hearing and therefore the intention to abolish the RSS is no longer a material consideration
Policy 1 - Regional Core Objectives

4.3 North Northamptonshire Core Spatial Strategy

Policy 11 - Distribution of Jobs
Policy 13 - General Sustainable development principles

- 4.4 Northamptonshire County Structure Plan
No policies relevant to this application.
- 4.5 East Northamptonshire District Local Plan.
AG4 - Re-use and adaptation of buildings in the countryside.
- 4.6 Rural North, Oundle and Thrapston Plan Inspectors Modifications, 8 July 2009
The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination on 8 July 2009 the Inspector found the document sound. However, as yet the Council has not adopted the Plan as a Development Plan Document as such the Council is still treating the document as emerging policy.
- 4.7 Supplementary Planning Guidance for Parking March 2003

5. Planning History

- 5.1 EN/04/01180/FUL: Change of use from Agricultural to office use (B1)
Permitted: 26/04/2005

6 Consultations and Representations

- 6.1 Neighbours: One objection concerning the vehicular access and road safety. The volume of traffic has increased since the last grant of planning permission on a narrow single track road. Heavy farm machinery and heavy lorries use the lane putting pedestrians at risk. The change of use of redundant farm buildings to office space would increase the amount of traffic using the lane even more.
- 6.2 Sudborough Parish Council: Objection on the grounds of there being insufficient information regarding how the buildings will be modified, the number of units that will be created and the likely number of vehicle movements.
- 6.3 NCC Highways: No objection providing that condition 2 of planning permission EN/04/01180/FUL be imposed on any renewal. This condition reads as follows:
"Before the development the subject of this planning approval commences, details of improvements to the access including surfacing and passing bay shall be submitted to and approved in writing by the Local Planning Authority."
Reason: In the interests of public amenity and highway safety.
- 6.4 Natural England: No objection based on information provided in a bat and bird survey but ask for the following condition to be imposed should permission be granted.
"Operations that involve building work to, the destruction of and the removal of buildings (or part of a building) shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority, once they are satisfied that breeding birds will not be adversely affected."
Reason: Breeding birds are present in the barns.
- 6.5 Environment Agency: Written confirmation provided that they have assessed the proposal as having a relatively low environmental risk and would not raise any objection if formally consulted.

7 Evaluation

- 7.1 The following issues are relevant to the determination of this application: policy in relation to the reuse of redundant farm buildings in the rural area, access and flooding

7.2 Policy in relation to the reuse of redundant farm buildings in the rural area and consideration of the details submitted:

7.2.1 The objective of policy is two fold. Firstly, to make economic use of redundant buildings whether or not they have any intrinsic architectural merit, but not to allow for large scale extensions or alterations to such buildings. The basic message is to re use an existing worthwhile resource. The second objective relates to finding appropriate new uses for buildings that do have architectural or historic merit.

7.2.2 The buildings in question have no significant intrinsic architectural merit, but can accommodate the proposed change of use with no change to the basic volume of, or significant alterations to, the building.

7.2.3 Policy AG4 of the East Northamptonshire District Local Plan requires the submission of a structural survey for buildings which are unoccupied and show evidence of some dereliction. No survey was submitted with the 2004 application as the buildings were still of solid construction, with only minor repairs required. Although the buildings have remained mostly unoccupied since that time, with limited storage use, they are in no way derelict and therefore there is no requirement for a full structural survey.

7.3 Access:

7.3.1 The main issues are the volume of traffic, condition of the access track and car parking requirements.

7.3.2 The applicants have stated that traffic movements will be no more than 17 trips per day, which will take the form of cars rather than heavy farm machinery, as areas presently used for storage necessitating the access of heavy vehicles will no longer be in use. This will decrease the volume of traffic in Mill Lane. A condition is recommended to require works to be carried out to the access track and the provision of parking bays to highway requirements.

7.3.3 Parking will be provided where the existing covered yard is presently located and will not affect Mill Lane. Six parking spaces will be available at the site and this number is in compliance with the parking standards recommended in the Supplementary Planning Guidance for Parking. based on the floorspace of the proposed offices.

7.3.4 The Parish Council has concerns as regards the number of units and the number of vehicle movements these units would create, however, planning guidance is based on the available floorspace, not the number of units available. The applicant has estimated an average of 17 car movements per day and this appears in accordance with the parking spaces provided.

7.4 Flooding:

7.4.1 The Environment Agency have confirmed that they have assessed the proposal as having a relatively low environmental risk and would not raise any objection if formally consulted.

8 Other Issues

8.1 Crime and Disorder: Isolated farms often suffer from theft. The increase in activity at the site following the change of use at the farm may help reduce this trend here.

8.2 Access for Disabled: This requirement will be the subject of Building Regulations

- 8.3 The application is seeking a change of use for the farm buildings as a whole. The consideration is whether economic use can be made of the redundant building as a whole, not in parts. Therefore the number of units is not relevant to this application. Internal modifications would be subject to Building Regulations.
- 8.4 This application is for change of use only. Any external modifications or development which would need planning permission would require a separate application. Clarification of this matter can be dealt with by condition.

9. Conclusion

In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS7, policies 11 and 13 of the North Northamptonshire Core Spatial Strategy 2008, policy AG4 of the East Northamptonshire District Local Plan and Supplementary Planning Guidance for Parking 2003. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, the impact on highway safety and the potential for flood risk. The application has been recommended for approval as:

1. The principle of change of use is considered acceptable and complies with all relevant planning policy.
2. The proposal would not result in a detrimental impact on highway safety.
3. The proposal has been assessed as having a relatively low risk for flooding.

10 Recommendation

10.1 Planning permission be GRANTED subject to the following conditions:

11 Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Before the development the subject of this planning approval commences, details of improvements to the access including surfacing and passing bays shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of public amenity and highway safety.
3. Operations that involve building work to, the destruction of and the removal of buildings (or part of a building) shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority, once they are satisfied that breeding birds will not be adversely affected.
Reason: Breeding birds are present in the barns.
4. The development hereby permitted relates to change of use only and does not give permission for any external modifications to the buildings that will require separate permission.
Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.
5. The development hereby permitted shall be carried out strictly in accordance with the approved location plan received by the Local Planning Authority on 9 June 2004 and the block parking plan received on 2 July 2004.
Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS7, policies 11 and 13 of the North Northamptonshire Core Spatial Strategy 2008, policy AG4 of the East Northamptonshire District Local Plan and Supplementary Planning Guidance for Parking 2003. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, the impact on highway safety and the potential for flood risk. The application has been approved as:

- 1.The principle of change of use is considered acceptable and complies with all Relevant planning policy.
- 2.The proposal would not result in a detrimental impact on highway safety.
- 3.The proposal has been assessed as having a relatively low risk for flooding.

Committee Report

Committee Date : 22 December 2010

Printed: 9 December 2010

Case Officer **Anna Lee**

EN/10/01538/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
23 August 2010	2 September 2010	28 October 2010	Oundle	Oundle

Applicant **Mr D Bancroft Turner**

Agent **Accent And Wilkinson - Mr I Hopkins**

Location **112 Glaphorn Road Oundle Northamptonshire PE8 4PS**

Proposal **Proposed detached bungalow and new vehicular access along with replacement double garage to existing bungalow (Re-submission of 09/01981/FUL)**

The application has been brought to Development Control Committee because Oundle Town Council has objected on grounds of overdevelopment and highway impact.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

2.1 The application proposes the construction of a detached three bedroom bungalow within the front garden of no.112 Glaphorn Road. The proposed bungalow incorporates a lounge, kitchen/dining area, utility room, pantry, hall, store, bathroom and en-suite.

2.2 The proposed dwelling would be constructed in the position of the existing detached garage located at the front of the site and a separate detached garage is proposed to serve the original dwelling (to be located 3.0 metres east of the existing dwelling).

2.3 Following the construction of the proposed dwelling, it is proposed that no.112 and no.110 Glaphorn Road would continue to share the existing vehicular access off Glaphorn Road and a separate vehicular access and parking area is proposed to serve the new dwelling.

3 The Site and Surroundings

3.1 The application site lies on the northern periphery of the town, on the end of Glaphorn Road. The site accommodates a 1970s detached bungalow and associated detached double garage. The existing bungalow is positioned back from the road and the garage is located at the front of the site.

3.2 The site is surrounded by bungalows to the southeast. These bungalows are a mixture of styles, have been extended and have enclosed front gardens. The west side of Glaphorn Road is characterised by two-storey dwellings of a mixture of character and styles.

3.3 The site is relatively well screened by trees and other vegetation along the front boundary (west boundary). The site is adjoined to an electric substation/water treatment works to the northwest and the land beyond is open countryside.

4 Policy Considerations

4.1 National Planning Policy Guidance:

PPS1– Sustainable Development

PPS3 – Housing

PPG13 – Transport

4.2 East Midlands Regional Plan, March 2009

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. Technically, therefore, the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. A statement had been issued by the Government reiterating the intention to remove RSSs and that this should be treated as a material consideration. However, following further legal action, the High Court has since ordered that no regard should be placed on this intention prior to a full legal hearing and therefore the intention to abolish the RSS is no longer a material consideration.

Policy 1 – Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 3 – Distribution of New Development

Policy 27 – Regional Priorities for the Historic Environment

Policy 45 – Regional Approach to Traffic Growth Reduction

Policy 48 – Regional Car Parking Standards

4.3 North Northamptonshire Core Spatial Strategy, June 2008:

Policy 1 – Strengthening the Network of Settlements

Policy 9 – Distribution & Location of Development

Policy 10 – Distribution of Housing

Policy 13 – General Sustainable Development Principles

Policy 14 – Energy Efficiency and Sustainable Construction

4.4 Rural North, Oundle and Thrapston Plan (Emerging Policy):

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

Policy 1 – Settlement Roles

Policy 2 – Windfall Development in Settlements

Policy 6 – Residential Parking Standards

4.5 Supplementary Planning Guidance:

Parking SPG, March 2003

Planning Out Crime in Northamptonshire, Feb 2004

4.6 Supplementary Planning Document:

Design SPD, March 2009

4.7 Other Documents:

Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008

5 Relevant Planning History

5.1 An application was previously submitted for a one and half storey tall dwelling on the site with an integral garage under reference EN/09/01981/FUL. This application was withdrawn on 18 March 2010 and the current application is a resubmission.

6 Consultations and Representations

6.1 Neighbours: no comments received.

6.2 Oundle Town Council: “objection due to overdevelopment and concerns about vehicular movements onto the road.”

6.3 Site notice posted: no representations received.

- 6.4 Local highway authority (NCC): no objection in principle, subject to conditions (see recommendations below in paragraphs 7.5.1 and 7.5.2).
- 6.5 Conservation Officer (Trees): no objection, subject to conditions (see recommendations below in section 7.6).

7 Evaluation

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

7.2 Principle of Development

7.2.1 The application site comprises garden land, which following an amendment to PPS3 (March 2010), is no longer classified as previously developed land. Local planning authorities, however, still need to take into account other material planning considerations in the determination of planning applications, including focusing housing development in suitable locations, accessibility to local services, public transport accessibility, the characteristics of the area and the desirability of using land efficiently, as advised by paragraphs 10, 16, 36 and 46 of PPS3.

7.2.2 The application site lies within the settlement boundary of Oundle, as defined in the Rural North, Oundle and Thrapston Plan (RNOTP). Oundle is identified a rural service centre with scope for windfall development within the settlement boundary, subject to the criteria set in Policy 2. Policy 2 states that planning permission will be granted for windfall development within the settlement boundaries, providing the scale and siting of dwellings accord with the character of the surroundings. Therefore, the principle of residential development on this site is acceptable, subject to the issues set out below.

7.3 Visual Impact

7.3.1 The proposed dwelling would be located within the existing built form. The houses on both sides of the road are positioned following the curvature of the road and the proposed bungalow would create a point where dwellings from both sides of the road would visually meet and help to create a 'end-stop' in the street scene.

7.3.2 The proposed development would be closely associated with bungalows on the east side of Glaphorn Road. These bungalows are all positioned back from the road and are mostly screened away by hedgerows. Despite the fact that the proposed bungalow would be positioned forward of the existing line of bungalows, the development would not appear obtrusive in the street scene. This is because the proposed bungalow would be constructed in the position of an existing double garage and would be a similar height to the existing garage and the surrounding properties. In addition, providing the new dwelling is constructed to a similar level as the existing garage, which is positioned approximately 0.5 metres below road level, the proposed dwelling is unlikely to appear obtrusive from the road.

7.3.3 There is an area of land in front of the site to the west, which forms part of the water treatment works/electric substation, and this area of land is screened by dense vegetation. This area of land would help to provide a transition between the proposed development and the open countryside to the north and would help to maintain the semi-rural character in this edge of settlement location. Therefore, providing soft landscaping is provided along the front boundary of the site, this would create a continuation of planting along the street and the bungalow could be accommodated without resulting in harm on the character and appearance of the area. The landscaping details and effect of the proposed development on the on-site trees are discussed later, in section 7.6 of this report.

7.3.4 In terms of design, the proposed bungalow would have a 45 degree pitched roof-design and two small projecting gables, measuring approximately 2.5 metres by 6.5 metres and 2.0 metres by 3.2 metres, are proposed on the east and west sides of the building. The elevations of the proposed bungalow would be simply composed, with the principle elevations located on the south and north facing sides. Overall, the scale, form and design of the proposed bungalow would be similar to the existing bungalows nearby. Providing appropriate materials are used in the construction of the development, there would be no significant visual impact from this proposal and a condition requiring the submission of material details before commencement of development is recommended.

7.3.5 The double garage proposed for the main property no.112 Glapthorn Road would not be visible in the street scene, as this garage would be positioned some distance within the site (35.0 metres) and would be mostly concealed by the proposed bungalow. Therefore, there would be no visual harm from the proposed garage.

7.3.6 The town council's concern about overdevelopment is noted. In accordance with the advice contained in PPS1 and PPS3, the proposal would make efficient use of urban land. Two dwellings and a replacement garage could be accommodated on this site (with a site area measuring approximately 35.0 metres x 40.0 metres) without being too cramped. A reasonable amount of garden space would be provided for both the proposed dwelling and the existing dwelling no.112 Glapthorn Road (see paragraph 8.1) and these garden areas, together with the areas of land at the front of the site, would help to provide a sense of space.

7.4 Neighbouring Amenity

7.4.1 The proposed dwelling would be positioned approximately 7.0 metres from the patio doors located on the west elevation of the principle dwelling no.112 Glapthorn Road. Given this distance and the single-storey height of the proposed dwelling, no significant overbearing or loss of light would result on the main property or its rear garden area. Providing suitable screening is provided along the east boundary of the new bungalow, this would help to preserve the privacy and general amenity of the occupiers at no.112 Glapthorn Road, as well as those of the future occupiers of the proposed dwelling. Therefore, a condition to request the submission of boundary screening details before commencement of development is recommended.

7.4.2 The proposed garage would be positioned within 3.0 metres of one of the front room windows of the principle dwelling no.112 Glapthorn Road. However, as this window appears to be a secondary window and because this property would still have three front room windows on the east elevation and other window openings on the west and northern sides of the building, the residential amenity of the current occupiers would not be adversely affected by the proposed garage.

7.4.3 No.110 Glapthorn Road is currently screened from the front garden of no.112 Glapthorn Road by a boundary wall and hedge measuring 1.9 metres in height, and the proposal is to retain this existing boundary treatment. The proposed garage would be positioned approximately 6.0 metres from the neighbouring bungalow of no.110 Glapthorn Road and would be mostly concealed by the 1.9 metre high wall and hedge. Therefore, no harm would result from the proposed garage on no.110 Glapthorn Road in terms of overbearing or overshadowing.

7.4.4 In terms of the impact of the proposed bungalow on No.110 Glapthorn Road; as the proposed bungalow would be orientated and positioned some 13.0 metres away from no.110 Glapthorn Road, no undue harm would result in terms of overbearing or overshadowing on the neighbouring property. A new boundary fence, described on the submitted plans as 'boundary fence with screen trellis', is proposed along the east boundary of the new bungalow. This proposed treatment, together with the existing 1.9 metre high boundary screening located between the front gardens of nos.112 and 110

Glaphorn Road, would help to prevent any undue overlooking upon No.110 Glaphorn Road.

7.4.5 All other neighbouring properties are sufficiently removed. Overall, this proposal would not have an adverse effect on neighbour amenity.

7.5 Highway Impact

7.5.1 No.110 Glaphorn Road and no.112 Glaphorn Road currently share an access off Glaphorn Road. The proposal is to create a new access, adjacent to the existing access, to serve the proposed new dwelling. The local highway authority (NCC) has no objection to the proposed new access providing the access is constructed to NCC standards.

7.5.2 To help ensure the access is constructed to NCC standards, the highway officer has recommended conditions to require (1) provision of vehicular visibility splays measuring 2.0 metres x 43.0 metres, (2) pedestrian visibility splays measuring 2.0 metres x 2.0 metres, and (3) the provision of a maximum 1 in 15 access gradient. In the interest of maintaining highway safety, these conditions are recommended.

7.5.3 In addition, due to the proximity of the parking and turning areas to the vehicular access point and the limited room for the installation of gates at the front of the site, a condition to require that no gates be constructed at the access point is recommended.

7.5.4 Policy 6 of the RNOTP states that an average maximum residential parking standard of two spaces per dwelling will apply for the plan area. In accordance with the requirements of this policy, two off-road parking spaces are proposed for the bungalow and this number of off-road parking spaces would be sufficient to serve the development. Furthermore, the two parking spaces shown in front of the proposed bungalow would appear workable and the submitted drawing shows that sufficient turning space would be available within the site to allow vehicles to safely enter and leave the site in a forward gear.

7.5.5 The existing dwellings no.112 Glaphorn Road and no.110 Glaphorn Road would retain adequate off-road parking. There is room for parking of at least two vehicles within the front gardens of both properties, and for no.112 Glaphorn Road, two additional off-road parking spaces would be available within the proposed garage. Furthermore, both properties would have sufficient turning space at the front of the property to allow vehicles to safely enter and exit in a forward gear.

7.5.6 Overall, there would be no significant parking or other highway issues from this proposal.

7.6 Impact on Trees

7.6.1 The submitted drawings indicate that the existing hedges and trees positioned along the south and west boundaries of the site (next to the road and shared access of nos.110 and 112 Glaphorn Road) would be retained. In addition, a new hedge is proposed along the east boundary to no.112 Glaphorn Road, next to the proposed parking area.

7.6.2 There is a mature Ash tree and a range of mature shrub planting at the front of the site, which helps to screen the site from the road. This planting helps to visually enclose this part of Glaphorn Road, and to a certain degree, mirrors the dense planting found on the opposite side of the road. Therefore, should the Council be minded to grant planning permission to the proposal, the tree officer recommends that some of the existing planting be retained in order to help preserve the character and appearance of the area.

7.6.3 Due to the lack of arboricultural details submitted with the application, the tree officer has recommended conditions to require the submission of (1) an arboricultural method statement, (2) tree protection plan and (3) details of no-dig construction for the access and driveway, before commencement of development. The suggested conditions would help to safeguard the existing trees and would help to assimilate the development in with the surrounding area, and therefore, are recommended.

