

## APPLICATIONS FOR DETERMINATION

### DEVELOPMENT CONTROL COMMITTEE - 25 May 2011

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# Committee Report

Committee Date : 25 May 2011

Printed: 11 May 2011

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Case Officer **Anna Lee**

**EN/10/02061/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>11 November 2010</b>	<b>11 November 2010</b>	<b>6 January 2011</b>	<b>Thrapston Lakes</b>	<b>Islip</b>

Applicant **Mr C Stoppord Sackville**

Agent **Fisher German LLP - Mr E Smith**

Location **Forge House 32 High Street Islip Kettering Northamptonshire NN14 3JS**

Proposal **Change of use from residential (C3 ancillary) use to B1 office use**

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## 1 Update

This item was deferred for a members' site visit at the committee meeting on 3 May 2011. Due to the recent local elections, the composition of the new DC committee will not be finalised until after 18 May 2011, meaning that the arrangements for the site visit have yet to be made. However it is hoped that the site visit can take place before 25 May 2011 in order to enable the application to be determined without further delay. Full analysis of the merits of the application is given in the officers report that was presented to the committee on 3 May 2011 (attached as appendix 1) and on the committee update sheet (attached as appendix 2).

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## APPENDIX 1: Report to Committee, 03/05/2011

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This application is brought forward for determination by Development Control Committee due to an objection from Islip Parish Council.

### 1.0 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

### 2.0 The Proposal

2.1 This application is for the change of use of an ancillary residential building to B1 use. The information accompanying the application refers to office use. The internal floorspace of the building is 51.24 square metres. The submitted plans show two separate office rooms, a kitchen and toilet.

2.2 Only minimal external alterations are proposed to the building. The external walls and roof covering are to remain as existing; limestone and pantiles. Windows and doors are however to be replaced on a like for like basis and the following external alterations are also included:

- New window in northern elevation
- Garage style door in east elevation replaced by wooden door and part glazed area with fixed timber door.

2.3 A small section of space is to be provided immediately to the rear of the office which is

enclosed by post and rail fencing and planting.

2.4 The application form states that the hours of opening are to be:

- Monday to Friday: 7.30 – 20.00
- Saturday: 8.00-18.00
- Sunday : 8.00 – 18.00

2.5 It is suggested that the office will have 2.5 full time equivalent employees.

2.6 Two parking spaces are proposed.

2.7 The building is Grade II listed.

2.8 Revised plans have been submitted which amend the design of the proposed new openings and include an area of land to the rear enclosed by a fence with planting within the curtilage of 32 High Street ( which is marked as “blue land” and thus within the control of the applicant. Re-consultation has been carried out. Any comments received will be reported on the Update Sheet.

### **3.0 The Site and Surroundings**

3.1 The site is located within the village of Islip and is surrounded by residential properties.

3.2 The building is single storey, constructed from stone with a pantile roof. The information accompanying the application indicates that it was once occupied as an Old Forge in conjunction with No 32 High Street, that it is not clear when this use ceased and that the building has been occupied separately from 32 High Street since it ceased to be used as a forge.

### **4.0 Policy Considerations**

4.1 National Planning Policy

PPS1 – Delivering Sustainable Development (incorporating new statement on climate change)

PPS4 – Planning for Town Centres

PPG13 – Transport

PPS5 – Planning and Historic Environment

PPG24 – Planning and Noise

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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. This decision has however now been challenged in the court of appeal.

Policy 1- Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 3 – Distribution of Development

Policy 18 – Regional Priorities for the Economy

Policy 24 – Regional Priorities for Rural Diversification

Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage  
Policy 27 – Regional Priorities for the Historic Environment  
Policy 38 – Regional Priorities for Waste Management  
Policy 48 – Regional Car Parking Standards

4.3 North Northamptonshire Core Spatial Strategy  
Policy 1 – Strengthening the network of settlements  
Policy 9 – Distribution and Location of Development  
Policy 13 – General Sustainable Development Principles  
Policy 14 – Energy Efficiency and Sustainable Construction

4.4 Northamptonshire County Structure Plan  
No relevant saved policies.

4.5 East Northamptonshire District Local Plan  
No relevant saved policies.

4.6 Rural North Oundle and Thrapston Plan  
  
Policy 1 – Settlement Roles  
Policy 2 – Windfall Development in Settlements

4.7 Other Relevant Policies / Documents  
  
NCC SPG – Crime and Disorder  
NCC SPG – Parking  
North Northamptonshire Sustainable Design SPD

## **5.0 Planning History**

5.1 Accompanying application for listed building consent ( EN/10/02062/LBC).

## **6.0 Consultations and Representations**

6.1 Islip Parish Council – Object to the application on the basis of:

- Potential serious parking issues in an already congested area, with a risk of little or no access for emergency vehicles
- Potential change of use of the building in the future
- Disturbance to neighbouring homes (noise, pollution etc) due to excessive working hours

6.2 Natural England – No objection subject to a condition relating to the timing of works, due to the presence of a disused swallow’s nest. The 4 recommendations of the ecologist in relation to bats should be adhered to.