7.7 Sustainable Construction and Energy Efficiency

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

7.7.2 The application is accompanied by a Sustainability Appraisal and Energy Statement and this statement advises that the following measures would be incorporated within the proposed dwelling in order to help improve the energy efficiency and water efficiency of the building:

- Enhanced insulation to the external walls
- Double glazing
- Low energy lighting
- High efficiency gas boiler
- Hot water system with flow restrictors
- Low flush toilets

7.7.3 Due to the limited information provided of how the development would incorporate techniques of sustainable construction, provision for waste reduction and recycling, and water recycling, which are requirements of Policy 14 of the Core Spatial Strategy, a condition to require the submission of further details before commencement of development is recommended.

8 Other issues

8.1 Amenity Space – A rear garden area measuring approximately 22.0 metres x 10.0 metres is proposed to serve the new dwelling. This would provide an adequate amount of private amenity space for the future occupiers. In addition, the existing property no.112 Glaphorn Road would still have a large garden at the rear (measuring some 35.0 metres x 11.0 metres) and front garden (measuring some 16.0 metres x 10.0 metres).

8.2 Waste and Recycling Storage – Adequate storage facilities would be provided at the front of the property behind the western boundary hedge.

8.3 Withdrawal of permitted development rights – In order to ensure that the bungalow would not be unacceptably altered in the future, to safeguard residential amenity of the neighbouring occupiers and to avoid detriment to the street scene, it is recommended that class A, B, C, D and E permitted development rights (relating to extensions, roof alterations, porches and outbuildings) be withdrawn from the bungalow.

9 Conclusion

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

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on neighbouring amenities; highway impact; impact on trees; and sustainable construction.

The application has been recommended approval as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national planning policies.
2. The proposal would not harm visual amenity or the character and appearance of the area.
3. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
4. The proposal would not have an unacceptable impact on the local highway.
5. The proposal would not result in an unacceptable loss or harm to trees.
6. The proposal would meet the sustainable construction and energy efficiency standards.

10 Recommendation

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

11 Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 and garage (for the principle dwelling No.112 Glapthorn Road) shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the details so approved, unless otherwise agreed in writing by the local planning authority.
Reason: To achieve a satisfactory appearance for the development.
3. Prior to the commencement of the development, details of the provision of screening to all boundaries of the site of the dwelling hereby permitted shall be submitted to and 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 prior to the first occupation of the dwelling and shall thereafter be retained in perpetuity, unless otherwise agreed in writing by the local planning authority.
Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.
4. Before any work is commenced on the development hereby permitted, details showing the slab levels of the proposed dwelling and garage in relation to the existing and proposed levels of the site and the surrounding land and buildings (including the ridge heights and eaves height of neighbouring buildings of No.110 Glapthorn Road) shall be submitted to and approved in writing by the local planning authority. The building shall thereafter be constructed in accordance with the details so approved, unless otherwise agreed in writing by the local planning authority.
Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.

5. Notwithstanding the submitted details, pedestrian visibility splays of 2.0m x 2.0m and vehicular visibility splays of 2.0m x 43.0m shall be provided on both sides of the vehicular access. The areas of land between the required sight lines and the highway carriageway shall be cleared, levelled and retained at a height not exceeding 0.6 metres above the carriageway and driveway levels.

Reason: In the interest of highway safety.

6. The vehicular access shall have a gradient not exceeding 1 in 15 for a distance of 5.0 metres back from the correct level at the highway boundary. Prior to the first occupation of the development hereby permitted this area shall be paved with a hard bound surface for a minimum of 5.0 metres back from the highway boundary and be thereafter retained.

Reason: In the interest of highway safety.

7. 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, unless otherwise agreed in writing by the local planning authority.

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

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

Reason: In the interest of highway safety.

9. 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 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.

10. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the local planning authority a comprehensive scheme of landscaping for the site. This shall include details showing retention of the hedge, trees and planting along the southern and western boundaries of the site. The landscaping proposals shall thereafter be implemented strictly in accordance with the approved details in the first planting season following the first occupation of the development.

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

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

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

12. An arboricultural method statement shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. This statement shall be in accordance with BS5837:2005 and shall include, but not be limited to, details of phasing of the hard surface installation and methods to be used for the construction of the dwelling. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing by the local planning authority.

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

13. Notwithstanding the submitted details, a tree protection plan for both onsite trees and hedges and those adjacent to the site (within 5 metres to the west) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of development and shall be in accordance with BS5837:2005. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing by the local planning authority.

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

14. In accordance with the submitted application details, full details of the no dig construction method for the vehicular access and driveway 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 the details so approved, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that vehicle movements in and out of the site do not cause excessive soil compaction and root damage, to ensure the protection of trees on site and in the interest of visual amenity.

15. The energy efficiency and water efficiency measures shall be implemented in accordance with the submitted Sustainability Appraisal and Energy Statement (received by the local planning authority on 23rd August 2010), unless otherwise agreed in writing by the local planning authority.

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

16. Prior to the commencement of development hereby permitted, details of provisions for waste reduction and recycling, water recycling and techniques of sustainable construction to be used for the construction of the dwelling hereby permitted, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

17. The development hereby permitted shall be carried out strictly in accordance with the approved plans; plans received by the local planning authority on 23rd August 2010, drawing numbers: 98309-100-02, 98309-100-01, 98309-200-01, 98309-200-02.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

Informatives

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

Information received by the local planning authority on 23rd August 2010: Design statement and Sustainability Appraisal and Energy Statement.

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

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on neighbouring amenities; highway impact; impact on trees; and sustainable construction.

The application has been approved as:

1. The principle of the development is acceptable and is consistent with the development plan and guidance contained in national planning policies.
2. The proposal would not harm visual amenity or the character and appearance of the area.
3. The proposal would not have a significant impact on the amenities of neighbouring occupiers or the amenity of the area.
4. The proposal would not have an unacceptable impact on the local highway.
5. The proposal would not result in an unacceptable loss or harm to trees.
6. The proposal would meet the sustainable construction and energy efficiency standards.

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

Committee Report

Committee Date : 22 December 2010

Printed: 8 December 2010

Case Officer **Sue Wheatley**

EN/10/01613/CND

Date received	Date valid	Overall Expiry	Ward	Parish
2 September 2010	2 September 2010	25 November 2010	Irthlingborough	Waterloo

Applicant **J S Bloor (Northampton) Ltd**

Agent **Bloor Homes South Midlands**

Location **Former Factory Site Finedon Road Irthlingborough Northamptonshire**

Proposal **Redevelopment of site to residential development comprising of one hundred and forty one dwellings with associated roads, car parking, public open spaces, infrastructure and access Condition No. 2 - Levels**

1. Summary of Recommendation

That the level details be approved.

2. The Proposal

2.1 As Members are aware conditions are frequently imposed when planning permission is granted. The approval of details in relation to conditions and the discharge of conditions (the confirmation that development has been carried out in accordance with the approved details) is normally dealt with under delegated powers.

2.2 A request has been received in relation to the permission for 141 dwellings (ref 08/02282/FUL) at the former Sunseeker site for the approval of level details. The relevant condition states:

“ Notwithstanding the submitted information prior to the commencement of development details of existing levels of the site in relation to adjoining land levels and proposed levels including finished floor levels shall be submitted to and agreed with the Local Planning Authority in writing. Development shall be carried out in accordance with these approved details.”

2.3 During consideration of the application for the 141 dwellings (ref 08/02282/FUL) details of levels were requested from the developer because a significant amount of re-contouring work was proposed. A contour plan (ref 1352/EW/01E) and site sections were submitted and proposed levels reported to the Development Control Committee on 2 December 2009. (Copy of report attached – see section 7.6). The condition was imposed because the contour plan included the word “indicative” in its description and because there appeared to be some inconsistencies between the contour plan (1352/EW/01E) and site sections.

2.4 The details are being reported to Members as the proposed levels are now marginally higher than reported to Development Control Committee. The developer has sought to argue that due to the presence of the condition specific levels had not been approved by Committee. However your Officers are not convinced by this argument and are of the view that any increase in levels would need to be approved by the Development Control Committee.

2.5 The applicant has explained that these increases:

“are the result of a need to meet design criteria that provides safe means of vehicular access and egress from garages onto private drives onto the internal road network, which is being offered for adoption to Northamptonshire County Council (NCC) under Section 38 of the Highways Act.

In light of extensive correspondence between the applicants and Officers, the applicants have reviewed their proposed levels in great detail, taking into consideration the following existing / applicable constraints:

1. The existing level of Finedon Road at the site access (80.50mAOD);
2. Adoptable design standards (i.e. road gradients) expected of NCC to adopt the internal road network;
3. Maximum road gradients on private drives accessing garages;
4. Level thresholds for access/egress of proposed residential dwellings;
5. Existing boundary levels; and
6. The need to maintain the urban design principles and provide a suitable quality of life for future residents with minimal impact on neighbouring properties.”

The following plans have been submitted:

- Planning Layout (ref N511_01_N1) showing existing contours
- Finished Floor and External Levels (ref 10083/SK/003C)
- Sectional drawings (N511-ELE1C)

The applicant has also submitted the following summary sheet of the proposed changes.

Plot Ref.	Level Reported to November Committee (mAOD)	Proposed Level (mAOD)	Difference (m)
Western Boundary			
Plot 4 – garage	78.0	78.275	+0.275
Plot 4 – dwelling	78.0	78.425	+0.425
Plot 9	77.0	77.10	+0.1
Plots 10-11	77.0	76.73	-0.27
Plot 12	76.0	75.20	-0.8
Plots 16-17	75.50	74.80	-0.7
Eastern Boundary			
Plots 80-78	76.0	76.065	+0.065
Plots 77-76	--	75.70	--
Plot 75	75.0	75.20	+0.2
Plot 68	--	74.80	--
Plot 58	70.0	69.40	-0.6
Plot 49	--	72.50	--

3. The Site and Surroundings

3.1 The site is located on the north western edge of Irthlingborough. It was previously used for employment purposes by Sunseeker and Homeseeker Homes, who have now moved to purpose built premises in Rushden. Approximately $\frac{3}{4}$ of the site is therefore previously developed land. Residential properties adjoin the site to the west and east. Whilst the site in part has a frontage to Finedon Road it is also set behind a number of properties which front Finedon Road. On the opposite side of the site there are residential properties and behind these is Huxlow School. The A6 lies to the north of the site.

3.2 Levels vary considerably within the site as the employment used was situated on an artificially created plateau.

3.3 There are a number of important trees along the frontage to Finedon Road, the western boundary of the site and along the A6 which are protected by a group tree preservation order. Within the site there are some areas of scrub.

4. Policy Considerations

4.1 National Planning Policy

PPS1 – Delivering Sustainable development (incorporating new statement on Climate Change)
PPS3 – Housing

4.2 East Midlands Regional Plan

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. Technically, therefore, the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. A statement had been issued by the Government reiterating the intention to remove RSSs and that this should be treated as a material consideration. However, following further legal action, the High Court has since ordered that no regard should be placed on this intention prior to a full legal hearing and therefore the intention to abolish the RSS is no longer a material consideration."

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design

4.3 North Northamptonshire Core Spatial Strategy

Policy13- General Sustainable Development Principles

4.4 Northamptonshire County Structure Plan

None relevant

4.5 East Northamptonshire District Local Plan

None relevant

4.6 Other Relevant Policies

Three Towns Plan – Preferred Options

5. Planning History

5.1 08/02282/FUL - Redevelopment of site to residential development comprising of 141 dwellings with associated roads, car parking, public open spaces, infra-structure and access. Granted 16 July 2010.

6 Consultations and Representations

6.1 As matters related to conditions are normally dealt with under delegated powers only the neighbours immediately adjoining the site have been notified. The period for neighbour comment expires on 16 December. Any comments received will therefore be reported on the Update Sheet.

7. Evaluation

There are two issues which need to be considered. The impact on the street scene and the impact on residential amenity.

7.1 Impact on Street Scene

7.1.1 The most significant change for the street scene relates to Plot 4, which is close to the front portion of the western boundary. The garage to this Plot would be 0.425 metres higher than the level shown at the time of the original application (ref 08/02282/FUL). The nearest existing dwelling to this is 188 Finedon Road. This property has a finished floor level significantly lower than the level proposed for Plot 4; 75.94 metres compared to 78.425 metres. However there would be around 15 metres between the two properties and this coupled with the extensive existing screening along the western boundary would ensure that the higher level would not have an adverse impact on the street scene.

7.1.2 The other area is the view from the end of Merefields. Lane 2 within the development, however, which is opposite Merefields is proposed at the same level as Merefields. There is an area of open space with a pathway running through it between 22 Merefields and the application site. There would thus not be an adverse impact on the street scene.

7.2 Effect on Residential Amenity

7.2.1 There are residential properties to the west, east and south of the site and the following section deals with each of these areas in turn.

7.2.2 Relationship with existing dwellings in Scotsmere.

4 Scotsmere – Plot 12 and Plots 10-11 would be the nearest units to this dwelling. The summary table submitted by the developer shows that the proposed dwellings would be lower than reported previously to Development Control Committee. No issues therefore arise in relation to the impact on residential amenity.

3 Scotsmere - Plots 16-17 would be the nearest units to this dwelling. The summary table submitted by the developer shows that the proposed dwellings would be lower than reported previously to Development Control Committee. No issues therefore arise in relation to the impact on residential amenity.

7.2.3 Relationship with existing dwellings in Finedon Road

188 Finedon Road – Plots 4 and 9 are the units in proximity to this dwelling.

Plot 4 is proposed 0.425 metres higher than reported to Development Control Committee at a level of 78.425m AOD compared to a reported finished floor level of the existing dwelling of 75.94. However the garage is the nearest element and only the flank elevation to Plot 4, which has no windows, would face this existing dwelling. In addition the garage to the existing dwelling is the part of the dwelling which is nearest to the application site boundary. The increase in levels would therefore not have a harmful impact on residential amenity.

Plot 9 is proposed 1.0 m above the level reported to Development Control Committee at a level of 77.10 metres AOD. It would however be around 13 metres from the existing dwelling. Whilst a flank elevation would face the existing dwelling which contains a secondary lounge/diner window a condition was imposed on the original planning permission (ref 08/02282/FUL) requiring that this window be obscure glazed. There is also a belt of existing screening along the boundary. The increase in levels would therefore not have a harmful impact on residential amenity.

170-176 Finedon Road – Plot 110 has not been included within the summary table, presumably because the specific level of this unit was not referred to in the report to the Development Control Committee. The level of this unit has however been raised. The illustrative contour plan (ref 1352/EW/01E) showed the 79 metre contour running through this unit and the level now proposed is 79.85 metres AOD. However the Committee report did note that there would be more than 30 metres between the two units and that the proposed dwelling would be at a lower level than the existing dwelling. The planning layout with existing levels superimposed (ref N511_01_N1) shows that the sub station adjacent to No 176 is at a level of 80.36 metres AOD. Therefore the unit proposed on Plot 110 would remain at a lower level than No176. No issues therefore arise in relation to the impact on residential amenity.

Plots 103, 106, 107 and 108 are proposed at the same level that was reported to Development Control Committee. No issues therefore arise in relation to the impact on residential amenity.

162-168 Finedon Road – The previous report to Development Control Committee noted that the proposed dwelling on Plot 102 would be approximately 2 metres lower than the existing dwellings. The proposed finished floor level is 76.7 AOD. The contour plan (ref 1352/EW/01E) submitted at the time the application was considered proposed a level of 77.5 metres AOD. No issues therefore arise in relation to the impact on residential amenity, as the proposed dwelling is now lower..

148 Finedon Road - Plot 93 is proposed in line with this dwelling fronting Finedon Road. The proposed level is the same level that was shown on the indicative contour plan (ref 1352/EW/01E). No issues therefore arise in relation to the impact on residential amenity.

Two dwellings (Plots 91 and 92) are proposed behind Plot 93. The proposed level is the same level that was shown on the indicative contour plan (ref 1352/EW/01E). No issues therefore arise in relation to the impact on residential amenity.

Plot 90 - The proposed level is the same level that was shown on the indicative contour plan (ref 1352/EW/01E). No issues therefore arise in relation to the impact on residential amenity.

140-146 Finedon Road - The proposed level is the same level that was shown on the indicative contour plan (ref 1352/EW/01E). No issues therefore arise in relation to the impact on residential amenity.

7.2.4 Relationship with existing dwellings in Ringwell Close

9 and 10 Ringwell Close- The previous report to Development Control Committee noted that the submitted contour plan (ref 1352/EW/01E) showed that Plot 80 would be between 75-76 metres AOD and also that, whilst unfortunately a site section was not available, from other information provided it appeared that the proposed dwellings would be at least one metre higher than the existing dwellings. The submitted summary table suggests that the level of plots 80-78 have been raised by +0.065 metres, however this summary table refers to a level of 76.0 metres being the reported level. The contour plan (ref 1352/EW/01E) submitted at the time of the application did however show the 76.0 metre contour running through this property. However the decision was clearly made on the basis that the proposed dwelling would be around 1 metre higher than existing dwellings and not more.

Unfortunately the submitted Finished Floor and External Levels plan (ref 10083/SK/003 Rev C) does not include the levels of the existing dwellings. A site section however has been submitted to illustrate the relationship with neighbouring properties. This shows that the new dwellings are proposed almost 2 metres higher than the existing dwellings. Potentially therefore it could be possible for occupiers of the proposed dwellings to have a view over a standard 2 metre fence towards ground floor windows of the existing properties. To mitigate

this, screen planting is shown on the section drawing. In addition the back to back distance from the dwelling on Plots 78 and 80 would be between 28 and 30 metres from the existing dwellings. This should ensure that the increase in levels would not have an adverse impact on residential amenity.

11 and 12 Ringwell Close - The previous report to Development Control Committee noted that the submitted contour plan showed that Plots 78 and 79 would be between 75-76 metres AOD and also that, whilst unfortunately a site section was not available, from other information provided it appeared that the proposed dwellings would be at least one metre higher than the existing dwellings. The submitted summary table suggests that the level of plots 80-78 has been raised by +0.065 metres, however this summary table refers to a level of 76.0 metres being the reported level. The contour plan (ref 1352/EW/01E) submitted at the time of the application showed the 75.5 metre contour running through the dwelling on Plot 78.

Unfortunately the submitted Finished Floor and External Levels plan (ref 10083/SK/003 Rev C) does not include the levels of the existing dwellings. A site section however has been submitted to illustrate the relationship between neighbouring properties. This shows that the dwellings are proposed almost 2 metres higher than the existing dwellings. Potentially therefore it could be possible for occupiers of the proposed dwellings to have a view over a standard 2 metre fence towards ground floor windows of the existing properties. To mitigate this screen planting is shown on the section drawing. In addition the back to back distance from the dwelling on Plot 78 to existing dwellings is around 26 metres (albeit that the length of the garden is between 8-9 metres). This should ensure that the increase in levels would not have an adverse impact on residential amenity.

7.2.5 Relationship with existing dwellings in Merefields

19 Merefields – The previous report to Development Control Committee noted that the submitted street scenes showed that the new dwelling would be almost one metre higher than this existing dwelling and that the contour plan showed the dwellings to Plots 75 and 76 at 75 metres AOD. The contour plan (ref 1352/EW/01E) submitted at the time of the application shows the 75 metre contour running through the dwelling on Plot 75. The summary sheet proposes unit 75 at 75.2 metres AOD and Unit 76 at 75.7 AOD. There is thus an increase in levels.