6.3 Wildlife Trust – Pleased to see the protected species survey and support its recommendations, however as the main issue appears to relate to bats you should consult appropriately.

6.4 Northants Bat Group – No objections

6.5 Senior Conservation Officer – recommended the following changes to the scheme as submitted:

- Two part door with fan light over (east elevation) should be retained
- External joinery items should be painted not stained

- Limecrete floor slab instead of concrete

The amended plans have addressed these concerns. Conditions are recommended in relation to recording, external joinery and re-pointing of masonry.

6.4 English Heritage – it is not necessary to consult us. The application should be determined in accordance with national and local guidance.

6.5 Neighbours – 4 letters of objection from 30B and 30C High Street, 1 School Lane and Headmasters House, School Lane, the concerns being:

#### Parking and Highway Safety

- The occupants of Forge Cottage and other people frequently park opposite the parking area of 30C High Street and the driveway of 1 School Lane, making it difficult to get cars into School Lane. The proposal will exacerbate this as it will result in the loss of the parking in the existing lay-by to the front of Forge Cottage and only 2 parking spaces are proposed for the office which might have 3 employees. There might also be visitors to the office. If the proposal is accepted there should be a no parking zone opposite our parking area.
- School Lane is already congested with parking with vehicles on pavements
- High Street is also crowded
- Concerned about access for emergency vehicles
- It will not be possible to park the 2 vehicles in the space shown
- There have been 2 bad accidents at the School Lane junction in the last few months

#### Future Uses

- May be no restriction on the type of business
- It would be a short step to convert the office to residential
- It might set a precedent for the development of other land within the curtilage of Forge Cottage

#### Suitability of Building

- Unsuitable for conversion to offices as attached to dwelling.
- No rear access in case of fire or other emergency
- The building has been used as a dwelling until recently

#### Opening Hours

- Not acceptable in a small village
- The proposed hours will lead to traffic nuisance, noise nuisance and disruption to residents

#### Conservation Area and Listed Building

- The site is within/will be within a conservation area
- Prominent listed building and therefore the conversion would be harmful to the appearance and general ambience of the village.

#### B1 Use

- Not suitable for a small village community and may be against Structure Plan.
- No demand for this use

## 7.0 Evaluation

7.1 The issues which need to be considered are the principle of the change of use to an office, visual amenity, the impact on the listed building and the setting of neighbouring listed buildings, the impact on residential amenity, highway safety and ecology.

### 7.2 Principle of B1 Use

7.2.1 PPS4 requires Local Planning Authorities to consider proposals for economic development favourably. The site is located within the settlement boundary of Islip, as defined in the Rural North Oundle and Thrapston Plan. Development for employment purposes is therefore acceptable and in accordance with policies 1 and 11 of the North Northamptonshire Core Spatial Strategy and Policies 1 and 2 of the Rural North Oundle and Thrapston Plan, which allow for development for employment purposes within village boundaries. Policy 2 of the Rural North Oundle and Thrapston plan requires such development to be of a scale and nature appropriate to the location and character of the locality and this is considered further below.

### 7.3 Impact on Visual Amenity

7.3.1 The application has been revised to ensure that the proposed alterations are compatible with the character of the building. The revisions to the scheme ensure that the simple non-domestic character of the outbuilding is retained.

### 7.4 Impact on listed buildings

7.4.1 The alterations to the scheme ensure the retention of the historic fabric and character of this listed building.

### 7.5 Impact on Residential Amenity

7.5.1 A B1 use, by definition is a use which is capable of being carried out within a residential area without any detrimental impact to amenity. The building is very small and would only realistically accommodate a small business. A condition is recommended however to ensure that the building is not subdivided into separate offices.

7.5.2 B1 use also includes light industrial use. Whilst this should also be capable of taking place within a residential area without any harm to residential amenity due to the close relationship with residential properties and location within the centre of the village a condition is recommended restricting the use to office use only.

7.5.3 The Parish Council express concern about the excessive work hours. A condition is therefore recommended to restrict the hours at the weekend.

### 7.6 Highway safety

7.6.1 The Parish Council and local residents express concern about parking however highways do not object to the proposal. The SPG in relation to parking sets out a maximum parking provision of 1 space per 30 sq m for B1 uses. The gross floorspace of the B1 use would be 72 sq m and 2 parking spaces are proposed. The proposal therefore accords with standards. Whilst the access to the parking is from a small layby, it is at the end of the layby and this relationship should not stop the spaces being used.