Unfortunately the submitted Finished Floor and External Levels plan (ref 10083/SK/003 Rev C) does not include the levels of this existing dwelling. A site section however has been submitted to illustrate the relationship between neighbouring properties. This shows that the dwellings are proposed almost 2 metres higher than this existing dwelling. Potentially therefore it could be possible for occupiers of the proposed dwellings to have a view over a standard 2 metre fence towards ground floor windows of the existing properties. To mitigate this screen planting is shown on the section drawing. The dwellings on Plots 75, 76 and 77 are side on to this existing dwelling and the distance of the nearest dwelling to the flank elevation would be 19m. This should ensure that the increase in levels would not have an adverse impact on residential amenity.

22 Merefields – No levels were noted in the previous report to Development Control Committee. The contour plan submitted as part of the application (ref 1352/EW/01E) showed the 74.5 contour going through Plot 68. The summary sheet proposes a level of 74.8 metres AOD. The dwelling is thus marginally higher than originally proposed. As the relationship is blank flank elevation to blank flank elevation there are no residential amenity issues.

7.2.6 Relationship with existing dwellings in Wyckley Close

1-8 Wyckley Close –The dwelling to Plot 58 lies to the rear of 3 Wyckley Close. The level reported to Development Control Committee was 70.0 metres AOD and the Summary Sheet proposes a level of 69.4 metres which is 0.6 metres lower. There are therefore no residential amenity issues.

9 Wyckley Close – Plot 49 is adjacent to this property. The report to Development Control Committee did not refer to a specific level. The contour plan ((ref 1352/EW/01E) showed the 72 metre contour running through the dwelling on this plot. The Summary Sheet proposes a level of 72.5 metres AOD. As however the two dwellings would just be flank on to each other there would be no impact on residential amenity due to this increase.

8.0 – Other Issues

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

8.2 Access for Disabled – the application does not raise any significant issues.

9.0 Conclusion

There are two main area where levels have increased which require careful consideration:

1. The western portion of the site adjacent to 188 Finedon Road (Plots 4 and 9). There are two issues. Whether the increase in levels would have an adverse impact on residential amenity and also the street scene. Due to the orientation of the dwellings and the presence of existing screen planting, it is not considered that there would be any undue adverse impact on either of these issues.

2. The eastern portion of the site and the relationship with Ringwell Close and 19 and 22 Merefields (Plots 75-80). The issue here is the impact on residential amenity. The original Development Control Committee report suggested that the proposed dwellings would be around one metre higher than existing dwellings and with the levels now proposed the dwellings would be around two metres higher than existing dwellings although this difference would not be as pronounced at the plot boundaries. With the addition of screen planting and due to the distances between dwellings, it is again considered that on balance there should not be any undue adverse impact on residential amenity such as to warrant withholding approval for the clearance of this condition.

In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1 and PPS3, East Midlands Regional Plan Policies 1 and 2, North Northamptonshire Core Spatial Strategy 2008 Policy 13. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the impact on visual amenity and the impact on residential amenity. The application has been recommended for approval as:

1. The increase in levels would not have an adverse impact on the visual appearance of the street scene.

The increase in levels, subject to the provision of screening, would not have any undue impact on residential amenity.

10 Recommendation

10.1 That the submitted level details be approved under condition 2 of planning permission ref EN/08/02282/FUL

Committee Delegated Report

Committee Date : 2 December 2009

Printed: 13 December 2010

Case Officer **Sue Wheatley**

EN/08/02282/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
17 December 2008	17 February 2009	19 May 2009	Irthlingborough	Waterloo

Applicant **J S Bloor (Northampton) Ltd**

Agent **Peter Taylor Associates Ltd - Isabelle Blavier**

Location Former Factory Site Finedon Road Irthlingborough Northamptonshire

Proposal **Redevelopment of site to residential development comprising of one hundred and forty one dwellings with associated roads, car parking, public open spaces, infrastructure and access**

1. Summary of Recommendation

1.1 That subject to the applicant entering into a S106 Agreement in respect of social and community infrastructure and the imposition of planning conditions that the decision to GRANT planning permission be delegated to the Head of Planning Services in conjunction with the Chair (or Vice-Chair in the absence of the Chair) and the Ward Member, following the expiry of the further neighbour notification and consultation that was carried out in respect of the receipt of amended plan, the expiry date of which is 9 December 2009, and the receipt of no new/substantive representations.

1.2 The majority of these amended plans were received on 17 November 2009 and neighbours have been given 21 days to comment. A further amended plan was received on 20 November 2009, amending plots 55-58. The neighbours immediately adjacent to these plots have been advised of these plans and asked to reply by 9 December 2009. It was not necessary to give a further 21 days as these plans actually reduced overlooking to the neighbouring properties.

2. The Proposal

2.1 This is a full application to build 141 dwellings. The scheme includes a mix of dwellings with an area of public open space along a watercourse, which is to be re-instated. A balancing pond is proposed within this area of open space. The scheme has been designed such that the open space adjoins the area of open space within the development to the east. One vehicular access and a pedestrian access are proposed from Finedon Road. The site area is 4.55 Ha which gives a density of 31 dwellings per hectare.

2.2 The following reports/ information accompany the application:

- Planning Statement
- Design and Access Statement
- Housing Statement
- Designing Out Crime Statement
- Sustainable Design and Energy Statement
- Planning Policy Statement: Planning and Climate Change
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Extended Phase 1 Habitat Report
- Reptile Survey Report
- Great crested newt appraisal
- Ecological Mitigation Plan
- Ground Investigation Report
- Archaeological Desk-Based Assessment
- Supporting Consultation Statement
- Tree Survey
- Waste Audit
- Utilities Statement
- Planning Noise Report
- Viability Report (Confidential)
- Proposed Heads of Terms for S106 Agreement

2.3 Since the application was submitted detailed negotiations have been held with the developer to improve the design and layout of the scheme and ensure that the dwellings are protected from the noise of the A6. In addition, lengthy discussions have been held in relation to viability issues. As set above, the application was formally amended by plans received on 17 and 20 November 2009 and formal re-notification has been carried out.

3. The Site and Surroundings

3.1 The site is located on the north western edge of Irthlingborough. It was previously used for employment purposes by Sunseeker and Homeseeker Homes, who have now moved to purpose built premises in Rushden. Approximately $\frac{3}{4}$ of the site is therefore previously developed land. Residential properties adjoin the site to the west and east. Whilst the site in part has a frontage to Finedon Road it is also set behind a number of properties which front Finedon Road. On the opposite side of the site there are residential properties and behind these is Huxlow School. The A6 lies to the north of the site.

3.2 Levels vary considerably within the site as the employment used was situated on an artificially created plateau.

3.3 There are a number of important trees along the frontage to Finedon Road, the western boundary of the site and along the A6 which are protected by a group tree preservation order. Within the site there are some areas of scrub.

4. Policy Considerations

4.1 National Planning Policy

PPS1 – Delivering Sustainable development (incorporating new statement on Climate Change)

PPS3 – Housing

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transport

PPG16 – Archaeology and Planning

PPG17 – Planning for Open Space, Sport and recreation

PPS23 – Planning and Pollution
PPG24 – Planning and Noise
PPS25 – Development and Flood risk

4.2 East Midlands Regional Plan

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 13b – Housing Provision (Northamptonshire)
Policy 14 – Regional Priorities for Affordable Housing
Policy 17 – Regional Priorities for Managing the Release of Land for Housing
Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy 28 – Regional Priorities for Environmental and Green Infrastructure
Policy 29 – Priorities for Enhancing the Region’s Biodiversity
Policy 32 – A Regional Approach to Water Resources and Water Quality
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 36 – Regional Priorities for Air Quality
Policy 39 – Regional Priorities for Energy Reduction and Efficiency
Policy 40 – Regional Priorities for Low Carbon Energy Generation
Policy 41 – Regional Priorities for Culture, Sport and Recreation
Policy 43 – Regional Transport Objectives
Policy 45 – Regional Approach to Traffic Growth Reduction
Policy 46 – A Regional Approach to Behavioural Change
Policy 48 – Regional Car Parking Standards
Policy 49 – A Regional Approach to Improving Public Transport Accessibility
Policy 53- Regional Trunk Road Priorities
Policy 54 – Regional Major Highway Priorities
Policy MKSM SRS Northamptonshire 1
Policy MKSM SRS Northamptonshire 2

4.3 MKSM Sub-Regional Strategy

Strategic Policy 3- Sustainable Communities

4.4 North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the network of settlements
Policy 6 – Infrastructure Delivery and Developer Contributions
Policy 7 – Infrastructure Delivery and Developer Contributions
Policy 8 – Delivering Housing
Policy 9 – Distribution and Location of Development
Policy 10 – Distribution of Housing
Policy13- General Sustainable Development Principles
Policy 14 – Energy Efficiency and Sustainable Construction
Policy 15 – Sustainable Housing Provision

4.5 Northamptonshire County Structure Plan

None relevant

4.6 East Northamptonshire District Local Plan

GEN3 - Infrastructure, services and amenities
H4 - Housing types and sizes
RL3 – Open space for new development
RL4 – Play areas for new development
IR1B –Allocates site for housing (indicates that site could accommodate around 100

dwellings)

4.7 Other Relevant Policies

Three Towns Plan – Preferred Options

ENC SPD – Developer Contributions

NCC SPG – Crime and Disorder

NCC SPG - Parking.

5. Planning History

5.1 None relevant

6 Consultations and Representations

6.1 Irthlingborough Town Council – Object for the following reason:

“Concerns re pressure of so many dwellings on existing infrastructure and the capacities of existing schools. Losing industrial site for future jobs.”

A further comment was received from the Town Council following a meeting with them in which they noted that any education contribution would need to be ringfenced for Irthlingborough.

The Town Council have been asked for their comments regarding the proposed offsite contribution towards public open space and the proposed maintenance contribution towards open space and their views are awaited, and will be reported on the Update Sheet.

6.2 ENC Planning Policy – Development of the site would help towards the required 5 year supply of housing land.

6.3 ENC Conservation Officer (Trees) : Objected to scheme as originally submitted:

- Design of main area of open space cluttered
- Secondary open space not connected to adjacent area of open space
- Location of LAP uncomfortable
- Not happy with just using meadow grass within the open space and a more comprehensive design is required
- Lack of correspondence between planning layout and landscape masterplan
- Landscape masterplan lacking in detail and also the front garden planting and that for the open space areas are not complementary
- Concerned about lack of street planting
- Surprised to see that there is no Tree Constraints Plan, Protection Plan or Arboricultural Method Statement - conditions could be imposed requiring the submission of these documents.
- No objection to the removal of the trees identified on Tree Survey Plan, however it is unclear whether those with a “C” category are to be retained.
- No objection to the creation of a new access although this could have implications for the trees either side of it.

The amended plans which have been submitted address the concerns of this officer and an arboricultural condition has been recommended.

6.4 ENC Contaminated Land Officer - no objection subject to imposition of planning conditions.

6.5 ENC Environmental Health – Initially advised that an Air Quality Assessment was required, however subsequently advised that this was not necessary.

Initially criticised the submitted Noise Assessment. Highlighted in particular issues related to properties within the northern part of the site and adjacent to Finedon Road. A meeting was held and the layout amended to address these comments.

6.6 ENC Design Officer – Detailed comments made in respect of the layout. Meetings have been held to address these comments, and the Design Officer is of the opinion that refusal of the scheme would not be justified on design grounds.

6.7 ENC Housing Strategy : No objection

6.8 NCC Education : Requests a contribution of £733,077 towards education provision.

6.9 NCC Local Highway Authority – Makes the following comments:

Transport Assessment

Highlight concerns regarding a number of detailed matters in relation to the Transport Assessment, which should ideally have been addressed. However are of the opinion that they have sufficient information to take a view on the application. The concerns that they highlight are:

- Matters raised at the pre-application stage remain outstanding (see section 7.3 for detail).
- Whilst the accident rate has been updated, insufficient interpretation and comment/consideration has been given to that sensitive issue considering the notable increase in accidents since their original assessment including a fatal accident involving a cyclist (see section 7.3.12 for detail)
- The contention regarding cycle accessibility to Wellingborough Rail Station. NCC suggest that to support such a contention the use of available cycle routes from the site to Wellingborough rail station require further assessment of the cycling environment and their suitability.
- Public Transport Facilities are also challenged, including realistic changeover and connection times.

Walking and Cycling

- The existing unmade route between Finedon Road and A6 to west of the site may have been used for a substantial period of time over which there is the potential that public rights have accrued. Advice should be sought from NCC Rights of Way.
- Enhancements to cycling facilities are required and this should be secured by condition.

Public Transport

- Enhancements to public transport are required to facilitate the development and assist in meeting Travel Plan targets.
- There should be improvements to both the evening and Sunday services to Wellingborough to include hourly evening services between 18.30 to 23.00 Monday to Saturday and the provision of Sunday hourly services between 8.00 or 9.00 to 23.00
- The applicant has previously offered a sum of money to cover these enhancements which was an approach that NCC took some time ago. NCC now promote enhancements to public transport services via “Public Transport Service Level Agreements” where the routes, duration, frequency and nature of service enhancements is specified by NCC and provided by the developer.

Travel Plan

- The Travel Plan has been substantially amended and has been agreed by the Highways Agency.
- The Travel Plan now includes as an overarching target a reduction of 7.5% on all trips generated by the development compared to adjacent wards. In addition it includes a Key Performance Indicator with its own target measures of a 20% mode shift in single occupancy journey to work trips compared with adjacent wards.
- NCC are satisfied that the 20% Core Spatial Strategy Target and NCC target in such trip reductions may be met by the Travel Plan in its revised form.

Conclusion

- There are outstanding matters with the Transport Assessment to ensure it is fully complete and can be relied upon. Whilst NCC may take a view on this, you should consider whether or not you should obtain comment and further assessments to address the points raised in NCC's consultants report for the benefit of your Members and Third parties
- If you wish to permit the application then conditions and obligations will be required.

6.10 NCC County Archaeologist – The proposed development is within an area which has the potential to contain important archaeological remains. The archaeological desk based assessment indicates that no early archaeological activity has been recorded within the actual development area. However Iron Age and Roman activity has been identified just to the north of the site and these may be indicative of settlements within the vicinity. The assessment highlights that the factory sits on a raised terrace and as such the archaeological potential is unknown in this area. The access to the depot has been levelled to link with Finedon Road and therefore there is unlikely to be archaeological remains in this area. The eastern field contains ridge and furrow earth works and it is not uncommon for these to mask archaeological activity. The rest of the area has not been subject to disturbance and therefore the potential for survival in these areas remains high. A condition therefore should be imposed requiring a programme of archaeological work.

6.11 NCC Rights of Way - No rights of way within the site. Further clarification was sought regarding the track to the west of the site. Rights of Way have advised that they are now of the opinion that there may be an unrecorded public footpath along the western boundary of the site.

6.12 Highways Agency – No objection subject to, S106 Agreement in respect of developer contributions to a nil detriment scheme to A45/Chowns Mill and a condition in respect of the Travel Plan.

6.13 Ramblers Association - We would like to see pedestrian links through to Wyckley Close. Merefields and the Holbush Way Open Space and the unmade up path to the west of the site improved from Finedon Road to the A6 and a link to Road 3.

6.14 Northamptonshire Crime Prevention Officer – Originally objected to some of the details of the scheme due to poor overlooking, boundary treatment, the emergency access.

6.15 Environment Agency - No objection subject to the imposition of conditions in relation to :

- Scheme for phasing for the provision of mains foul water drainage
- Contamination
- Surface water

They also make observations in relation to green infrastructure, energy and resource efficiency and water efficiency.

6.16 Anglian Water Services - Suggest a number of informatives

6.17 Natural England - No objection subject to compliance with the Ecological Mitigation

Plan.

6.18 Wildlife Trust - There are a number of protected species issues related to the proposal and relevant advice should therefore be sought. They also comment:

- The constraints plan is inaccurate. At its closest point, the nearest edge of the designated Nature Reserve known as the Irthlingborough Newt Ponds lies only 20 metres away, across the width of the A6 carriageway.
- Landscaping should incorporate native species

6.19 Badger Group – No comment as badgers are not an issue on this site.

6.20 PCT – They advised that a contribution towards healthcare was required but the amount has never been provided. Personnel have changed at the PCT and it is proving difficult at the moment to get advice from them. If anything is received it will be reported on the Update Sheet.

6.21 Wellingborough BC – No objection

6.22 EON – No objection

6.23 Neighbours: 17 letters of objection/comment were received in relation to the plans originally submitted. These comments, concerns and objections are summarised below. Any comments received as a result of the reconsultation will be reported on the Update Sheet.

- The trees are subject to a conservation area and should be retained – the ones to Finedon Road and adjacent Wyckley are highlighted in particular
- Wildlife and biodiversity
- Concerns regarding the watercourse and drainage. Flooded in past. Drains block up in Wyckley Close. Hardsurfacing will replace fields.
- Road safety hazard from open area proposed adjacent to A6
- Contamination and presence of mines
- Density of development
- Presence of social housing – will bring crime and antisocial behaviour
- Will reduce value of property
- Violation of human rights
- Do not believe the noise information
- Highway safety; roads are already at capacity
- Adverse effect on amenity; the greenbelt at top and bottom of Wyckley will be used as a public thoroughfare
- Effect on local facilities. The doctors surgery has long waiting lists, there is little or no NHS dental treatment, the schools are full and there are no facilities for young people. . No real shops in Irthlingborough.
- Local park is poor
- Noise and lights from car parking areas
- Will lead to crime and antisocial behaviour
- Building on pond adjacent Finedon Road
- Loss of privacy and daylight
- No information provided re positioning of street lighting and fencing
- Contamination; including reference to the problem in Corby. Would like to see what measures are proposed
- Loss of existing parking
- Lack of clarity regarding emergency access

7. Evaluation

The following issues are relevant to the determination of this application: principle of development, including loss of employment land; means of access to the site and related

highway matters; the layout and design of the proposed development; housing mix; effect on residential amenity, ecological issues, relationship with right of way, contamination, drainage, flooding, and the level of contributions required towards social and community infrastructure.

7.1 Principle of Development

7.1.1 MKSM Northamptonshire Policy 1 The Spatial Framework, in the East Midlands Regional Plan, identifies that beyond the main urban centres (such as Corby, Wellingborough and Kettering) development should be focused in smaller towns, such as Rushden, Higham Ferrers and Irthlingborough and the smaller service centres of Oundle, Raunds and Thrapston.

7.1.2. Policy IT1 in the East Northamptonshire District Local Plan is a saved Policy. This allocated part of the site for residential development, indicating that it could accommodate around 100 dwellings. The text to the Policy noted that there was considerable planting within the site which would need to be retained and suggested the provision of a 20m buffer adjacent to the A6 to avoid disturbance. It also noted that improvements to offsite foul and surface drains would be necessary. It further commented that before development went ahead a detailed brief would need to be provided.

7.1.3 The text to this Policy noted that windfall development would also come forward within Irthlingborough.

7.1.4 The Three Towns Preferred Options suggests that to provide the capacity for regeneration in Irthlingborough there is a need for a large amount of residential growth. It identified as a residential option that the whole of the site could be developed for housing, and suggested that the site could accommodate around 130 dwellings. Although, only limited weight can be given to this document due to its early stage in the plan making process.

7.1.5 The principle of the redevelopment of the site for housing would be acceptable as part of the site was allocated in the East Northamptonshire District Local Plan and the remainder is previously developed land within the town which can be regarded as windfall development. Development would be in accordance with the principles contained within PPS3, subject to other considerations being satisfied.