7.6.2 It would appear that the residents of 32 High Street do not use this site for parking and therefore the proposal would be unlikely to result in an increase in on street parking.

## 7.7 Ecology

7.7.1 Natural England, the Wildlife Trust and the Bat Group are all happy with the ecological survey which has been submitted. The main issue relates to bats. Conditions are recommended in accordance with advice.

## 8.0 Other matters:

8.1 Crime – No issues emerge

8.2 Disabled access – The building is not to be publicly accessible.

8.3 Future proposals - The conversion of office to residential and the subdivision of the garden would require separate planning applications which would need to be considered on their own merits.

8.4 Access for emergency vehicles - Whilst there would be no rear access due to the size of the offices access for emergency vehicles could easily be from the front.

8.5 Demand – the Design and Access Statement outlines that the applicant is aware of demand for office units of the size proposed.

8.6 Islip is not a Conservation Area.

## 9.0 Conclusion

In recommending this application for approval the relevant planning guidance and policies were identified as PPS1, PPS4, PPS5, PPG13 and PPG14, Regional Spatial Strategy Policies 1, 2, 3,18,24,26,27,38,48, North Northamptonshire Core Spatial Strategy, policies 1,9,13,and 14, Rural North Oundle and Thrapston Plan policies 1 and 2, Planning out Crime SPG, Parking SPG, North Northamptonshire Sustainable Design SPD. Having regard to these, the representations received, and any other material considerations, the main issues were identified as the principle of the development, visual impact, the impact on listed buildings, impact on residential amenity, highway safety and ecology. The application has been recommended for approval as:

The principle of the use would be acceptable

There would not be an adverse visual impact

There would be no impact on the character and historic interest or setting of the listed building

The impact on residential amenity would be acceptable

There would not be an impact on highway safety

There would be no ecological interests subject to the imposition of conditions.

## 10.0 Recommendation

10.1 That planning permission be GRANTED subject to the imposition of conditions

### Conditions/Reasons -

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

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

2. The development hereby permitted shall be used as an office only ( Class B1(a) and for no other purpose within class B1 of the Use Classes Order 1987 ( as amended) or any order amending or revoking this order.

Reason: In order to clarify the terms of this planning permission and to safeguard the

amenity of adjacent occupiers.

3. Prior to the commencement of development details of hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason: In the interest of visual amenity.

4. Prior to the first use of the development hereby permitted the parking spaces shall be provided and thereafter shall be retained.

Reason: In the interest of highway safety

5. Prior to the commencement of development a landscape scheme, to provide a screen between the proposed office and residential property in accordance with the details shown on drawing ref 8232/2C received on 10 March 2011 shall be submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out within the first planting season following occupation of the office. Any planting which dies within a period of 5 years from planting shall be replaced with species and size of plants to be agreed in writing with the Local Planning Authority.

Reason: In the interest of amenity.

6. Prior to the commencement of development a scheme for the recording of the building by a competent building archaeologist shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with this approved scheme.

Reason: So that a record can be made of the historic interest of the building.

7. Prior to the commencement of development, drawings at a scale of 1:20, for all joinery shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the historic character, fabric and appearance of the Grade II Listed Building and its setting.

8. Samples/precise details of all materials to be used for the repair/reconstruction of the external and internal surfaces of the buildings including all bricks, stone, slates, mortar, render and plaster shall be required to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. The development will thereafter be required to be carried out in accordance with the approved particulars and retained in perpetuity.

Reason: In the interests of preserving the historic character, fabric and appearance of the Grade II Listed Building and its setting.

9. Notwithstanding the submitted details limecrete shall be used for the floor slab and not concrete.

Reason: In the interests of preserving the historic character, fabric and appearance of the Grade II Listed Building and its setting.

10. The development shall be carried out strictly in accordance with the plans received on 10 March 2011 ( ref 8232/2C).

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

11. Development shall be carried out in accordance with the summary and recommendations of the Protected Species Survey.

Reason: To ensure that the development does not harm protected species.

12. Operations that involve the destruction and 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: To protect breeding birds

13. The premises shall only be occupied by one business and the office use (B1(a) hereby permitted shall not be subdivided into separate units.

Reason: To ensure that there is no intensification in the use.

14. The office (B1(a) Use) shall only be used during the following hours, unless otherwise agreed in writing by the Local Planning Authority:

Monday to Friday: 7.30 to 20.00

Saturday: 8:00 to 13:00

The office shall not be used on Sundays or Bank Holidays.

Reason: In the interest of residential amenity.

## **Informatives**

1. In approving this application for approval the relevant planning guidance and policies were identified as PPS1, PPS4, PPS5, PPG13 and PPG14, Regional Spatial Strategy Policies 1, 2, 3, 18, 24, 26, 27, 38, 48, North Northamptonshire Core Spatial Strategy, policies 1, 9, 13, and 14, Rural North Oundle and Thrapston Plan policies 1 and 2, Planning out Crime SPG, Parking SPG, North Northamptonshire Sustainable Design SPD. Having regard to these, the representations received, and any other material considerations, the main issues were identified as the principle of the development, visual impact, the impact on listed buildings, impact on residential amenity, highway safety and ecology. The application has been approved as:

The principle of the use would be acceptable

There would not be an adverse visual impact

There would be no impact on the character and historic interest or setting of the listed building

The impact on residential amenity would be acceptable

There would not be an impact on highway safety

There would be no ecological interests subject to the imposition of conditions.

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## **APPENDIX 2: Committee update sheet, 03/05/2011**

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**Islip Parish Council** – Objection, and reasons summarised below:

- Possibility of excessive number of vehicles and inconsiderate parking issues, which would cause motoring difficulties and visibility issues for residents of School Lane;
- Access for emergency vehicles who could find it difficult/impossible to reach School Lane;
- Parking problems for neighbours;
- Detriment to the ambience of the village;
- Noise, disturbance and pollution;
- Excessive working hours at seven days a week; and
- Fears of potential change of use of the building in the future.

**Stable Cottage, Islip**, with reasons for objection summarised below:

- “This is an old and charming building which has been used as a family home for many years”;
- Effect on neighbour residential amenity and disruption to their living standards;
- There is already an existing parking problem in the area and the proposal would increase parking;

- “I do not believe that there is a demand for this type of accommodation in the village”;
- “The use of the parking bay which crosses the driveway area will greatly affect the view for vehicles leaving School Lane”

**Officer comments:**

- This proposal is for a small office and therefore is unlikely to generate significant parking issues. There are two parking spaces in front of the proposed office and a parking bay in front of the site. On-street parking is also available on the surrounding roads along Toll Bar Road and Chapel Hill.
- The problems with vehicular parking and access for emergency vehicles along School Lane is an existing situation. Access to the proposal would be via Chapel Hill and therefore is unlikely to worsen the existing situation.
- Conditions have been recommended to control the type of office use and opening hours (conditions 2 and 14) to help prevent undue disturbance to neighbours and help to safeguard local amenity.
- The council does not hold any information to suggest that there is no a demand for office accommodation in Islip.
- The fears of potential change of use of the building in the future is not a material planning consideration and each application would need to be considered on its own planning merits.

# Committee Report

Committee Date : 25 May 2011

Printed: 11 May 2011

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Case Officer **Anna Lee**

**EN/10/02062/LBC**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>11 November 2010</b>	<b>11 November 2010</b>	<b>6 January 2011</b>	<b>Thrapston Lakes</b>	<b>Islip</b>

Applicant **Mr C Stoppord Sackville**

Agent **Fisher German LLP - Mr E Smith**

Location **32 High Street Islip Kettering Northamptonshire NN14 3JS**

Proposal **Conversion of existing domestic ancillary building to two offices, a WC, kitchen area and two off-road parking spaces. Works to include - main office: replacement of garage-style door (to front elevation) with a timber-framed glazed opening; the secondary office: front elevation to be constructed of a block work wall with sectional timber cladding and centrally located timber-framed window**

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## 1 Update

This item was deferred for a members' site visit at the committee meeting on 3 May 2011. Due to the recent local elections, the composition of the new DC committee will not be finalised until after 18 May 2011, meaning that the arrangements for the site visit have yet to be made. However it is hoped that the site visit can take place before 25 May 2011 in order to enable the application to be determined without further delay. Full analysis of the merits of the application is given in the officers report that was presented to the committee on 3 May 2011 (attached as appendix 1) and on the committee update sheet (attached as appendix 2).

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## APPENDIX 1: Report to Committee, 03/05/2011

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This application is brought forward for determination by Development Control Committee due to an objection from Islip Parish Council to the accompanying full planning application.

### 1.0 Summary of Recommendation

1.1 That listed building consent be GRANTED subject to conditions.

### 2.0 The Proposal

2.1 This application is for the conversion of an ancillary residential building to office use with two rooms to be used as office space, a WC and kitchen. The internal floorspace of the building is 51.24 square metres.

2.2 Only minimal external alterations are proposed to the building. The external walls and roof covering are to remain as existing; limestone and pan tiles. Windows and doors are however to be replaced on a like for like basis and the following external alterations are also included:

- New window in northern elevation
- Garage style door in east elevation replaced by wooden door and part glazed area with fixed timber door.