7.2 Loss of Employment Land

7.2.1 Loss of employment land has been a concern in other towns, for example the East Road site in Oundle where planning permission was refused and upheld on appeal for the redevelopment of employment land with housing. However, in this case there are other employment sites within Irthlingborough. The Three Towns Preferred Options identified the Diamond Way site, and Members resolved to grant planning permission for a health centre and employment units on this site at Development Control Committee on 1 July 2009. The developer is actively seeking to discharge planning conditions in respect of this development, which would suggest that it will go ahead.

7.2.2 In addition to this, there are other sites which could be developed for employment purposes in Irthlingborough. The application site is also not an ideal employment site as it is surrounded by housing.

7.3 Means of Access and Highway Safety

7.3.1 A Transport Assessment (TA) accompanies the application, lengthy discussions have been held with both the Highways Agency and Highway Authority regarding this. The Highways Agency have, on the basis of the revised Transport Assessment, confirmed that they have no objection to the scheme however although the Local Highway Authority expresses concern about the content of the Transport Assessment, they do suggest that their appears to be perhaps sufficient information for NCC to form a view, but that ENC may

consider that the outstanding matters noted in NCC's Consultants report before any conclusions are reached. Further written clarification has been requested from NCC. However, the conclusion's of the Technical Note, which has been produced by NCC's consultants, is examined below:

Existing Highway Network

7.3.2 NCC's consultants advise that the revised TA, in paragraph 3.10 notes that even though the site access count was undertaken during school holidays, this is made to sound like a positive thing, as it is suggested, that this will have underestimated the amount of trips from the existing use and therefore the number of trips "netted off" (ie where an allowance is made for the traffic that would have been generated by the site for its existing use) as a result is lower. The consultants however argue that this is not adequate as the interaction between the proposed site access and the school access is a key safety consideration.

7.3.3 Whilst objectors have expressed concern about the timing of the survey during school holidays, as the TA points out, it is a logical assumption that this will have resulted in an underestimate of the amount of traffic generated by the existing use, which will not have worked in the developers favour when calculating additional trip rates from the proposed use. It is unclear how if this is the case there has not been an adequate assessment of the proposed site access and its relationship with the school.

Committed Development and Identified Highway Improvements

7.3.4 NCC requested that the proposed development on the land west of Huxlow School be included in the assessment due to the similar status and proximity of the two land parcels. NCC's consultants point out that the revised TA argues that it is not reasonable to include it in calculations due to its status. The TA refers to the Department of Transport's guide on Transport Assessments which states:

"The assessment years should consider person trips from all committed developments that would impact significantly on the transport network, particularly where they substantially overlap, such as at the same junctions and/or on roads as the proposed development. The committed developments will typically include development sites that have extant planning permissions as well as development plan allocations in an adopted or approved plan. Developments that have been completed but not fully occupied should be included in these assessments. The inclusion or exclusion of committed developments in these assessments should be agreed with the relevant authorities at the pre-application stage."

7.3.5 Two questions therefore arise. Was NCC right in requesting that the Huxlow School site be included in calculations and if so are there any other mitigating circumstances that warrant its exclusion?

7.3.6 The Huxlow School site does not have planning permission neither is it an allocation. It is only identified in the Three Towns: Preferred Options as one of ENC's preferred sites. Work on this plan is also now to be amalgamated with work on Raunds and this could result in some delay. On the other hand the site however is being counted in calculations to demonstrate a 5 year supply of housing. Even though NCC did suggest that the site be included therefore the justification for this is not totally clearcut.

7.3.7 Orally NCC have suggested that the traffic model used by the developer may actually have overestimated traffic flows and that therefore the exclusion of this site may not actually be that significant. Unfortunately no reference to this has been included within the formal advice from NCC and further clarification has been sought and will be reported on the Update Sheet.

Base and Forecast Traffic Flows

7.3.8 The revised Transport Assessment indicates in paragraph 3.23 that traffic counts were carried out in May 2007 and March and April 2008, but that only the 2008 figures were used for ease of calculation. NCC's consultants criticise this as the traffic surveys were carried out more than a year apart and suggest that rather than only use the 2008 data, the 2007 data should also have been used and factored to 2008.

7.3.9 NCC's consultants also criticise the transport model that is used in the TA. However as set out in paragraph 7.3.7 NCC have suggested orally that the traffic model may have actually overestimated flows. In which case, the choice of baseline date may also not be that significant. Further clarification has therefore been sought from NCC and will be reported on the Update Sheet.

Existing Public Transport Figures

7.3.10 Detailed aspects in relation to public transport are criticised by NCC's consultants however it should be possible, through the S106 Agreement, to ensure adequate improvements to public transport.

Pedestrians

7.3.11 NCC's consultant's comment that a map showing locations listed in paragraph 3.46 of the TA would be useful. They do not however suggest that this would be essential.

Cyclists

7.3.12 NCC's consultant's advise that the TA needs to show what facilities are accessible for cyclists who are not willing to use fast flowing country lanes, and that there needs to be an assessment of the routes available. They specifically refer to routes to Rushden Town Centre and Wellingborough Station. However, the necessity of this work is questionable as Members will be aware from their local knowledge that cycling to either Rushden or Wellingborough Station from the site would be unlikely.

Accident Records and Analysis

7.3.13 NCC's consultants, comment that whilst the revised TA includes updated accident data that there are shortcomings with the analysis of this data and its correlation to the existing data.

7.3.14 Further clarification is being sought from NCC regarding this and will be reported on the Update Sheet.

Access to Sustainable Transport

7.3.15 NCC's consultants criticise some of the information in the TA in relation to journeys further afield. However, it should be possible to address this issue in the S106 Agreement through the required public transport service level agreement (see paragraph 6.9 above).

Traffic Assessment

7.3.16 NCC's consultants comment that the revised TA still does not show how the existing bus services serve journeys to work for Irthlingborough residents. However, the issue of improvements to public transport can be addressed in the S106 Agreement through the required service level agreement (see paragraph 6.9 above).

7.3.17 NCC's consultants suggest that the TA should cross reference to its appendices for third party readers; however it does not appear that this is perceived to be an overriding

problem.

7.3.18 No mention is made in the comments of the Local Highway Authority about parking. The proposed scheme includes 2 parking spaces for the majority of dwellings, apart from the smaller ones. This level of provision is welcomed. Existing residents have over the years parked on the verge to Finedon Road. This will no longer be possible due to the proposed footpath improvements to Finedon Road. The developer has therefore proposed 7 parking spaces for existing residents in "Mews 1".

7.4 The Layout and Design of the Proposed Development:

7.4.1 The layout and overall design of the scheme is acceptable. Amendments have been made to the plans which were originally submitted and whilst the design is still somewhat highway dominated it is unlikely that if the application were to be refused on this basis that the Council would be successful on appeal.

7.4.2 The scheme has been designed to link into surrounding development and an attractive area of open space is proposed within the northern part of the site

7.4.3 Local residents question the density of the scheme. The density of the scheme is 31 dwellings per hectare. This is the minimum density which should be considered in accordance with advice contained in Planning Policy Guidance Note 3.

7.5 Housing Mix

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

Market Housing

4 Bed – 13
3 bed – 75
2 Bed - 23
1 bed – 2
Total - 113

All of these are houses apart from 3 2 bed coachhouses (flats above garages) and 2 1 bed maisonettes.

Affordable Housing

4 bed – 1
3 Bed – 9
2 bed – 13
1 Bed – 5
Total – 28

All of these are houses apart from 1 2 bed coachhouse (flats above garages) and 4 1 bed maisonettes.

The predominance of larger dwellings is welcomed and will help to meet the aspirations of the Town Council to create a more balanced community within Irthlingborough.

7.6 Effect on Residential Amenity

7.6.1 There are residential properties to the west, east and south of the site and the following section deals with each of these areas in turn. As the land is to be re-graded site sections together with details of levels were requested at this stage. However a condition is also recommended requiring further details of levels, as the information that has been provided

suggests that the levels shown on the contour plan are indicative and there appear to be small inconsistencies between the site sections and the contour plans. Further clarification has also been sought from the developer in respect of this.

7.6.2 Relationship with existing dwellings in Scotsmere

The dwellings in Scotsmere are at a low density and the scheme has been designed to reflect this.

4 Scotsmere – The nearest dwelling (Plot 12) to this would be 30 metres away. The view from 4 Scotsmere would be of a flank elevation with no windows at first floor level. There would therefore be sufficient distance to ensure that there would be no undue overlooking or an overbearing effect. The other unit closest to this property would be 36 metres away. Whilst the proposed unit is a flat (Plot 10 and 11) with a lounge and kitchen window at first floor, this is sufficient distance, particularly having regard to the existing screening which is in place, to ensure that there will be no undue overlooking or an overbearing effect. The submitted street scenes show that properties within the site, at this point, would be lower than 3 Scotsmere (which is at a similar level to No 4) The submitted Contour Plan shows that Plot 12 would be at around 76m AOD and Plot 10 and 11 at 77m AOD. Whilst these dwellings are proposed around one metre higher than 4 Scotsmere, this would however not be a problem due to the orientation of the properties.

3 Scotsmere – The nearest dwellings (Plot 16-17) to this would be 25 metres away at an oblique angle with no windows proposed in the flank elevation, the next nearest (Plot 12) would be 28 metres away again at an oblique angle with no windows in the flank elevation at first floor level. The submitted street sections show that the proposed dwellings would be sited approximately half a metre lower than 3 Scotsmere. The submitted Contour Plan shows that this dwelling would be constructed at almost 75.5 m AOD, however the site section shows it at 74 m AOD. There would be sufficient distance to ensure that there would be no undue overlooking or an overbearing effect.

7.6.3 Relationship with existing dwellings in Finedon Road

188 Finedon Road - The nearest dwelling (Plot 9) to this would be almost 16 metres away, there is a secondary window proposed at first floor level to the flank elevation to serve a lounge/diner. It is recommended that a condition be imposed requiring this secondary window to be obscure glazed. The Contour Plan shows Plot 9 at 77m AOD and whilst the site section plans are not as clear as they could be they appear to show that the proposed dwelling would be at only a slightly higher level than the existing dwelling. To the flank wall of the next nearest (Plot 4) there would be 22 metres; no windows are proposed in this flank elevation. The submitted site sections show that the proposed dwelling is to be constructed at a similar level to this property at 78 m AOD. There would be sufficient distance between the properties to ensure that there would be no undue overlooking or an overbearing effect.

170-176 Finedon Road – There is a dwelling proposed immediately to the rear of these properties (Plot 103), which would be flank on to these dwellings with 15 metres to their nearest part. No windows are proposed in this side elevation. The submitted site sections show that the new dwellings would be almost 2 metres lower than the existing dwellings at this point. There would be sufficient distance between the properties to ensure that there would be no undue overlooking or an overbearing effect. Other plots (Plots 106, 107, 108 and 110) adjoin the boundary with 176 Finedon Road, which has a large garden. Plots 106, 107 and 108 have gardens between 10-11metres long and the dwellings themselves would be around 30 metres from 176 Finedon Road. Plot 110 has only a flank elevation, with no windows facing No 176 Finedon Road and there would be more than 30 metres between the 2 properties. The submitted street scenes also show that this plot would be at a lower level than 176 Finedon Road.

162-168 Finedon Road - There is a dwelling proposed immediately to the rear of these properties (Plot 102), which would be flank on to these dwellings with 15 metres to their nearest part. No windows are proposed in this side elevation. The submitted site sections show that the new dwellings would be almost 2 metres lower than the existing dwellings at this point. There would be sufficient distance between the properties to ensure that there would be no undue overlooking or an overbearing effect. There is an undeveloped area of land to the east of 162 Finedon Road and there are a number of other proposed plots which would adjoin this land(Plots 94-97). These have gardens ranging between 13-18 metres, which would be sufficient to ensure that they would not prejudice the development of this land if it came forward for development in the future.

148 Finedon Road – There is a dwelling proposed (Plot 93) in line with this existing dwelling fronting Finedon Road. This is a large detached dwelling which reflects the character of 148 Finedon Road. There would be 11 metres between the two dwellings (excluding the proposed garages). Whilst the submitted street scenes show that the ridge height of the proposed dwelling would be around 2 metres higher than this existing property, the amount of space between the dwellings would ensure that this would not look incongruous. This would be sufficient to ensure the dwellings would not appear cramped and would ensure the protection of the amenity of the residents of the existing dwelling. Two dwellings (Plots 91 and 92) are proposed behind Plot 93, adjoining No 148 to the west. These are set at an oblique angle to the existing dwelling however at their nearest point there would be 17 metres between the two properties. No windows are proposed in their flank elevations at first floor level. The dwelling on Plot 90 would be 42 metres from 148 Finedon Road and would be flank on to its garden with only an ensuite window at first floor level.

140-146 Finedon Road - Dwellings adjoin the rear gardens of these properties.(Plots90, 81 and 80). Plot 81 is flank on to these properties, and whilst it is sited only one metre from the garden of the existing property there would be around 40 metres between the two properties. Plot 80 would also be around 40 away. There are no windows proposed in the flank elevations at first floor level. Due to the distances involved there will be no undue loss of sunlight or daylight

7.6.4 Relationship with existing dwellings in Ringwell Close

9 and 10 Ringwell Close- There would be 30 metres between these existing dwellings and the proposed (Plot 80). The submitted Contour Plan shows that the dwellings to the rear of this property would be at between 75-76m AOD. Unfortunately a site section is not available for this area, however the proposed dwellings, from other information provided would appear to be at least one metre higher than these existing dwellings. This is however a sufficient back to back distance to ensure that there would be no undue overlooking or an overbearing effect.

11 and 12 Ringwell Close- - There would be 27-28 metres between this existing dwelling and the proposed (Plots 78 and 79). . The submitted Contour Plan shows that the dwellings to the rear of this property would be at between 75-76m AOD. Unfortunately a site section is not available for this area, however the proposed dwellings, from other information provided would appear to be at least one metre higher than these existing dwellings. This is a sufficient back to back distance to ensure that there would be no undue overlooking or an overbearing effect

7.6.5 Relationship with existing dwellings in Merefields

19 Merefields – There would be 19 metres between this property and Plot 76 and 18 metres between the property and Plot 75. The submitted street scene shows that the new property would be almost one metre higher than the existing property. The contour plan shows the new dwelling at 75m AOD. Notwithstanding this, this is a sufficient back to back distance to ensure that there would be no undue overlooking or an overbearing effect, although boundary treatment will need to be carefully considered in this area.

22 Merefields – There would be almost 12 metres between the flank wall of this existing dwelling and the dwelling on Plot 68. No windows are proposed in the flank elevation of the new dwelling. There would therefore be no undue overlooking or an overbearing effect.

7.6.5 Relationship with existing dwellings in Wyckley Close

1-8 Wyckley Close – There is only one dwelling immediately to the west of these properties, behind Nos 2, 3 and 4. It is positioned flank on to these dwellings. In the plans submitted on 17 November these units were at an oblique angle. The plans subsequently submitted straightened these units up to reduce the potential for overlooking of garden areas. No windows are proposed in the side elevation. The contour plan shows this dwelling at 70m AOD. Unfortunately a suitable site section has not been provided for this area however it would appear that the proposed dwelling is to be sited at a similar level to the existing dwelling.

The occupier of 2 Wyckley expressed concern that lights would shine directly into their property from a car park. The layout has now been amended and there is no longer a car parking area proposed to the rear of this existing dwelling. However, even if there were this would not be a ground upon which the application could be refused as lights from other residential properties would not be such that they would have an undue harmful effect on residential amenity.

The occupiers of 1 Wyckley Close express concern that the hedge to the rear of their property will be ripped out. There should be no reason for this as the land is to be public open space and a potential link through to the existing area of open space can be achieved at the existing gap in the hedge.

9 Wyckley Close – There is one dwelling to the west (Plot 49), which has its flank wall to No9 with 9.5 metres between. There would be no undue overlooking or an overbearing effect

7.6.6 One neighbour expressed concern that the proposal would interfere with their human rights. However, as set out above the proposal would not be harmful to residential amenity and would be most unlikely to interfere with any resident's human rights.

7.7 Ecological Issues

7.7.1 The applicant has submitted the following ecological reports:

- Extended Phase 1 Habitat Report
- Reptile Survey Report
- Great Crested Newt Appraisal
- Ecological Mitigation Plan

7.7.2 The Phase 1 Habitat Survey identified that there are two statutorily protected sites within a 2km radius of the site; Upper Nene Gravel Pits SSSI/pSPA; Finedon Top Lodge Quarry SSSI. It also identifies that there are eight non statutory sites within this area; Finedon Top Lodge Quarry (County Wildlife Site(CWS)); Irthlingborough Gravel Pits (CWS); Irthlingborough Newt Ponds(Wildlife Trust Reserve); Mallow Cotton Lakes (CWS); Stanwick Lakes(CWS); Stanwick New Marsh (CWS); Viaduct Meadows (CWS); White Lodge Quarry(CWS and Regionally Important Geological Site). In addition, it identifies protected species which have been found in the vicinity of the site.

7.7.2 The Phase I habitat survey identified that the site was dominated by low to intermediate value habitats. However it did note that the western northern and eastern boundaries of the site supported an unbroken mosaic of woodland, dense scrub and semi-improved grassland of intermediate ecological value. It identified that these habitats had the potential to support protected species including amphibian, reptile, bat and breeding bird species. It concluded

that further assessment was required to determine the presence/absence of reptile and amphibian species at the site.

7.7.3 This further work was carried out and submitted as part of the application. The reptile survey identified no reptile species at the site and the conclusion of the study was that the site does not support significant populations of reptiles.

7.7.4 The Great Crested Newt Appraisal notes that the site is situated to the south of a known newt reserve(Irthlingborough Newt Ponds) which is managed by the Wildlife Trust. It also refers to the Phase 1 Habitat Survey which found that there were no suitable waterbodies in the northern area of the site and only a small pond in the southern part of the south. This pond was dry at a crucial breeding time for the newts and isolated from the northern terrestrial habitats and the adjacent site by houses and areas of hardstanding. The appraisal concluded that further site survey work would not be possible or beneficial because a survey of the CWS itself would just highlight that there was a newt population and that within the application site itself there were no water bodies which would be the normal method of survey for newt populations. Instead therefore the report uses a precautionary interpretation. It observes, that as a general guide, suitable habitats within 250m of a breeding pond are likely to support great crested newts, and that therefore even though the application site is on the opposite side of the A6 from the CWS there is likely to be newt presence within the terrestrial habitats of the site, but that the population is likely to be low. The appraisal therefore proposed a mitigation strategy:

- Designation of a newt reserve on site to be managed for the species with aquatic habitats created. This area to be identified early and habitat management commenced prior to the site receiving newts. The preference would be a linear strip along the northern boundary.
 - Suitable habitats within the site to be ring fenced and trapped to ensure that any newts within are relocated to the newt reserve prior to site clearance.
 - Northern exclusion fencing to be maintained during the development to reduce risk of newts re-entering the site from the adjacent site once trapping completed. This fence to be maintained during construction works and removed once development activities completed.
 - Newt reserve ideally located in an area close to northern boundary to allow links to the adjacent road verge and not disrupt potential newt dispersal routes
 - The strategy would attempt to maintain the status quo. Newts caught on site to be kept on site and no attempt would be made to translocate newts to the north of the A6. Similarly no attempt would be made to fence the A6 and prevent newts from crossing.
 - Reserve would need to be subject to 4 years monitoring.
- The appraisal concluded by recommending that an Ecological Mitigation Plan be prepared.