2.3 Internally the space is to be subdivided as set out in paragraph 2.1 above.

2.4 The building is Grade II listed.

2.5 Revised plans have been submitted which amend the design of the proposed new openings and include an area of land to the rear enclosed by a fence with planting within the curtilage of 32 High Street ( which is marked as "blue land" as being within the control of the applicant) Re-consultation has been carried out.

### **3.0 The Site and Surroundings**

3.1 The site is located within the village of Islip and is surrounded by residential properties.

3.2 The building is single storey, constructed from stone with a pantile roof. The information accompanying the application indicates that it was once occupied as an Old Forge in conjunction with No 32 High Street, that it is not clear when this use ceased and that the building has been occupied separately from 32 High Street since it ceased to be used as a forge.

### **4.0 Policy Considerations**

4.1 National Planning Policy

PPS1 – Delivering Sustainable Development (incorporating new statement on climate change)

PPS5 – Planning and Historic Environment

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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. This decision has however now been challenged in the court of appeal.

Policy 1- Regional Core Objectives

Policy 2 – Promoting Better Design

Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage

Policy 27 – Regional Priorities for the Historic Environment

4.3 North Northamptonshire Core Spatial Strategy

Policy13 – General Sustainable Development Principles

4.4 Northamptonshire County Structure Plan

No relevant saved policies.

4.5 East Northamptonshire District Local Plan

No relevant saved policies.

4.6 Rural North Oundle and Thrapston Plan

None relevant

- 4.7 Other Relevant Policies / Documents  
None relevant

## 5.0 Planning History

- 5.1 Accompanying application for full planning permission( EN/10/02061/FUL).

## 6.0 Consultations and Representations

- 6.1 Islip Parish Council – Objected to the full application on the basis of:

- Potential serious parking issues in an already congested area, with a risk of little or no access for emergency vehicles
- Potential change of use of the building in the future
- Disturbance to neighbouring homes (noise, pollution etc) due to excessive working hours

- 6.2 Senior Conservation Officer – recommended the following changes to the scheme as submitted:

- Two part door with fan light over (east elevation) should be retained
- External joinery items should be painted not stained
- Limecrete floor slab instead of concrete

The amended plans have addressed these concerns. Conditions are recommended in relation to recording, external joinery and re-pointing of masonry.

- 6.3 English Heritage – The application should be determined in accordance with national and local guidance.

- 6.4 Neighbours – 4 letters of objection from 30B and 30C High Street, 1, School Lane and Headmasters House, School Lane, the concerns being:

### Parking and Highway Safety

- The occupants of Forge Cottage and other people frequently park opposite the parking area of 30C High Street and the driveway of 1 School Lane, making it difficult to get cars into School Lane. The proposal will exacerbate this as it will result in the loss of the parking in the existing lay-by to the front of Forge Cottage and only 2 parking spaces are proposed for the office which might have 3 employees. There might also be visitors to the office. If the proposal is accepted there should be a no parking zone opposite our parking area.
- School Lane is already congested with parking with vehicles on pavements
- High Street is also crowded
- Concerned about access for emergency vehicles
- It will not be possible to park the 2 vehicles in the space shown
- There have been 2 bad accidents at the School Lane junction in the last few months

### Future Uses

- May be no restriction on the type of business
- It would be a short step to convert the office to residential
- It might set a precedent for the development of other land within the curtilage of Forge Cottage

### Suitability of Building

- Unsuitable for conversion to offices as attached to dwelling.

- No rear access in case of fire or other emergency
- The building has been used as a dwelling until recently

#### Opening Hours

- Not acceptable in a small village
- The proposed hours will lead to traffic nuisance, noise nuisance and disruption to residents

#### Conservation Area and Listed Building

- The site is within/will be within a conservation area
- Prominent listed building and therefore the conversion would be harmful to the appearance and general ambience of the village.

#### B1 Use

- Not suitable for a small village community and may be against Structure Plan.
- No demand for this use

### 7.0 Evaluation

7.1 The sole issues which needs to be considered for this listed building consent application is the impact on the historical integrity character and setting of the listed building.

7.2 Impact on listed building

7.2.1 The application has been revised to ensure that the proposed alterations are compatible with the character of the building. The revisions to the scheme ensure that the simple non-domestic character of the outbuilding is retained. The alterations to the scheme ensure the retention of the historic fabric.

### 8.0 Other matters:

8.1 Residents raise a number of issues which are not relevant to the consideration of an application for listed building consent and these have been considered under the accompanying application for full planning permission.

### 9.0 Recommendation

9.1 That listed building consent be GRANTED subject to the imposition of conditions

#### Conditions/Reasons -

1. The works/demolition permitted shall be begun not later than 3 years from the date of this consent.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of development a scheme for the recording of the building by a competent building archaeologist shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with this approved scheme.