7.7.5 An Ecological Mitigation Plan was submitted with the application. This includes mitigation works for:

- Great Crested Newts
- Breeding Birds
- Bats
- Implementation

7.7.6 The works in relation to newts follow the Great Crested Newt Appraisal.

7.7.7 The site provides limited habitat for rare bird species and none were observed during the walk over survey which was carried out by the applicant. The site does however provide a range of breeding habitats for commoner bird species. It is therefore proposed that:

- To reduce the likelihood of breeding bird conflicts, all vegetation clearance works to be carried out outside the bird breeding season (May to September).
- Where small scale vegetation clearance is required during the bird breeding season, the vegetation to be checked by a suitably qualified person to assess the presence of bird

nests and whether they are in use. This work would be likely to include bird surveys, direct searching and supervision of any clearance works

7.7.8 One tree has been identified as exhibiting features for roosting bats in the northern part of the site. The Phase 1 Habitat Survey concluded that the buildings were unsuitable for roosting bats due to noise levels(associated with the active factory buildings) and structure of the newer buildings. It is therefore proposed that:

- Any tree to be felled will be assessed for their suitability to support roosting bats by a suitably qualified person prior to felling
- Any trees identified as having potential for supporting roosting bats will be subject to a detailed bat survey ahead of felling.
- If an important bat roost is found then the tree will be retained if possible. If felling is required then it will be carried out under a Natural England Licence and with adequate mitigation.
- If prior to demolition the factory buildings remain redundant for a long period (ie one year) it is recommended that the buildings be re-surveyed to ensure bats have not colonised suitable structures.

7.7.9 The Ecological Mitigation Plan also proposes that an Ecological Clerk of Works be appointed to manage the ecological issues associated with the enabling works and the construction phase.

7.7.10 A condition will need to be imposed requiring that work be carried out in accordance with this Ecological Mitigation Plan.

7.7.11The works to the stream and the provision of a balancing pond have the potential to improve biodiversity within the area.

7.8 Trees

7.8.1 A Tree Survey Report accompanies the application. There are trees covered by a Tree Preservation along the boundary with Finedon Road, the western boundary and along the boundary with the A6. There is also a group of dead trees within the north western portion of the site.

7.8.2 The Tree Survey identifies 11 individual trees to be removed, commenting that these are self propagated ash and that they are particularly poor specimens. It suggests that these should be replaced with specimens of quality and greater longevity. These trees are not covered by a Tree Preservation Order and there is no objection to their removal.

7.8.3 The Tree Survey identifies 7 groups of trees which consist predominately of self propagated ash which are generally positioned on the site boundaries. It also indicates that further elm, willow, hawthorn and declining elder is located in and around the locality. The report states in paragraph 4.3 that:

“The trees in groups 1 to 7 are of generally little worth and warrant no greater than a low (C) category. They are exhibiting inherent structural defects that will greatly limit their life expectancy. Ideally the trees in groups 1 to 7 should be removed and replaced with specimens of greater quality and longevity. However, if the local planning authority requires that they be retained then it is my recommendation that the thinning and re-coppicing works detailed in the tree survey schedule be carried out at the very soonest opportunity”

7.8.4 The Council's Tree Officer expresses some concern regarding the amount of arboricultural information which has been provided. However, is of the opinion that this could be addressed through the use of carefully worded conditions. These will be reported on the Update Sheet.

7.8.5 It is important to keep some trees along Finedon Road as virtually the whole of Finedon Road is characterised by its trees.

7.8.6 It is likely that there will need to be some thinning of trees along the western boundary of the site and long term maintenance of this area, which can be controlled by condition. Careful thought will need however to be given to this to ensure that some screening is retained.

7.8.7 The occupier of 176 Finedon Road expressed concern that the submitted plan showed the removal of existing trees within the ownership of No 176. If this is the case the developer will not be able to remove these trees. This however does not have any implications for the proposed layout.

7.9 Rights of Way

7.9.1 There are no rights of way within the site. The scheme has been designed to potentially link through, at some future date, to the public open space adjacent Wyckley Close and Merefields, which addresses in part the comments of the Ramblers.

7.9.2 The Ramblers however also suggest that the unmade track to the west, which is just outside the site boundary is improved. It is understood that it is not within the control of the applicant to carry out any improvement works to this track and therefore instead a pathway is proposed within the western tree belt, which will link through to this track at its northern point. Rights of Way have however confirmed very recently that this track is likely to be a public right of way and therefore further discussion is taking place with them regarding it.

7.10 Drainage and Flooding.

7.10.1 A Flood Risk Assessment accompanied the application. This identifies that a watercourse runs through the site known as "Finedon Road Stream". It notes that the head of this watercourse lies adjacent to the junction of the A6 with Finedon Road. From this point it runs along the southern verge of the A6 before entering the site. The FRA identifies that within the site, the watercourse is in an unhealthy condition, being poorly defined and overgrown in many sections with notable quantities of debris, some impeding the flow. Downstream of the site the watercourse enters a culvert, passing through an existing residential development. The condition of the culvert has been surveyed and the results of this are included within the FRA. The culvert enters back gardens in Wyckley Close, turns 90 degrees to the south close to the entrance of the culvert. Beyond the existing properties fronting Wyckley Close, the culvert turns to head in an easterly direction again. The FRA advises that the culvert is in a good condition and free from material debris.

7.10.2 The stream is to be realigned to provide for improved dry weather and flood flow conveyance. Hydraulic modelling work has been carried out and the conclusion of this work is that the proposed channel improvements to the Finedon Road Stream will reduce flood risk downstream and ensure that the proposed development is within Flood Zone 1.

7.10.3 The FRA includes a surface water drainage strategy and identifies that the key objectives for the site drainage will be:

- Implementation of a sustainable drainage scheme
- control of peak discharges from the site to a rate no greater than 20% below the baseline conditions, during all storm events, thereby providing reduced flood risk to the development and downstream areas.
- Development of detention features (ie a balancing pond)
- Implementation of a maintenance regime

- Implementation of the storm water management system prior to first occupation of the dwellings.

7.10.4 In relation to foul drainage it states that the key development objective will be:

- Implementation of a drainage scheme to convey water to the local Anglian Water network which is designed and maintained to an appropriate standard.

7.10.5 A number of residents have expressed concern regarding the existing drainage system and therefore a positive aspect of the proposal is the improvements to the drainage situation.

7.10.6 The Environment Agency do not object to the application confirming that the site is in Flood Zone 1 and that the FRA is PPS25 compliant. They do however make detailed comments in relation to water infrastructure and contamination (see section 7.12) green infrastructure, sustainable construction, energy and resource efficiency, and soakaways.

7.10.7 The Environment Agency advise that they are actively promoting water infrastructure services planning to secure delivery of sustainable development. They refer to national and regional planning which requires a strategic approach to development and water infrastructure planning, in partnership with key delivery bodies. They highlight that this is particularly important in the case of ENC, Kettering and Wellingborough as they all depend upon Broadholme Sewage Treatment Works.

7.10.8 They highlight that the North Northamptonshire Outline Water Cycle Strategy technical Report published in January 2007, concluded that Broadholme Sewage Treatment Works had sufficient hydraulic headroom to accommodate around 5,000 additional dwellings within its catchment. However 9,290 as then uncompleted dwellings in the catchment already have planning permission or are allocations within an existing local plan, outstripping hydraulic headroom. Therefore the hydraulic headroom capacity of Broadholme Sewage Treatment Works is forecast to be reached even if no more planning permissions are granted. The Outline Water Cycle Strategy further identifies trunk sewer capacity and related flooding issues within the trunk sewer that conveys sewerage to the Broadholme Sewage Treatment Works.

7.10.9 The Environment Agency refer to the work Anglian Water carried out to address the issues and their Wastewater Capacity Study of the Broadholme STW catchment. The "Interim Findings" of this propose potential solutions, recognising that these solutions will be phased over time. The Environment Agency therefore recommend that the occupation of the site is phased in accordance with the delivery of water infrastructure. They therefore recommend that a condition be imposed in respect of this. They also recommend that we satisfy ourselves that the statutory water company can confirm the prospects for delivery of the required infrastructure. For Members information Anglian Water were consulted in respect of the proposal and raise no objection.

7.10.10 The Environment Agency also request that a specific condition be imposed in relation to surface water from communal parking areas.

7.10.11 The occupier of 148 Finedon Road advises that the pond has never been dry in the 18 months that he has lived in the property. He advises that the previous owner of 148 Finedon Road advised him that an attempt was made to fill the pond in in the past and that flooding to the front of 148 Finedon Road occurred as a result. This neighbour indicates that if approval is given to build on the pond and his garden then floods he will take legal action. Advice was sought from the Environment Agency, however they have advised that:

"The site lies within Flood Zone 1 and the pond in question does not appear to be linked to the non-main river running through the site. It is possible that the pond is spring or

groundwater fed and therefore the enquiry appears to fall outside of the Environment Agency's remit. "

It will therefore be the developer's responsibility, as landowner, to ensure that their scheme does not have a harmful effect

7.11 Noise

7.11.1 A Noise Assessment was submitted during the course of the application at the request of Environmental Health. The dwellings along the northern boundary of the site have been redesigned to ensure that they do not have bedroom windows facing the A6.

7.11.2 Whilst Policy IT1 did suggest there should be a 20 m buffer along the A6 , this would not make the best use of land. Gardens to the houses are however around 10m from the A6 due to the verge and the area of land which has been set aside for the newts.

7.11.3 A condition is however recommended to ensure compliance with the conclusions of the noise report.

7.12 Contamination

7.12.1 Part of the site is previously developed. A Ground Investigation Report was submitted with the application and Environmental Health have advised that they have no objection to the proposal subject to the imposition of suitably worded conditions.

7.12.2 The Environment Agency also request that conditions be imposed in respect of contamination.

7.13 Archaeology

7.13.1 The County Archaeologist has advised that the site is within an area that has the potential to contain important archaeological remains. They therefore advise the imposition of a condition.

7.14 Sustainable Design

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

- i. the development incorporates techniques of sustainable construction and energy efficiency
- ii. there is provision for waste reduction/recycling
- iii. there is provision for water efficiency and water recycling
- iv. 10% of the demand for energy will be met on site and renewably/from a decentralised renewable or low-carbon energy supply

7.14.2 The applicant has advised of their commitment to achieve 10% of energy demand on site through sustainable construction and energy measures. The JPU, have suggested that more detail should be sought regarding how this will be achieved as it will need to be considered in the design stage. This can be addressed through the use of a planning condition.

7.14.3 The JPU also advise of the requirement for a Site Waste Management Plan. This has been submitted as a supporting document and compliance with this plan can be achieved through a suitably worded condition.

7.15 Developer Contributions

7.15.1 The development is of a size which generates a need for social and community infrastructure. Detailed discussions have been held with the developer in relation to this as the developer has submitted a viability assessment and has expressed concern that the scheme would be unviable if the usual amount of contributions were to be required. This is a confidential report as it includes sensitive financial information however the views of North Northants Development Corporation (NNDC) were sought as they have in-house expertise for assessing financial viability. They did not dispute the figures that have been provided by the developer, commenting that the suggested pricing of the sale units appears realistic, that the assumption that there is unlikely to be any HCA funding for the affordable housing is reasonable, that the build costs are exceptionally reasonable. They conclude:

“Taking the information provided in the developers’ submitted viability it would appear that the development of this site is marginal given the current housing market and that further S106 capture would be unlikely. The information and conclusions are supported by the statement provided with figures for build and sales being within current expectations. The grey areas relate to the many abnormal site development costs where only estimates are provided together with the likely revenue to be gained from the social housing element. Only one bid was received from a housing association with that offer being low and currently subject to a formal offer, the RSL’s Board approval and a land contract and agreement.

ENC may wish to review the S106 Contributions offered by the developer and prioritise the gains they wish to make from the site before returning to the developer with a form of agreement. The Council may also wish to explore avenues for monitoring eventual sale prices achieved on site versus the viability assessment and agreeing a form of profit sharing with the developer prior to planning approval”.

Education

7.15.2 The developer has accepted the need for the full amount of education contribution (£733,077), required by Northamptonshire County Council. A meeting was held with Members of the Town Council, who confirmed that, in their view, education was the most important need of the town.

Affordable Housing

7.15.3 The developer has advised that they are prepared to make an onsite provision of 20% affordable housing. The Council’s Housing Strategy Manager is happy that this will meet the needs of Irthlingborough.

7.15.4 Discussions have been held with the developer regarding the possible needs of other settlements in the Three Towns area. To address this they have proposed a contribution of £2,000 per dwelling, which, they suggest, could include a contribution towards offsite affordable housing together with other items. This Community Benefit will be considered further under paragraph 7.15.13.

7.15.5 For Members information, the scheme for 258 dwellings on the Whitworths site in Irthlingborough included 15% affordable housing, in recognition of the fact that the need for affordable housing is lower in Irthlingborough than in other parts of the district and also because the scheme included a significant number of larger units and also bungalows.

Public Open Space

7.15.6 The developer proposes 0.78 Hectares of on site open space provision. This is in accordance with the amount of open space required by the Council’s SPD in respect of developer contributions. However, all of the open space is informal and no formal playing

pitches are proposed. The open space requirement is not just for children's play space but also youth and adult space.

7.15.7 The Town Council are not keen to see the provision of on site play equipment. This is not ideal, however the site is in relatively close proximity to the recreation ground and whilst it is on the opposite side of Finedon Road, as part of the proposal, a pedestrian crossing is to be provided to Finedon Road. This issue has been discussed with the developer and in principle the developer is in agreement to provide a contribution towards offsite play equipment. The developer initially only allowed £20,000 for this in the viability assessment, referred to in paragraph 7.15.1 above. The Council's SPD in respect of developer contributions indicates, in paragraph 9.20, that for developments of more than 50 dwellings a LEAP is required. Appendix C indicates that the cost of a LEAP is around £40,000. The Town Council were therefore contacted to see if they had agreed to the figure of £20,000 and what plans they had for improvements to the recreation ground. The Town Council have advised that they are considering turning the tennis court into a Multi Use Games Area and that they have already met with a contractor in relation to this. Whilst they do not have a quote for this work it is estimated that it will cost around £70,000. The developer has increased their off-site open space offer to £40,000, which would be reasonable.

7.15.8 The viability assessment includes a figure of £30,000 for the maintenance of all the on site open space including the balancing pond. Concern was expressed to the developer, as this seemed to be a fairly low figure. The Town Council have been contacted to see if they would be prepared to adopt the land. For Members information they did advise that they were willing to adopt the open space on the Whitworths site. They have advised that if they were to adopt the open space on this site the maintenance contribution would have to be as per the Whitworths site.

7.15.9 It is normal practise however to require a maintenance contribution for any offsite open space contribution however the developer has made no allowance for this. Further clarification will therefore be sought in relation to this.

Highway Contributions

7.15.10 The viability assessment includes the following monies for highway contributions:

- £140,000 for an improved bus service
- £88,000 for offsite highway works

Whilst the County Council did confirm orally that these figures were reasonable their formal comments are awaited. The offsite highway works can be required by condition rather than through a S106 Agreement. Also, NCC have advised that rather than the inclusion of a figure for bus service improvements they prefer to see reference to a service level agreement in the S106 Agreement. As set out in paragraph 6.9 this will need to include :

"improvements to both the evening and Sunday services to Wellingborough to include hourly evening services between 18.30 to 23.00 Monday to Saturday and the provision of Sunday hourly services between 8.00 or 9.00 to 23.00."

7.15.11 The Highways Agency has also negotiated a contribution of £105,938 for a nil detriment scheme for the A45/Chowms Mill.

7.15.12 The S106 Agreement will also need to refer to the Travel Plan, which has been agreed.

Community benefits

7.15.13 The viability assessment includes a sum of £2,000 per dwelling for community benefits. It advises that the Council can determine the distribution of this benefit but that it

could be used towards a) capital cost contribution towards a GP surgery; b) contribution towards the Greenway project c) contributions towards community facilities and economic development /environmental improvements within Irthlingborough d) contribution towards library facilities e) contributions towards off-site affordable housing. Each of these are considered in turn.

a) Capital Cost GP Surgery

7.15.14 When the application for the redevelopment of the Whitworths site was considered a contribution of £80,000 to provide 2 new consulting rooms at the doctor's surgery was required. This amount was based upon advice provided by the PCT, at that time. It is possible that, if planning permission were to be granted now for the redevelopment of the Sunseeker site, development could occur on this site before the redevelopment of the Whitworths site. It would appear therefore to be appropriate to allow for this in the contributions requested. Split between 141 dwellings the potential contribution towards the doctors surgery could be £567 per dwelling.

b) Greenway Project

7.15.15 Usually £524 per dwelling is requested as a contribution towards the Greenway project.

c) Community facilities/economic development and Environmental Improvements

7.15.16 A sum of £200,000 was agreed from the Whitworths site towards environmental improvements – ie £775 per dwelling.

d) library facilities

7.15.17 NCC have now started to request contributions towards library facilities. They base their request upon national tariffs which have been developed. The amount that would be required from the development would be £88.20 per person in the development. Assuming average occupancy of 2.4 persons per dwelling, this gives a total figure of £29,847.

e) Offsite affordable housing

7.15.18 The SPD in respect of developer contributions, in Annex B provides a methodology to calculate costs of offsite affordable housing provision. This gives a figure of £1,422,178 or £10,086 per dwelling, however this figure should be treated with great caution as the formula is quite outdated.

7.15.19 In total therefore, if all these contributions were to be met then the requirement would be significantly more per dwelling than the £2000 per dwelling that the developer proposes. Although if a requirement for offsite affordable housing is not included the requirement would be £2078 per dwelling. However, having regard to the submitted viability assessment, the reasonableness of requiring an offsite affordable housing provision, and the advice of NNDC it is considered by your officers that in these circumstances the offer of £2,000 per dwelling is acceptable. It would be useful to know Members views on whether it would be more appropriate to spend the Community Benefit contribution on offsite affordable housing or other items specific to Irthlingborough. In addition, views of the Chairman/Vice-Chairman and Ward Member will need to be sought regarding the division of the proposed £2,000 community benefit, at the time it is received.

7.16 Other Matters

7.16.1 The effect on the value of property is not a material planning consideration.

7.16.2 One objector refers to the presence of former mines on the site- further clarification

has been requested from the developer in relation to this.

7.16.3 Crime and Disorder – The layout has been amended to take on board comments received from the Crime Prevention Officer. Whilst details of boundary treatment is included on the drawing a condition is recommended to allow each area to be looked at in more detail, including the relationship with adjacent properties.

7.16.4 Disabled access- this will be dealt with under building regulations.

7.17 Conclusion

7.17.1 In conclusion, in principle the development of this site for housing would be acceptable. Whilst the scheme is not perfect, from a design point of view it would be difficult to refuse the application. There are also some shortcomings with the TA, however the inference from the response that has been received from the Highway Authority is that whilst further work could be required, the conclusion would be the same; that the redevelopment of the site for housing would not result in highway safety issues. Wildlife, drainage, noise, archaeology, trees and noise issues are adequately dealt with. The submitted information demonstrates that the proposal would respect the amenity of existing residents, although a condition is recommended requiring the submission of further more detailed information in relation to levels as the site is to be re-graded. Whilst the proposed contributions are lower than would normally be expected, they are not so significantly low to justify refusal of the application.