Reason: So that a record can be made of the historic interest of the building.

3. Prior to the commencement of development, drawings at a scale of 1:20, for all joinery shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the historic character, fabric and appearance of the Grade II Listed Building and its setting.

4. Samples/precise details of all materials to be used for the repair/reconstruction of the external and internal surfaces of the buildings including all bricks, stone, slates, mortar, render and plaster shall be required to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. The development will thereafter be required to be carried out in accordance with the approved particulars and retained in perpetuity.

Reason: In the interests of preserving the historic character, fabric and appearance of the Grade II Listed Building and its setting.

5. Notwithstanding the submitted details limecrete shall be used for the floor slab and not concrete.

Reason: In the interests of preserving the historic character, fabric and appearance of the Grade II Listed Building and its setting.

6. The development shall be carried out strictly in accordance with the plans received on 10 March 2011 ( ref 8232/2C).

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

## **Informatives**

1. In approving this application the relevant planning guidance and policies were identified as PPS1 and PPS5, Regional Spatial Strategy Policies 26 and 27, North Northamptonshire Core Spatial Strategy, policy 13. Having regard to these, the representations received, and any other material considerations, the main issues were identified as the principle of the development, visual impact, the impact on listed buildings, impact on residential amenity, highway safety and ecology. The application has been approved as:

There would be no impact on the character and historic interest or setting of the listed building

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## **APPENDIX 2: Committee update sheet, 03/05/2011**

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**Islip Parish Council** – Objection, and reasons summarised below:

- Possibility of excessive number of vehicles and inconsiderate parking issues, which would cause motoring difficulties and visibility issues for residents of School Lane;
- Access for emergency vehicles who could find it difficult/impossible to reach School Lane;
- Parking problems for neighbours;
- Detriment to the ambience of the village;
- Noise, disturbance and pollution;
- Excessive working hours at seven days a week; and
- Fears of potential change of use of the building in the future.

**Stable Cottage, Islip**, with reasons for objection summarised below:

- “This is an old and charming building which has been used as a family home for many years”;
- Effect on neighbour residential amenity and disruption to their living standards;
- There is already an existing parking problem in the area and the proposal would increase parking;
- “I do not believe that there is a demand for this type of accommodation in the village”;

- “The use of the parking bay which crosses the driveway area will greatly affect the view for vehicles leaving School Lane”

**Officer comments:**

- This proposal is for a small office and therefore is unlikely to generate significant parking issues. There are two parking spaces in front of the proposed office and a parking bay in front of the site. On-street parking is also available on the surrounding roads along Toll Bar Road and Chapel Hill.
- The problems with vehicular parking and access for emergency vehicles along School Lane is an existing situation. Access to the proposal would be via Chapel Hill and therefore is unlikely to worsen the existing situation.
- Conditions have been recommended to control the type of office use and opening hours (conditions 2 and 14) to help prevent undue disturbance to neighbours and help to safeguard local amenity.
- The council does not hold any information to suggest that there is no a demand for office accommodation in Islip.
- The fears of potential change of use of the building in the future is not a material planning consideration and each application would need to be considered on its own planning merits.



# Committee Report

Committee Date : 25 May 2011

Printed: 11 May 2011

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Case Officer **Susan Scott**

**EN/11/00021/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>10 January 2011</b>	<b>3 February 2011</b>	<b>31 March 2011</b>	<b>Rushden Spencer</b>	<b>Rushden</b>

Applicant **Rushden Permanent Allotment And Smallholding Society Ltd**

Location Allotment Gardens Woodland Road Rushden Northamptonshire

Proposal **Converted portakabin into a garden room**

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This item was deferred for a members' site visit at the committee meeting on 3 May 2011. Due to the recent local elections, the composition of the new DC committee will not be finalised until after 18 May 2011, meaning that the arrangements for the site visit have yet to be made. However it is hoped that the site visit can take place before 25 May 2011 in order to enable the application to be determined without further delay. Full analysis of the merits of the application is given in the officers report that was presented to the committee on 3 May 2011 (attached as appendix 1).

## Update

The following information was included on the update sheet for the 3 May meeting:

The correct location of the garden room is as shown on the site layout and not on the location plan. Due to the bank holidays and the Secretary to the Allotment Society being unavailable, it has not been possible to get an amended location plan submitted prior to the Committee date.

The officer's report has been written on the basis of the correct location of the garden room and it is therefore recommended that the decision to grant be delegated to the Head of Planning Services following receipt of the amended location plan.

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## APPENDIX 1

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The application has been brought to Committee due to the sensitive nature of the proposal.

### 1 Summary of Recommendation

1.1 The application be GRANTED subject to conditions.

### 2 The Proposal

2.1 The application has been submitted retrospectively for the erection of a garden room to replace a previously sited portakabin.

### 3 The Site and Surroundings

3.1 The site forms a small part of the eastern edge of the allotment gardens situated at the

end of Quorn Road and Woodland Road Rushden.

- 3.2 The allotment gardens measure approximately 5 hectares in total and consist of individual allotments of varying size.
- 3.3 Vehicular access is via a gated entrance in Quorn Road. Pedestrian access can also be gained from Woodland Road. A dirt roadway runs round the site and the garden room is to the right of this roadway at a distance of approximately 25 metres from the vehicular access and not 55 metres as shown on the plans.
- 3.4 The allotments themselves have industrial buildings on Crown Park to the west, open countryside leading to Rushden Community College to the north and the gardens of properties of Wellingborough Road to the south.
- 3.5 The site of the garden room has properties in Woodland Road and Quorn Road directly to the east.

## **4 Policy Considerations**

- 4.1 National Planning Policy Guidance Notes/Statements  
PPS1 – Delivering Sustainable Development  
PPG17 - Planning for open space, sport and recreation  
PPG24 - Planning and Noise

- 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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Court of Appeal, although it is not known when a decision will be made in this regard.

Policy 2 - Promoting Better Design

- 4.3 North Northamptonshire Core Spatial Strategy, June 2008  
Policy 13 – General Sustainable Development Principles

## **5 Relevant Planning History**

- 5.1 EN/09/01746/QPD - Temporary "Jack Leg" cabin on allotment land. The applicant was advised that planning permission would be required on 19.10.2009 and pre-application advice was sought for the existing portacabin at the site.
- 5.2 Due to conflicting advice from an external source, no formal application was submitted until 10.01.2011, by which time the portacabin had been replaced by a wooden garden room.

## **6 Consultations and Representations**

- 6.1 Neighbours: Three objections and two comments.  
Objections:

- Does not have planning permission
- Fitted with electrics and gas by unqualified fitter
- No provision for foul water collection or disposal
- Generator will be installed for electric with associated noise issues
- Will be a magnet for vandals
- Existing problems with inconsiderate allotment users leaving car engines running and

- car radios blaring out
- Why in this location?
- Food could attract vermin
- Increased vehicle movements, more noise, increased fire risk and close to large trees

Comments:

- This will change the use of the field by opening a gateway to future development
- Not everyone on the allotments has access
- Not intended for use as a garden room
- Planning permission not applied for or granted before development took place.
- Problems regarding bonfires
- Parking problems and noise from vehicles

6.2 Rushden Town Council: No objection but comments as follows:

- Concerns over retrospective application
- Discharge of soakaway needs addressing
- Drawings show inaccuracies
- Building should only be used by allotment holders
- Parking in Woodland Road should be monitored

## 7 Evaluation

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

7.2 Principle of development

7.2.1 PPG 17 states that planning authorities may wish to allow small scale structures where these would support existing recreational uses but should ensure that all proposed development takes account of, and is sensitive to, the local context.

7.2.2 The allotment site already supports a recreational use, and the proposed development is aimed at providing extra facilities for the users of the site.

7.2.3 The garden room measures 9 metres by 5 metres with a maximum ridge height of 5.25 metres and therefore is a small scale structure as regards the allotment site as a whole. The proposed location, close to adjacent properties, shields the structure from the main open view of the allotments, and the choice of materials is sympathetic to the local context and reflects a gardening theme. The proposal therefore satisfies the requirements of PPG17.

7.3 Visual Impact

7.3.1 The location of the structure means it is not visible from the streetscene. A limited view can be gained from numbers 59 and 66 Woodland Road

7.3.2 The garden room is of timber construction, is located close to the boundary of the site and is single storey. The visual impact is not of sufficient impact to warrant refusal.

7.4 Impact on neighbouring amenity

7.4.1 The garden room is located at the rear boundary of the garden to number 52 Quorn Road. This garden has a row of large trees at its perimeter adjacent to the allotment site.

7.4.2 There are no issues of overshadowing or overlooking due to the height of the garden room. However, the main concerns raised are related to noise implications.

7.4.3 PPG24 suggests a number of measures which can be implemented to mitigate the

impact of noise. These measures can be introduced to control the source of, or limit the exposure to, noise. These can include restricting operating hours and restricting noise related activities.

7.4.4 The site has no mains electricity which means there are no means of artificial light inside the building. The design and access statement which forms part of the application states that it will only be used during daylight hours. One objection related to the use of a generator for the production of electricity. If the use is intended to take place during daylight hours it would therefore be reasonable to attach a condition to any permission to prevent the generation of electricity at the site.

7.4.5 Despite the use of the building being intended for daylight hours, in the summer months this can be until very late in the evening. Therefore a restriction on hours of use of the building would ensure that there is no noise disturbance late into the evening.