8. Recommendation:

8.1. It is therefore recommended that, subject to the applicant entering into a S106 Agreement in respect of social and community infrastructure and the imposition of planning conditions, the decision to GRANT planning permission be delegated to the Head of Planning Services in conjunction with the Chair (or Vice-Chair in the absence of the Chair) and the Ward Member, following the expiry of the further neighbour notification and consultation that was carried out in respect of the receipt of amended plans, the expiry date of which is 9 December 2009, and the receipt of no new/substantive representations.

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 information prior to the commencement of development details of existing levels of the site in relation to adjoining land levels and proposed levels including finished floor levels shall be submitted to and agreed with the Local Planning Authority in writing. Development shall be carried out in accordance with these approved details.
Reason. In the interest of amenity, as the site is to be regraded and the submitted information suggests that the proposed level contours are indicative.
3. Prior to the commencement of development details of all external materials shall be submitted to and approved by the Local Planning Authority in writing. In addition, sample panels of brickwork shall be constructed on site prior to the commencement of development. Development shall be carried out in accordance with the approved details.
Reason: In the interest of amenity
4. Notwithstanding the submitted details, details of boundary treatment at a scale of 1:200 (unless agreed otherwise with the Local Planning Authority in writing) shall be submitted to and approved by the Local Planning Authority in writing and development shall be carried

out in accordance with these approved details.

Reason: In the interest of amenity.

5. No development shall take place until a comprehensive landscaping scheme for the site has been submitted to and approved by the local planning authority. This shall have been designed in accordance with the submitted landscape masterplan received 17 November 2009. It shall also be designed to encourage biodiversity within the site, and shall also include an implementation schedule. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a reasonable standard of development and visual amenity for the area and to take account of Section 197 of the Town and Country Planning Act 1990.

6. Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, full engineering, drainage, street lighting, signing, road marking and constructional details of all off site and highway works shall be submitted to and be approved by the local planning authority in writing. Such works shall include,

The site access junction

The off-site kerbing and footway construction works, fronting Finedon Road from plot 93 to the western side of Road 1 (linking to existing footway facilities).

The closure and reinstatement of existing accesses onto the A6 County Road to prevent vehicle use.

The provision of a controlled pedestrian crossing of Finedon Road in a location which shall first be agreed in writing with the local planning authority including the associated high skid resistant surfacing works.

Other Pedestrian and Cycle enhancements

Such details as may be approved by the local planning authority shall thereafter be completed to the satisfaction of the local planning authority prior to the first occupation of the first dwelling of the development hereby permitted.

Reason In the interest of Highway Safety

7. Notwithstanding the submitted details, prior to the commencement of development hereby permitted, the following internal estate street and residential access details shall be submitted to and be approved by the local planning authority in writing

Hard surface paving materials throughout the estate street.

Provision of pedestrian and vehicular visibility splays throughout the estate streets.

Means of surface water drainage throughout the estate street.

Means of drainage, to prevent the unregulated discharge of surface water onto the highway network.

Maximum gradient (1 in 15) from back of the highway boundary.

Street Lighting.

The development shall thereafter be completed to the satisfaction of the local planning authority in accordance with the approved details.

Reason In the interest of highway safety

8. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off loading, parking and turning within the site during the construction period, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

9. Prior to the commencement of development a scheme to prevent the deposit of mud and other similar debris on the adjacent public highways shall be submitted to and approved by the Local Planning Authority in writing and development shall be carried out in accordance with these approved details.

Reason: In the interest of highway safety.

10. Notwithstanding the provisions of sections 94, 98 and 106 of the Water Industry Act 1991, no development shall commence until details of a scheme, including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through the provision of suitable water infrastructure.

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

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination of the site.

2) A site investigation scheme based on 1) to provide information for a detailed assessment of the risk to all receptors that may be effected, including those offsite.

3)The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how these are to be undertaken.

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

Any changes to these components will need to be approved in writing by the Local Planning Authority.

Reason: To prevent pollution to the water environment and the risk of contamination elsewhere

12. No infiltration of surface water drainage into the ground is permitted other than that which may be approved in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: Any areas where soakaways are proposed should be characterised. This is to ensure that the use of soakaways does not pose additional risk to controlled waters from mobilisation of contaminants in soil.

13. All surface water from communal parking and manoeuvring areas shall be passed through trapped gullies prior to disposal to groundwater, watercourse or surface water sewer with an overall capacity compatible with the site being drained.

Reason: To prevent pollution to the water environment.

14. Development shall be carried out strictly in accordance with the submitted Flood Risk Assessment.

Reason: To prevent flooding

15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason To protect any potential archaeological interest.

16. Development shall be carried out at all times strictly in compliance with the submitted Ecological Mitigation Plan

Reason: To protect ecological interests.

17. Development shall be carried out strictly in accordance with the submitted Noise Assessment, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To protect the proposed dwellings from sources of noise in the interest of residential amenity.
18. Prior to the commencement of development, details of the proposed noise barrier, which shall include measures to allow for the free passage of newts, shall be submitted to and approved by the Local Planning Authority in writing. This barrier shall be in place before the occupation of any of the dwellings hereby approved, unless otherwise agreed in writing with the Local Planning Authority.
Reason: to protect future residents from noise, in the interest of amenity, whilst at the same time ensuring the free passage of newts.
19. Development shall be carried out fully in accordance with the submitted waste management strategy unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interest of amenity and sustainability
20. Prior to the commencement of development a scheme for the provision of litter and dog bins shall be submitted to and approved by the Local Planning Authority in writing. This scheme shall include arrangements for emptying these bins both in the short and longer term.
Reason: In the interest of amenity
21. Prior to the commencement of development a scheme for lighting the private parking areas, footpaths and areas of public open space shall be submitted to and approved by the Local Planning Authority in writing and development shall be carried out in accordance with these approved details.
Reason: In the interest of amenity and crime prevention.
22. At least 10% of the demand for energy shall be met on site and renewably/from a decentralised renewable or low-carbon energy supply (as described in the glossary of Planning Policy Statement :Planning and Climate Change (December 2007). Prior to the commencement of development details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy and the Sustainable Construction and Design SPD.
23. No development shall take place until a written water efficiency statement, detailing measures to promote water efficiency within the development, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of water and to comply with Policies 13 and 14 of the North Northamptonshire Core Spatial Strategy and the Sustainable Construction and Design SPD.
24. Prior to the commencement of development a method statement for the demolition of the buildings shall be submitted to and approved by the Local Planning Authority in writing. This shall specify the hours of operation for demolition works and shall include

details of HGV movements. Development shall be carried out in accordance with this method statement.

Reason: In the interest of amenity.

25. Prior to the commencement of development hours for construction work shall be submitted to and agreed in writing with the Local Planning Authority and development shall be carried out in accordance with these approved details.

Reason: In the interest of amenity.

26. Before the development hereby permitted is brought into use the side window to the dwelling on Plot 9 shall be provided with obscure glazing and rendered incapable of being opened, in such a manner as would eliminate any over-looking of the adjacent premises. The window shall be retained in this condition in perpetuity.

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

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification), no windows shall be inserted in the side/flank elevations of Plots 4, 9, 12, 16-17, 49, 58, 80, 81, 90, 91, 92, 102, 103, 110.

Reason: To protect the amenity of adjacent occupiers.

28. Notwithstanding the submitted details, a Tree Constraints Plan, Tree Protection Plan and a Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All details hereby required shall be in accordance with BS5837: 2005 and the method statement shall include (but not be limited to) a specification for the construction of the footpath through the spinney to west of the site and detail proposed management works required to maintain the woodland structure. The development shall thereafter be carried out in accordance with these details.

Reason: To ensure the protection of trees on site

29. Development shall not commence until a surface water drainage scheme for the site has been submitted to and approved by the Local Planning Authority in writing. The scheme shall be subsequently implemented in accordance with the approved scheme before the development is completed.

Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.

30. Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority in writing, a scheme for the provision of any gating to the undercroft parking areas shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with any approved details.

Reason: In the interest of crime prevention.

31. Prior to the commencement of development details of bollards and motorcycle barriers, unless otherwise agreed in writing with the Local Planning Authority, shall be submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with any approved details. Reason: In the interest of crime prevention.

Informatives

1. The reason for the above decision is because the development proposed accords with the Development Plan and other material considerations as required by Section 54a of the Town and Country Planning Act 1990. In particular with:
North Northamptonshire Core Spatial Strategy
Policy 1 - Strengthening the network of settlements

Policy 6 - Infrastructure Delivery and Developer Contributions
 Policy 7 - Infrastructure Delivery and Developer Contributions
 Policy 8 - Delivering Housing
 Policy 9 - Distribution and Location of Development
 Policy 10 - Distribution of Housing
 Policy 13 - General Sustainable Development Principles
 Policy 14 - Energy Efficiency and Sustainable Construction
 Policy 15 - Sustainable Housing Provision
 Northamptonshire County Structure Plan
 None relevant
 East Northamptonshire District Local Plan
 GEN3 - Infrastructure, services and amenities
 H4- Housing types and sizes
 RL3 - Open space for new development
 RL4 - Play areas for new development
 IR1B - Allocates site for housing (indicates that site could accommodate around 100 dwellings)
 Three Towns Plan - Preferred Options
 ENC SPD - Developer Contributions
 NCC SPG - Crime and Disorder
 NCC SPG - Parking

2. The drawings to which this decision relates are as follows : Planning Layout (N511 01 N); Type 06.3208-Enhanced Rev D; House Type 4205 plans (H07-674-210C); House Type 4205 Elevations (H07-674-211C); House Type 4210 Plans and Elevations (H07-674-212E); House Type 3208 (H07-674-215B); House Type 3305 Plans (H07-674-216B); House Type 3204 Plans and Elevations (H07-674-218C); House Type 3202 Plans (all and elevations (semis) (H07-674-219B)House Type 3201 (Terraced) Plans and Elevations (H07-674-221C); House Type 3201 Plans and Elevations Plots1-2(H07-674-222C); House Type (Semis and Linked) Plans and Elevations (H07-674-223A); House Type 2203(Terraced) Plans and Elevations(H07-674-224B); House Type 2204 Plans and Elevations (H07-674-225-)House Type 1201 Plans and Elevations (H07-674-227A); House Type 1BF01 Plans and Elevations (H07-674-228-)House Type 1BF01 Plans and Elevations Plots16-17 only (H07-674-229C); House Type 4B6P (H07-674-230B) House Type 3B5P Plans and Elevations (H07-674-231B; House Type 3204 Plans and Elevations Plot 41 (H07-674-235A); House Type 4210E Plans and Elevations (H07-674-237C); House Type Plans and Elevations (H07-674-238-); House Type 3202 (H07-674-239-)Garages Plans and Elevations (H07-674-240A); Garages (H07-674-241-); single garages plans and elevations (H07-674-242-); Triple garage Plans and Elevations (H07-674-243-); House Type 2B4PW Plans (H07-674-244-); House Type 2B4PW Elevations(H07-674-245-) received by the Local Planning Authority on 2 November 2009; Landscape Masterplan; Conceptual Layout Finedon Road Stream(1352/FL/02E); Proposed Contours (1352/EW/01E); Attenuation Basin Details (1352/SK/01C) ; Conceptual Site Drainage (1352/DR/03E); House Type 2203W (H07-674-236A); House Type Elevations (H07-674-234C); House Type 2B4P (H07-674-233H); House Type 3B5Pwide frontage PLans and Elevations (H07-674-232C) ; House Type 2204SP Plans and Elevations (H07-674-226D); House Type (Semis) Plans and Elevations (H07-674-220D); House Type Elevations 3305 (H07-674-217D) received by the Local Planning Authority 17 November 2009
3. Your attention is drawn to the contents of the attached letter from the Environment Agency.
4. Your attention is drawn to the contents of the attached letter from Anglian Water.
5. No works may commence upon the existing public highway without the express written consent of the Highway Authority. Such consent would only be forthcoming subject to the completion of an Agreement under Section 278 of the Highways Act 1980. The

preparation of the Agreement would require the submission of full engineering, drainage, street lighting, signal, signing, road marking and constructional details etc. Submitted details would be subjected to a full Technical and Safety Audit which may result in changes to layouts and works extents shown indicatively on the approved plans.

The Applicant is advised to seek the technical approval of such offsite works details from the Local Highway Authority before submitting such approved details to the Local planning Authority for the purposes of discharging the associated condition(s).

After the completion of the Section 278 Agreement, the commencement of any highway works will be subject to suitable Notices required by the New Roads and Street Works Act 1991 as amended by the Traffic Management Act 2004. This, in practice, means that a three month Notice is required to book the road space necessary to undertake works of this nature on any highway. Separate Notices will be required for works affecting different roads or at different times. The County Council's Traffic Manager may stipulate start and completion dates, duration of works and impose penalties for failure to adhere to conditions that may be imposed.

The provision of a controlled pedestrian crossing requires the processing of an appropriate Notice. Such Notices are open to public notification and observation outside the planning process. Any observations made may be considered and where appropriate mitigated prior to the confirmation of the Notice. The determining Authority for such notices is the County Council. It should be noted that changes to details and potentially slight changes to locations may be required, to resolve any observations made during the notification period. As such the details shown on the approved plans should be treated as illustrative.

High skid resistant material is required in advance of and up to a controlled pedestrian crossing. Such material should be laid on fresh and sound surfacing material. In order to ensure such material is applied it may be necessary to plane and resurface the carriageway prior to the laying of the material.

The adoption of internal streets would be subject to an appropriate agreement under the Highways Act 1980. The processing of such agreements will require the submission of engineering and constructional details. A quality Audit as promoted by Manual for streets and the County Council's "Place and Movement Guide" would be required.

Committee Report

Committee Date : 22 December 2010

Printed: 9 December 2010

Date received Date valid Overall Expiry Ward Parish
**17 September 2010 24 September 2010 19 November 2010 Rushden Pemberton
Rushden**

Applicant **Mr J Griffiths**

Agent **Sidey Design**

Location 109 Wellingborough Road Rushden Northamptonshire NN10 9YL

Proposal **Submission of Reserved Matters: Detached two bedroom bungalow
pursuant to outline planning permission EN/09/00028/OUT dated
03.04.2009**

The application has been brought to Development Control Committee as the original outline planning application was considered at committee on 01.04.2009.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes the construction of detached bungalow. The proposed bungalow incorporates two bedrooms, a bathroom, kitchen, lounge, hallway and toilet.

2.2 The position of the vehicular access and site layout have been agreed in the outline planning permission (ref: EN/09/00028/OUT). This leaves the Council to consider the scale of the development, appearance and landscaping in this reserved matters application.

3 The Site and Surroundings

3.1 The application site forms the rear garden curtilage of no.109 Wellingborough Road. no.109 Wellingborough Road is a 1970s style two-storey property with first floor front and rear dormer windows.

3.2 The properties along Wellingborough Road and Purvis Road are of mixed character, but consist mainly of pre-war style houses that are either detached or semi-detached and have long spacious rear gardens.

3.3 Nos. 1 and 2 Purvis Road to the southwest are a pair of two-storey 1930's Edwardian style semi-detached properties.

3.4 The property opposite the site to the northwest 'Jenhage' is an infill bungalow, constructed within the rear garden curtilage of no.113 Wellingborough Road. This bungalow was granted consent in the late 1990s.

3.5 Close boarded fencing (measuring between 1.5 to 1.8 metres in height) form the boundary to the road and to the neighbouring properties.

4 Policy Considerations

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

- 4.2 East Midlands Regional Plan, March 2009

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. Technically, therefore, the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. A statement had been issued by the Government reiterating the intention to remove RSSs and that this should be treated as a material consideration. However, following further legal action, the High Court has since ordered that no regard should be placed on this intention prior to a full legal hearing and therefore the intention to abolish the RSS is no longer a material consideration.

- Policy 1 – Regional Core Objectives

- Policy 2 – Promoting Better Design

- Policy 45 – Regional Approach to Traffic Growth Reduction

- Policy 48 – Regional Car Parking Standards

- 4.3 North Northamptonshire Core Spatial Strategy, June 2008:

- Policy 13 – General Sustainable Development Principles

- Policy 14 – Energy Efficiency and Sustainable Construction

- 4.4 Supplementary Planning Guidance:

- Parking SPG, March 2003

- Planning Out Crime in Northamptonshire, Feb 2004

- 4.5 Supplementary Planning Document:

- Design SPD, March 2009

- 4.6 Other Documents:

- Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008
 - Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough

5 Relevant Planning History

- 5.1 The original outline planning permission EN/09/00028/OUT was granted on 3 April 2009. The conditions attached to the outline planning permission required certain details be submitted at the reserved matters. This includes boundary screening (Condition 4), street scene and level details (condition 6), and these have been provided with the current application.

6 Consultations and Representations

- 6.1 Neighbours: no comments received.

- 6.2 Rushden Town Council: no objection.

- 6.3 Advisor on Sustainability Appraisal and Energy Efficiency Statement (JPU): “It is evident from the design and access statement that key elements of sustainable construction have been considered, with the commitment to achieve higher standards of development than building regulations at 10%. To ensure that this is achieved I would recommend that the applicant submit SAP (Standard Assessment Procedure) calculations to demonstrate how the 10% figure would be achieved. The designing in of flexibility into buildings to ensure that technologies, such as renewables and rainwater harvesting, can be fitted in the future is essential. The submitted statement should elaborate on how the building would be designed to ensure that this would be done.”

- 6.4 Conservation Officer (Trees): no objection.

- 6.5 Site notice posted: no representations received.

7 Evaluation

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

7.2 Principle of Development

7.2.1 The principle of residential development on this site has been established by the outline planning permission ref: EN/09/00028/OUT. Therefore, the Council can only consider the reserved matters issues of scale, appearance and landscaping in this application and these matters are discussed in the following sections of this report.

7.3 Visual Impact

7.3.1 Scale – In accordance with condition 5 of the outline planning permission, the proposed dwelling would be single-storey in height. The maximum scale parameters provided in the original outline planning application are: height 6.5 metres, width 8.5 metres and length 10.7 metres. The proposed dwelling measuring 5.2 metres in height to the ridge, 8.5 metres in width and 10.7 metres in length would accord with the maximum scale parameters given.

7.3.2 The submitted street scene drawing and level details show that the size and height of the proposed building would form a transition between no.1 Purvis Road, a two-storey property to the southwest, and no.109 Wellingborough Road, a one and a half storey property to the northeast. The proposed bungalow would be built to a similar level as the surrounding properties and would be no larger in scale than the bungalow across the road at Jenhage. Therefore, there would be no harm on the street scene.

7.3.3 Appearance – The design of the proposed bungalow, including the sloping-pitched roof and gable end on the front elevation, reflects the 'L' shaped building layout previously approved in the outline submission. In terms of detailing, soldier arch windows, brick cornice, and a storm porch to be positioned above the front entrance door, are proposed. The proposed bungalow would reflect the bungalow across the road in overall building form and design and, providing appropriate external materials are used in the construction of the bungalow, there would be no visual harm from this proposal. A condition has already been imposed on the outline planning permission which requires the submission of material details before commencement of development (condition 7).

7.4 Impact on Trees and Landscaping

7.4.1 The tree officer commented in EN/09/00028/OUT that the Cedar tree located on the site would not be worthy of retention, as it does not offer sufficient amenity value to the surrounding area. Since the determination of the outline planning application, this tree has been removed and there are no other large trees within the existing rear garden of no.109 Wellingborough Road that would be adversely affected by the proposal.

7.4.2 In terms of landscaping, a mixture of soft and hard landscaping is proposed within the front garden area of the proposed dwelling. This includes a small lawn area and planting to help provide a semi barrier between the front of the property with the road, and block paving for the driveway. In addition, a 1.0 metre high close boarded fence (measuring 6.0 metres in length) is proposed to enclose part of the front garden area. These proposals would be in-keeping with the surrounding area and would add interest to the street scene. The proposed 1.0 metre high fence, in particular, is similar to the front boundary treatment of the other properties along the street.

7.5 Neighbouring Amenity

7.5.1 As considered in EN/09/00028/OUT, the dwelling would be positioned approximately

15.0 metres away from the front of Jenhage located on the opposite side of the road. Given there is a similar distance between other properties along the street, the impact on neighbouring amenities in terms of overlooking and overbearing is insufficient to justify the refusal of planning permission on this application.

7.5.2 The distance between the proposed dwelling and no.109 Wellingborough Rd is 12.0 metres. Due to the proposed dwelling being single storey in height and located on the southwest side of the neighbouring property, there would be no harm in terms of overbearing or overshadowing.

7.5.3 The proposed dwelling would be positioned one metre from the boundary to no.1 Purvis Road and 5.0 metres from the side of the neighbouring property. Whilst the neighbouring property has two window openings (each measuring approximately 800mm x 1200mm) and a door in the northeast side elevation, these are secondary openings and openings to non-habitable room areas. Therefore, there would be no harm on this neighbouring property.

7.5.4 It is proposed that the existing 0.5 metre wall with 1.8 metres high close bounded fence would be retained on the southwest boundary to No.1 Purvis Road. A new 1.9 metre high close boarded fence is proposed on the northeast boundary to No.109 Wellingborough Road. For the southeast boundary (to the rear garden of No.107 Wellingborough Road), the proposal is to retain the existing 1.5 metre high close boarded fence and to construct a 0.3 metre high trellis on top of this fence. Overall, the proposed boundary screening would safeguard the amenity and privacy of the surrounding neighbouring occupiers, as well as the amenity and privacy of the occupiers of the proposed dwelling.

7.6 Highway Impact

7.6.1 The vehicular access was considered and approved in the outline submission and conditions have been imposed to ensure the access would be constructed to NCC's highway standards. These conditions require the provision of pedestrian visibility splays measuring 2.4 metres x 2.4 metres on both sides of the vehicular access and any planting within the splays be maintained at a maximum height of 600mm (condition 8), the first 5.0 metres of the vehicular access be hard surfaced and have a maximum 1 in 15 gradient (condition 9), and that no gates or other form of barrier be constructed at the vehicular access point (condition 12). Overall, the submitted layout and landscaping details show an access which satisfies the requirements of these conditions.

7.6.2 Two off-road parking spaces are proposed to serve the proposed dwelling in this reserved matters application. This number of parking spaces would be sufficient, given the site is served by existing public transport (albeit these be limited) and lies within walking distance of local shops, and 20 minutes walking distance of the town centre.

7.6.3 Overall, no significant parking or highway issues would result from this development.

7.7 Sustainable Construction and Energy Efficiency

7.7.1 Policy 14 of the Core Spatial Strategy states that development shall incorporate techniques of sustainable construction, provision for waste reduction/recycling, and water efficiency/recycling. The JPU recommends that the applicant submits SAP (Standard Assessment Procedure) calculations to demonstrate how the stated energy efficiency ratings could be achieved and to provide details of how sustainable technologies can be incorporated within the development. This matter could be addressed by the condition already imposed on the outline planning permission (condition 13) which requires the submission of a sustainable strategy before commencement of development.

8 Other issues

- 8.1 Amenity Space - A small garden area is proposed at the rear to serve the new bungalow. The proposed development would provide reasonable internal living accommodation space and private outdoor amenity space for the future occupiers.
- 8.2 Crime and Disorder – There would be natural surveillance from the nearby dwellings and the rear garden of the property would be secured by gates proposed on both sides. Therefore, there would be no significant issues from this proposal.
- 8.3 Waste and Recycling Storage – There would be sufficient storage, as the waste and recycling bins would be stored at the side of the proposed dwelling, near the back garden.

9 Conclusion

- 9.1 In recommending approval to this application, the relevant planning guidance and policies were identified as: PPS1, PPS3, PPG13; Policies 1, 2, 45, 48 of the East Midlands Regional Plan 2009; Policies 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008; and Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on neighbouring amenities; impact on trees and landscaping; highway impact; sustainable construction; and crime and disorder.

The application has been recommended approval as:

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

10 Recommendation

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

11 Conditions/Reasons -

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

Reason: To ensure a reasonable standard of development and to avoid detriment to

the visual amenity of the area.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans; plan received by the local planning authority on 8th December 2010, drawing number: 10-096-01 Revision C.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

Informatives

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

Design and Access Statement received by the Local Planning Authority on 17th September 2010.

2. In approving this application, the relevant planning guidance and policies were identified as: PPS1, PPS3, PPG13; Policies 1, 2, 45, 48 of the East Midlands Regional Plan 2009; Policies 13, 14 of the North Northamptonshire Core Spatial Strategy 2008; Supplementary Planning Guidance: Parking SPG 2003, SPG Planning Out Crime in Northamptonshire 2004; Design SPD 2009; Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008; and Three Towns Preferred Options: Rushden, Higham Ferrers and Irthlingborough.

Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development; visual impact; impact on neighbouring amenities; impact on trees and landscaping; highway impact; sustainable construction; and crime and disorder.

The application has been approved as:

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

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

Committee Report

Committee Date : 22 December 2010

Printed: 10 December 2010

Case Officer **Amie Baxter**

EN/10/01756/REM

Date received	Date valid	Overall Expiry	Ward	Parish
16 September 2010	16 September 2010	11 November 2010	Stanwick	Stanwick

Applicant **Lilystone Homes Ltd - Mr P Ray**

Location **8 Courtwood Stanwick Wellingborough Northamptonshire NN9 6PN**

Proposal **Reserved matters: Erection of single dwellinghouse pursuant to EN/07/01154/OUT dated 01.06.2007**

The application is brought before the Development Control Committee due to an objection from Stanwick Parish Council and as Members have been interested in the site in the past.

1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application proposes a detached two-storey, four bedroomed dwelling with a single garage attached to the side. A garden area would be provided to the rear and a driveway with off road parking provided to the front.
- 2.2 Outline planning permission ref: EN/07/01154/OUT granted planning permission for one dwelling on the site. This application seeks reserved matters approval for layout, scale, appearance, landscaping and access.

3. The Site and Surroundings.

- 3.1 The application site is an infill plot, 0.45 hectares in size, between Numbers 6 and 10 Courtwood. The site has an existing dropped kerb to the left hand side of the frontage. A large parcel of open land is to the rear of the site. The site itself sits as an integral part of the development and plans from the original application for the estate (Ref: 78/01207) show that a dwelling was intended to be erected upon the site and that it was known as plot 7. It is not clear why this dwelling was not erected.
- 3.2 A close boarded fence runs along the north and south boundaries of the site, with a post and rail fence running adjacent to the highway to the west and along the rear of the site. The site is currently grassed and overgrown.
- 3.3 Stanwick Parish Council, in November 2006, expressed their wish to see the application site and the parcel of land to the rear of the site developed as a pocket park, possibly using the site the subject of this application as the access way.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1 – Delivering Sustainable Development

4.2 Regional Plan (RSS8)

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. Technically, therefore, the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. A statement had been issued by the Government reiterating the intention to remove RSSs and that this should be treated as a material consideration. However, following further legal action, the High Court has since ordered that no regard should be placed on this intention prior to a full legal hearing and therefore the intention to abolish the RSS is no longer a material consideration."

Policy 2 - Promoting Better Design

Policy 39 - Regional Priorities for Energy Reduction and Efficiency

Policy 13b – Housing Provision

4.3 North Northamptonshire Core Spatial Strategy 2008

Policy 1 – Strengthening the Network of Settlements

Policy 9 – Distribution and Location of Development

Policy 10- Distribution of Housing

Policy 13 – General Sustainability principles

Policy 14 – Energy Efficiency and Sustainable Construction

Policy 15- Sustainable Housing Provision

4.4 Raunds Preferred Options Document.

5 Relevant Planning History

5.1 EN/07/01154/OUT. Outline application for the erection of one detached dwelling with all matters reserved. Permitted with conditions on 24/10/07.

5.2 EN/10/01104/REM Approval of reserved matters: Erection of a single dwelling. Withdrawn after objections received from neighbour and parish council, along with concerns noted by case officer in terms of scale and design.

6 Consultations and Representations

6.1 Neighbours: An objection has been received from the neighbour at 6 Courtwood, on the grounds that:

- The plan shows that the proposed dwelling would be set back even further than in previous indicative plans. This will have more of an impact on the amount of light entering the windows along the northern elevation of Number 6. These windows provide light to upstairs rooms and also, the view from the bathroom window of Number 6 would be replaced with a brick wall.
- Presumably, the original plan was changed to allow for two cars to park in tandem. In our opinion, a solution to the problem would be to move the house much further forward, whilst widening the driveway.
- Increasing the gap between the proposed house and the boundary (objector notes the objection from the parish council about the house being oversized) would also increase light to the northern side of Number 6.

6.2 NCC Highways: No objection raised. Case officer is referred to the NCC Highways Standing Advice Document.

6.3 Stanwick Parish Council: Object on the grounds that:

- There is insufficient information to show the relationship of the proposed building with the adjacent properties. The parish council objected to the previous application on this site with regards to the scale of the proposed dwelling and there is no evidence to show that this issue has been overcome.
- The dwelling appears too large for the site and is out of context with the surrounding properties.
- The design of the proposed dwelling does not match the streetscene.
- The proposed dwelling would crowd adjoining properties and would cause loss of

- amenity to 6 Courtwood by blocking light from upstairs windows.
- 6.4 Housing Strategy: Would support the development as the SHMA indicates that there is a need in Stanwick for more medium to large dwellings.
- 6.5 Conservation Officer (Trees): No objection to proposed landscaping scheme.

7 Evaluation

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

7.2 Principle of Development

7.2.1 The principle of residential development on this site was established by the outline planning consent under EN/07/01154/OUT. In accordance with Condition 1 of the outline consent, the application for reserved matters was submitted within 3 years of the outline approval.

7.3 Visual Impact

7.3.1 The proposed dwelling has been positioned to take account of the curve in the highway along Courtwood and to ensure that the proposed dwelling fits with the layout of the existing adjacent dwellings, which are also staggered to follow the curve in the road. The proposed positioning of the dwelling is acceptable in that it closely follows the existing pattern of the built form along Courtwood.

7.3.2 The application site is somewhat wider than most of the other plots within Courtwood and therefore, could accommodate a slightly wider dwelling whilst still being able to provide a visual and physical break between the proposed and existing dwellings. With the visual break between the proposed dwelling and its neighbours, and as the proposed dwelling continues the staggered building layout, a terracing effect would not occur.

7.3.3 In terms of the width of the proposed dwelling, the applicant has proposed a dwelling with a similar width to the neighbouring dwelling at 6 Courtwood, where this dwelling has been extended to a width of approximately 8.2 metres. The main element of the proposed dwelling would have a width of 9.2 metres, with a subservient garage element in addition to the side. The garage element would be set back from the road and therefore the prominent part of the proposed dwelling would be only 1 metre wider than the width of Number 6. There are also other existing dwellings within Courtwood which have been extended and are of a comparable width to the main element of the proposed dwelling. Furthermore, several of those extended dwellings now abut or are within one metre of the plot boundary, as is the case with the proposed dwelling. Therefore, the width of the proposed dwelling, and its positioning within the plot is acceptable.

7.3.4 The height of the proposed dwelling, at 8 metres, is the same as number 6 and 8 Courtwood. With the the gradual incline in land levels from south to north, the existing stagger in ridge height is continued. The overall scale of the proposed dwelling is acceptable.

7.3.5 The parish council are concerned that the proposed dwelling would not match the streetscene or the adjacent dwellings. It is noted that the proposed dwelling would not fit exactly with the adjoining dwellings but the applicant has made every effort to incorporate design elements of the surrounding dwellings into the proposed. Bay windows which replicate those at number 6 have been used and so too has a small mono pitch canopy above the ground floor windows and doors; again replicating that of number 6. The window design for the proposed dwelling has been based on that of most of the other dwellings in Courtwood. The shallow roof pitch of all neighbouring dwellings has been incorporated and the positioning of first floor windows close to the eaves and soffits has also been designed to match. It is important to note that whilst the original development of Courtwood was carried out using only four house types, many extensions and alterations have been made to the dwellings, which has eroded to a degree the uniformity of the cul-de-sac. This therefore means that the proposed dwelling would easily fit, in visual terms, into the existing built form of Courtwood.

7.3.6 Subject to the use of appropriate materials, the proposed dwelling would assimilate well with the adjoining dwellings and it is unlikely that any visual harm would result. A condition is recommended that requires the applicant to submit samples of the proposed materials for the written approval of the planning authority.

7.3.7 The applicant has submitted basic landscaping details which includes details of a grassed front lawn with a proposed silver birch tree planted close to the front boundary. The Conservation Officer is satisfied that the proposed landscaping (although only minor) is suitable for this scale of the development and the setting of the new property.

7.4 Impact on neighbouring amenity.

7.4.1 The proposed dwelling would be positioned in-between two existing dwellings: numbers 6 and 10 Courtwood. The impact on each dwelling is discussed separately below:

- Impact on 10 Courtwood. The proposed dwelling would be positioned further to the east than Number 10 to follow the staggered nature of the existing building layout in Courtwood. Therefore the north elevation of the proposed dwelling would be visible from the rear windows and garden of number 10. However, the proposed dwelling would not have an overbearing impact on number 10 as the element of the proposed dwelling closest to number 10 is one and a half storey in height with a pitched roof measuring 5.8 metres above ground level at its highest point. The rear elevation of number 10 would begin at a point of 1.6 metres along the north elevation of the proposed dwelling (measured front to back) and therefore the occupiers would not be able to view the full extent of the proposed garage element from their rear windows, lessening the overall impact. Also, as the gable end of the garage element faces number 10, as opposed to a length of solid roofslope, the garage would not have such an impact and its existence would not be overbearing. In addition, there would be a distance of 3.4 metres between the proposed dwelling and number 10 and a 1.8 metre high close boarded fence along the shared boundary which would add to the perception of separation. Therefore, the proposed dwelling would not result in undue overshadowing or an overbearing impact. No windows would be positioned within the northern elevation of the proposed dwelling and therefore overlooking would not become an issue.
- Impact on number 6 Courtwood. The proposed dwelling would be positioned 2.2 metres away from the northern elevation of number 6. Number 6 has a large, two storey extension to the northern side of their property. Two windows are positioned within the northern elevation of number 6, one serving the main bathroom and the other serving an en-suite (both of which are subject to a condition stating that obscure glazing shall be installed and retained). As neither of these windows are serving habitable rooms and given that there would be a 2.2 metre gap between the two dwellings, the degree of overshadowing would not be sufficient enough to refuse this application. The proposed dwelling would sit 2.6 metres forward of number 6 but not to the degree which would result in overshadowing of the front elevation of number 6. No windows would be positioned within the southern elevation of the proposed dwelling which would result in the direct overlooking of number 6.

7.4.2 No other existing dwellings are likely to be affected by the proposed development.

7.4.3 To prevent any potential for harm to residential amenity in the future, given the proximity of the proposed dwelling to number 10 for example, it is necessary to remove permitted development rights for the proposed dwelling. A condition is recommended.

7.5 Highway matters.

7.5.1 The highways officer has not objected to the proposed development and refers to the NCC Highway's Standing Advice Document. The site has an existing dropped kerb giving access to Courtwood, although no access was constructed. The submitted plans show an access where 2.4m x2.4m pedestrian visibility splays could be achieved, in line with the advice in the Standing Advice Document. A condition is recommended which requires the applicant to construct an access which accords with the standing advice and incorporates suitable drainage, hard paving and the retention of the visibility

splays.

8 Other issues

- 8.1 Crime and Disorder - this application does not raise any significant issues
- 8.2 Access for Disabled - this building would not be subject to any public access and this does not raise any significant issues.
- 8.3 Contamination: The applicant has submitted a contamination report with this application. The response from ENC Environmental Services will be included within the committee update sheet. A condition may need to be added.

9. Conclusion

- 9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS3, Regional Spatial Strategy Policies 2, 13b and 39, North Northamptonshire Core Spatial Strategy 2008 policies 1, 9, 10, 13 and 14 and the Raunds Preferred Options Document. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenities, the design and visual impact and highway matters. The application has been recommended for approval as:
- The principle of the development is acceptable and is consistent with the development plan.
 - The proposal represents the best use of land in an existing settlement.
 - The proposal would not have an unacceptable impact on the local highway.
 - The development would not harm the visual amenity or character of the area.
 - The proposal would not have a significant impact on the amenities of neighbouring occupiers

10 Recommendation

- 10.1 It is recommended that the application be GRANTED subject to conditions.

11 Conditions/Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Before commencement of the development hereby permitted, details and samples of the external materials to be used for the construction of the dwelling and garage 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 approved details, unless otherwise agreed in writing by the local planning authority.
Reason: To achieve a satisfactory appearance for the development.
3. Notwithstanding the submitted details and before commencement of the development hereby permitted, details of the provision of boundary 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 these details before the development is brought into use and shall be retained thereafter in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.
4. Notwithstanding the submitted details and before commencement of development hereby permitted, a sustainable strategy shall be submitted to and be agreed in writing by

the local planning authority to demonstrate that the development would meet requirements of Policy 14 of the North Northamptonshire Core Spatial Strategy and the development shall be implemented in accordance with the details so approved, unless otherwise agreed in writing by the local planning authority.

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

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 extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written consent of the local planning authority.

Reason: To prevent overdevelopment of the site.

6. Notwithstanding the submitted details and before commencement of the development hereby permitted, details to show the slab levels of the dwelling and garage in relation to the existing and proposed levels of the site and the surrounding land shall be submitted to and be approved in writing by the local planning authority. The dwelling and garage shall thereafter be constructed in accordance with the slab level details so approved in writing by the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.

7. The vehicular access shall have a gradient not exceeding 1 in 15 for a distance of 5.0 metres back from the highway boundary. Prior to the first occupation of the development hereby permitted this area shall be paved with a hard bound surface for a minimum of 5.0 metres back from the highway boundary and be thereafter retained in perpetuity.

Reason: In the interest of highway safety.

8. Adequate surface water drainage system shall be provided to prevent the unregulated discharge of water onto the highway boundary and these measures shall be implemented before the development is brought into use.

Reason: In the interest of highway safety.

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

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

10. Visibility splays of at least 2.4m x 2.4m shall be provided at both sides of the access with the public, unless otherwise agreed in writing by local planning authority. The areas of land between the required sight lines and the highway carriageway shall be cleared, levelled and retained at a height not exceeding 0.6 metres above the carriageway and driveway levels.

Reason: In the interest of highway safety.

11. 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.

12. The works hereby permitted shall be carried out strictly in accordance with the approved plans (0083/11.A, 0083/100083/09 AND 0083/04 D, received by the local planning authority on 16.09.10) unless otherwise agreed in writing by the local planning authority.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

Informatives

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, Regional Spatial Policies 2, 13b and 39, North Northamptonshire Core Spatial Strategy 2008 policies 1, 6, 9, 10, 13 and 14 and the Raunds Preferred Options Document. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of the development, the impact on neighbouring amenities, the design and visual impact and highway matters. The application has been recommended for approval as:
 - The principle of the development is acceptable and is consistent with the development plan.
 - The proposal represents the best use of land in an existing settlement.
 - The proposal would not have an unacceptable impact on the local highway.
 - The development would not harm the visual amenity or character of the area.
 - The proposal would not have a significant impact on the amenities of neighbouring occupiers.

Committee Report

Printed: 8 December 2010

Case Officer **Susan Scott**

EN/10/01791/LBC

Date received Date valid Overall Expiry Ward Parish
29 September 2010 29 September 2010 24 November 2010 Oundle Benefield

Applicant **Major Julian Watts-Russell**

Agent **Wythe Holland Partnerships LLP**

Location Nethertown Farm House Glapthorn Road Upper Benefield Peterborough
Northamptonshire PE8 5AN

Proposal **Insertion of window to match adjacent existing in present door opening**

This application has been brought to Committee at the request of a Ward Member due to concerns that this proposal may have road safety implications.

1 Summary of Recommendation

1.1 That Listed Building Consent be REFUSED.

2. The Proposal

2.1 The application proposes the removal of an existing door which fronts onto the main A427 Oundle Road and the insertion of a window to match existing windows in its place.

2.2 The application has been submitted to prevent unfamiliar visitors to the property attempting to use the door as the main access. The justification for the proposal is that the door is adjacent to a busy trunk road with no pedestrian footpaths or vehicular parking which can be dangerous for both visitors and passing traffic.

3 The Site and Surroundings

3.1 The application site accommodates a grade II listed farmhouse, built in the mid eighteenth century. The site comprises three units with a wing to the rear forming an L-shape plan.

3.2 The south-west elevation, which is the subject of the application, has a three window range of casements under wood lintels dating from the nineteenth century. The four panel wooden door is also under a wood lintel and also dates from the nineteenth century.

3.3 To the north-east are a range of outbuildings and vehicular parking accessed from the main A427 Oundle Road. Behind the outbuildings are larger agricultural buildings which are accessed via Glapthorn Road.

3.4 The site is located at the easterly boundary of Upper Benefield and is surrounded by open countryside to the north, south and east.

4 Policy Considerations

- 4.1 National Planning Policy Guidance
PPS1-Sustainable Development
PPS5 - Planning for the Historic Environment

- 4.2 Regional Spatial Strategy for the East Midlands
Policy 1 - Regional Core Objectives
Policy 2 - Promoting Better Design
Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. Technically, therefore, the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. A statement has been issued by the Government reiterating the intention to remove RSSs and that this should be treated as a material consideration. However, following further legal action, the High Court has since ordered that no regard should be placed on this intention prior to a full legal hearing and therefore the intention to abolish the RSS is no longer a material consideration.

- 4.3 North Northamptonshire Core Spatial Strategy
Policy 13 - General Sustainable development principles

- 4.4 Northamptonshire County Structure Plan
No policies relevant to this application.

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

- 4.5 East Northamptonshire District Local Plan
No policies relevant to this application

5 Planning History

- 5.1 EN/05/01778/LBC: Insertion of window into North-West elevation.
Permitted 01/11/2005
- 5.2 EN/09/01668/LBC: To insert two new windows into the rear elevations of the existing farmhouse. Permitted: 19/10/2009

6 Consultations and Representations

- 6.1 Neighbours: No objections received.
- 6.2 Benefield Parish Council: no objection.
- 6.3 Senior Conservation Officer, objection on the grounds that the arrangement of windows and doors in the south-west elevation is fundamental to the building's special character.
- 6.4 Site Notice posted: no other representations received.

7 Evaluation

- 7.1 The main consideration in the determination of this proposal is the impact on the listed building, including the effect on its character, appearance, setting and historic fabric.
- 7.2 The Senior Conservation Officer 's comments on the proposal are as follows:
"The south west elevation of the building, to which this application relates, is it's principal elevation. The arrangement of windows and door establishes and is fundamental to the building's special character. To replace the door with a window would give the building a somewhat incongruous appearance at odds with its special character. This proposal would not accord with policy HE9 of PPS5."
- 7.3 Policy HE9 of PPS5 states that "there should be a presumption in favour of the conservation of designated heritage assets and the more significant the heritage asset, the greater the presumption in favour of its conservation should be." (HE9.1). Any substantial harm to a Grade II listed building should be exceptional. This application proposes the removal of a door which is fundamental to the special character of the building and which is referred to in the listing description. Therefore, the removal of the door would cause substantial harm to the building and would be contrary to national planning policy.
- 7.4 The applicant has argued that the labelling of the south-west elevation as the principle elevation is not straightforward. As the farmhouse forms part of a courtyard of buildings, and vehicular and pedestrian access is via the courtyard, the principle entrance and principle elevation is functionally and traditionally from within the courtyard.
- 7.5 However, the courtyard entrance is not visible from the streetscene, unlike the south-west elevation, which does form the principle elevation of the building and should therefore be protected.
- 7.6 The applicant raises serious concern over the location of the door in relation to the main A427 road. They are correct that there is no footpath or parking between the property and the road, and that callers unfamiliar with the area have to negotiate a busy road with fast moving traffic close to a bend and junction
- 7.7 Policy HE9 of PPS5 states that where an application will lead to substantial harm, local planning authorities should refuse consent unless it can be demonstrated that it is necessary in order to deliver substantial public benefits which outweigh the harm. (HE9.2). In this case the number of callers unfamiliar with the entrance to the application site would not be of a significant number for the removal of the door to deliver "substantial public benefits" which would outweigh the harm done to the listed building. Therefore the proposal would conflict with national planning policy.
- 7.8 Policy 26 of the Regional Strategy for the East Midlands (RSS8) requires that development should ensure the protection of the Region's cultural heritage. Unavoidable damage to cultural heritage must be minimised and clearly justified and avoided wherever possible as such assets are usually irreplaceable. As the justification given for the proposal does not outweigh the harm to the Grade II listed building the proposal is therefore contrary to the guidance in RSS8.
- 7.9 Policy 13 of the North Northamptonshire Core Spatial Strategy states that development should protect assets by conserving and enhancing historic assets and their settings. As the proposal would cause harm to the principle elevation of the Grade II listed building it would also be contrary to the North Northamptonshire Core Spatial Strategy.

8 Other issues

8.1 There no other material considerations in this application.

9 Recommendation

9.1 That the application be REFUSED for the following reason:

10 Conditions/Reasons -

1. The removal of the door to the principle elevation of the grade II listed building would have a detrimental impact on the special interest of the building. The proposal is therefore contrary to the advice contained within Policy HE9 of PPS5: Planning and the Historic Environment, Policy 26 of the Regional Strategy for the East Midlands (RSS8) and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Informatives

1. The drawings to which this decision relates are as follows: Drawing no's 1231/21 and 1231/22 received by the Local Planning Authority on 29 September 2010

Committee Report

Committee Date : 22 December 2010

Printed: 9 December 2010

Case Officer **Samantha Hammonds**

EN/10/01947/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
22 October 2010	2 November 2010	28 December 2010	Irthlingborough	Waterloo

Applicant **Davidsons Developments - Mr G Barber**

Agent **Stephen George And Partners LLP - Mr L Wong**

Location **Nene Business Park Diamond Way Irthlingborough Northamptonshire**

Proposal **Repositioning of attenuation pond and flood relief area (EN/09/00455/FUL)**

This application is brought to committee as committee considered previous applications for this site.

1 Summary of Recommendation

1.1 Provided the concerns of the Environment Agency are overcome, that the application be GRANTED subject to conditions.

2. The proposal

- 2.1 This application is for engineering works to provide flood compensation to facilitate the development of the adjacent site into a business park and outpatient centre.
- 2.2 The business park and outpatient centre gained approval on 6/11/09 under reference EN/09/00455/FUL. An application for flood compensation works, very similar to the current proposal, was also approved on 6/11/09 under reference EN/09/00585/FUL.
- 2.3 The current application shows the previously permitted flood attenuation ponds in a different position and cross-sectional configuration but within the same broad location.
- 2.4 The pond in the eastern corner of the site would remain in the same place but would be re-profiled slightly so that the excavated area would begin approximately 20 meters further up the slope. The more central pond would remain in the same place but would become more rounded in form (having previously measured approximately 110 x 30 metres it would now measure approximately 90 x 50 metres). This would mean that the excavated area for the central pond would move further down the slope.
- 2.5 The reason for re-locating the ponds is that, following the preliminary site preparation works to the attenuation and flood plain compensation areas, the contractors felt that the initial design proposals should be amended for ease of construction and also to improve access for future maintenance requirements.

3. The Site and Surroundings

3.1 The application site is located to the north of Rushden and Diamonds Football Club in Irthlingborough, adjacent to the Nene Way public footpath and to the north east of the development site for the approved outpatient centre and employment units.

4 Policy Considerations

- 4.1 National planning policy
PPS1– Sustainable development
PPS25 – Development and flood risk

4.2 Regional Plan (RSS8)

On 10th November 2010 the High Court ruled that the Secretary of State's decision to revoke Regional Spatial Strategies was unlawful as it had been taken without primary legislation. Technically, therefore, the Regional Spatial Strategy for the East Midlands (RSS8) remains in place. A statement had been issued by the Government reiterating the intention to remove RSSs and that this should be treated as a material consideration. However, following further legal action, the High Court has since ordered that no regard should be placed on this intention prior to a full legal hearing and therefore the intention to abolish the RSS is no longer a material consideration.

Policy 1 – Regional core objectives

Policy 32 – Water resources and water quality

Policy 35 – Managing flood risk

4.3 North Northamptonshire Core Spatial Strategy 2008

Policy 13 – General sustainable development principles

4.4 Three Towns Plan Preferred Options

5 Relevant Planning History

5.1 09/00455/FUL – Employment (B1/B2/B8) units and new NHS centre – permitted 6/11/09

5.2 09/00585/FUL – Engineering works to provide flood compensation to facilitate part of business park development – permitted 6/11/09

5.3 Several older permissions for leisure, food and business development.

6 Consultations and Representations

6.1 Neighbours: Two letters received, making the following comments:

- Griggs – no objections or comments but refer to the Hill Fort Ancient Monument
- Rushden and Diamonds FC – has had two floods this year and is concerned that the outlet from the pond flows into a drainage channel on their land. Urge the Environment Agency and Anglian Water to consider if the proposals are safe and appropriate.

6.2 Irthlingborough Town Council: no objection.

6.3 Environment Agency: Object due to technical shortcomings in the submitted Flood Risk Assessment. However, discussions are underway between the applicant and the EA with a view to overcoming this objection, and additional information is being considered by the EA. The further comments of the EA will be reported to the committee via the update sheet.

6.4 Ramblers Association: no comments.

6.5 Natural England: no objection but suggest conditions regarding the protection of wintering birds and reptiles that may use the site and the inclusion of advisory notes regarding breeding birds, badgers and the developer's statutory obligations in relation to these.

6.6 Police: no objection / comment.

6.7 E-On Central Networks: do not object but draw applicant's attention to the network within the development site. Ask that there be no fishing allowed.

6.8 Highways Agency: no objection.

6.9 NCC Highways: no objection but state that any import or export of material would be a county matter, and request a condition to record the engineering works in relation to this (to ensure control).

6.10 NCC Policy: the development must accord with the Minerals and Waste Development Framework Core Strategy.

6.11 NCC Archaeology: suggest an archaeological recording condition.

6.12 ENC Conservation Officer: no comments.

6.13 ENC Landscape Officer: no objection subject to the prior submission and approval of a revised landscaping scheme.

6.14 A site notice was displayed. No other representations were received.

7 Evaluation

7.1 The main considerations in the determination of this proposal are the principle of development; visual impact; impact on neighbouring occupiers; flooding and drainage issues; highways issues and other matters.

7.2 Principle of development

7.2.1 The proposed flood attenuation ponds are necessary to facilitate the construction of the business park and outpatients centre that has been approved on the adjacent site. Given that the adjacent development is well underway and is due to provide significant benefits to the town and district, the principle of this facilitating development should also be supported.

7.2.2 Furthermore, as the principle of excavating large flood attenuation ponds on this site has been previously agreed under planning permission EN/09/00585/FUL, and as there has been no significant change in circumstances since this previous approval, there is no reason to oppose the principle of the slight relocation within the same overall site.

7.3 Visual impact

7.3.1 As with the previously approved flood attenuation ponds, the proposal is an engineered solution that involves excavation and changing land levels. The works however should not have a significant visual impact.

7.3.2 A condition is recommended to require the submission of a revised landscaping scheme in the interest of visual amenity.

7.4 Flooding and drainage issues

7.4.1

The principle of the flood attenuation ponds has previously been accepted as it would provide a satisfactory solution in terms of mitigating flood risk from the adjacent development. However, the implications of the proposed repositioning and re-profiling of the ponds needs to be properly assessed by the Environment Agency (EA) in order to establish that there will be no increased risk of flooding. A revised Flood Risk Assessment (FRA) has therefore been submitted in support of the application.

7.4.2

The EA was not satisfied with the submitted FRA and has requested more information to justify the proposed change in surface water parameters from that previously approved, and to demonstrate that this will not increase the flood risk. Further, it has requested evidence that the temporary land drain outfall will not increase the existing run-off rates to the watercourse. To account for climate change, further calculations to cover a 1 in 100 storm event have also been requested. Lastly, it requires confirmation that the temporary stockpiling of excavated material would take place outside of the floodplain.

7.4.3 In response to this objection, the applicant has submitted additional information to the EA for their consideration, which it is believed will overcome the outstanding issues. The further written comments of the EA will be reported to committee via the update sheet.

7.5 Ecological

7.5.1 The site forms part of a larger field. An ecological survey was carried out for the previous applications for this land and the outpatient centre and employment uses (ref EN/09/00445/FUL), and approval was given subject to conditions. Natural England has no objection to the current proposal subject to the imposition of the recommended conditions and informatives relating to the protection of reptiles, badgers and wintering and breeding birds.

7.6 Archaeological

7.6.1 The site is close to an ancient monument. The county archaeologist has commented that the impact on archaeological deposits is not an over-riding constraint on development provided that adequate provision is made for the investigation and recording of any remains that are affected. In line with the previous approval, a condition requiring a watching brief is recommended.

7.7 Highways and rights of way

7.7.1 Whilst the ponds would be adjacent to the Nene Way public footpath, they would be a significant way up the valley side and separated from the footpath by a mature hedge and ditch. The proposals would not adversely affect the use of this right of way. There are no other public highways in proximity of the proposals.

8 Other issues

8.1 Impact on neighbouring occupiers – whilst some concern has been raised in relation to flooding that has been experienced on neighbouring sites, the proposed works are for flood attenuation works which should improve rather than exacerbate the situation. The Environment Agency advise on technical matters of flood risk (see section 7.4 of this report).

8.2 Fishing – E-On Central Networks has requested that fishing is prohibited due to the presence of their network within the site. The use of the site as a fishing lake may also have additional planning implications that have not been considered here. The agent has agreed that there is not intention to allow fishing and that a condition prohibiting the use of the lake for fishing would not conflict with the aims of the scheme. A condition is therefore recommended.

8.3 Minerals – In line with the suggestion of NCC, and the approach taken on the previous planning permission, a condition is recommended to ensure that no soil is imported to or exported from the site.

9. Conclusion

9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS25, policies 1, 32 and 35 of the East Midlands Regional Plan, and policy 13 of the North Northamptonshire Core Spatial Strategy 2008. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as principle of development; visual impact; flooding and drainage issues; ecology; archaeology and other matters. The application has been recommended for approval as:

- The principle of the development is acceptable and is consistent with the development plan.
- The development would not harm the visual amenity or character of the area.
- The proposal would not have a significant impact on ecology or protected species.
- The proposal would not have a significant impact on archaeological remains.
- The proposal would not have an adverse impact in terms of drainage and flood risk.
- The proposal would not have an adverse impact on the local highway network or rights of way.

9 Conditions/Reasons -

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

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 the following details shall be submitted to and approved in writing by the local planning authority:

- Full engineering records to ensure that all soil is retained on site to form the new land profile (unless otherwise agreed in writing by the local planning authority)
- Full engineering records to ensure that no imported materials are delivered to the site to form the new land profile (unless otherwise agreed in writing by the local planning authority).

The development 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.

Reason: In the interest of highway safety and to clarify the terms of this permission.

3. Prior to the commencement of development a revised landscape scheme shall be submitted to and approved by the local planning authority in writing. This scheme shall be implemented in accordance with a scheme of implementation which shall have been submitted to and approved in writing by the local planning authority prior to the commencement of development. Any planting forming part of the approved landscape scheme which dies within 5 years of planting shall be replaced with planting of a size and species to be agreed in writing with the local planning authority.

Reason: In the interest of visual amenity.

4. Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive, except when approved in writing by the local planning authority, once they are satisfied that breeding birds will not be adversely affected.

Reason: To protect breeding birds.

5. Before development commences a working design, method statement and timetable of works (consistent with Ecological Appraisal) to mitigate any undue adverse ecological effects, including to reptiles, shall be submitted to and agreed with the local planning authority in writing. This shall address the proposed landscape and ecological enhancement proposals and shall be implemented as part of the development.

Reason: In the interests of ecology.

6. Prior to the commencement of development, a written specification relating to archaeological works shall be submitted to and agreed in writing with the local planning authority. This specification shall include provisions for a watching brief. Any archaeological remains which are found during the course of development shall be recorded.

Reason: The site is in close proximity to a Scheduled Ancient Monument and therefore the potential for archaeological remains is high.

7. The ponds hereby permitted shall not be used for the purpose of fishing.

Reason: To clarify the terms of this permission and to ensure that the planning implications of such a proposal could be adequately assessed.

Informatives

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

Drawing Nos 8595P003B, 859P004 and LCC/086/SK215RevP3 received by the local planning authority on 22 October 2010; and Flood Risk Assessment dated April 2009 and Flood Risk Assessment Addendum Report dated October 2010 received by the local planning authority on 22 October 2010

2. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS25, policies 1, 32 and 35 of the East Midlands Regional Plan, and policy 13 of the North Northamptonshire Core Spatial Strategy 2008. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as principle of development; visual impact; flooding and drainage issues; ecology; archaeology; highway issues and other matters. The application has been recommended for approval as:

- The principle of the development is acceptable and is consistent with the development plan.
- The development would not harm the visual amenity or character of the area.
- The proposal would not have a significant impact on ecology
 - The proposal would not have a significant impact on archaeological remains
 - The proposal would not have an adverse impact in terms of drainage and flood risk.
- The proposal would not have an adverse impact on the local highway network or rights of way.

3. Should an active bird nest be found during the development, an appropriate exclusion zone/stand-off area will be given until all young have hatched and fledged the nest.

4. Should a badger (or signs such as new setts, latrines, foraging evidence) be encountered at any stage during development, all works should cease and Natural England contacted immediately for further advice.