7.4.6 The proposed use of the building is for members to have meetings, open days and various small gardening events during the year. A further restrictive condition would prevent the use of amplified speech or music being used at any such events. Although difficult without electricity this could be possible.

## **8 Other Issues**

8.1 Crime and Disorder – It is considered that there are no crime and disorder issues relevant to this application. The site is secured behind locked gates at night and there is no evidence of previous vandalism to existing structures.

8.2 Access for the Disabled - No disabled issues are considered relevant to the determination of this application

8.3 The fact that the application is retrospective is not a material planning consideration

8.4 Parking and vehicle movements - Parking provision is provided at the site. The matter of on road parking in Quorn Road and Woodland road is not a material planning consideration. Obstructive parking is a police matter. There will be no increase in the numbers of users of the allotments therefore it is unlikely there will be an increase in vehicle movements.

8.5 Smoke and vermin - Both these issues can be addressed by Environmental Health legislation.

8.6 Safety considerations - The building has been the subject of an inspection in relation to Building Regulations and will continue to be monitored.

8.7 Open access - The building will only be used by members of the Allotment Society. A register will be provided for members to complete which will be available for inspection.

## **9 Conclusion**

9.1 In recommending this application for approval the relevant planning guidance and policies were identified as PPS1, PPG17, PPG24 and North Northamptonshire Core Spatial Strategy Policy 13. Having regards to these, the representations received and any other material considerations, the main issues were identified as the principle of the development, visual impact and impact on neighbouring amenity. The application has been recommended for approval as:

1. The siting and design of the proposal is acceptable and the development would not harm the visual amenity of the street scene.
2. The proposal would not have significant impact on the amenities of neighbouring occupiers.

## 10 Recommendation

That the application be GRANTED subject to the following conditions:

### Conditions/Reasons -

1. No form of internal or external means for the generation of electricity shall take place at the development hereby approved.  
Reason: In the interest of residential amenity.
2. The development hereby permitted shall only be open for use during the hours of 08:00 to 21:00, Monday to Friday; 09:00 to 21:00 on Saturday and 10:00 to 20:00 on Sunday.  
Reason: In the interest of residential amenity.
3. No amplified sound or other music shall be played in the premises.  
Reason: In the interest of residential amenity
4. No floodlighting or other means of external illumination shall be provided in connection with the development.  
Reason: In the interest of residential amenity.

### Informatives

1. The drawings to which this decision relates are as follows:  
Drawing No.s  
Location Plan  
Site Plan  
DRWG 1  
DRWG 2  
DRWG 3  
DRWG 4  
DRWG 5  
DRWG 6  
DRWG 7  
Received by the Local Planning Authority on 10.01.2011

# Committee Report

Committee Date : 25 May 2011

Printed: 11 May 2011

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Case Officer **Amie Baxter**

**EN/11/00133/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>27 January 2011</b>	<b>27 January 2011</b>	<b>24 March 2011</b>	<b>Lower Nene</b>	<b>Cotterstock</b>

Applicant **Mr And Mrs Rowlett**

Agent **Vale Garden Houses - Mrs A Simms**

**Location** Vicarage Farm Cottage Main Street Cotterstock Peterborough  
Northamptonshire PE8 5HD

Proposal **Erection of a single storey timber and double glazed garden room extension and formation of new access**

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This item was deferred for a members' site visit at the committee meeting on 3 May 2011. Due to the recent local elections, the composition of the new DC committee will not be finalised until after 18 May 2011, meaning that the arrangements for the site visit have yet to be made. However it is hoped that the site visit can take place before 25 May 2011 in order to enable the application to be determined without further delay. Full analysis of the merits of the application is given in the officers report that was presented to the committee on 3 May 2011 (attached as appendix 1).

## Update:

The following additional information was included on the update sheet to committee of 03/05/11.

Cotterstock Parish Council was consulted on the application, rather than Collyweston Parish Council as suggested in the officers report.

The application was called to DC Committee by Cllr Richardson.

The Conservation Officer objects to the proposed development for the reasons given at point 5.1 of the case officers report.

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## Appendix 1

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The application has been brought before the Development Control Committee at the request of a local councillor.

### 1 Summary of Recommendation

1.1 That permission be REFUSED.

### 2. The Proposal

2.1 The application is for the erection of a timber, double glazed garden room on the front (west) elevation of the property. The design of the proposed garden room has been improved since the previous submission (which was withdrawn) and now consists of a

simple timber framed structure on a stone base with a pitched roof. The garden room is to be heavily glazed with two access doors.

- 2.2 A window opening in the front elevation would need to be enlarged to form a doorway from the house into the garden room.

### **3 The Site and Surroundings**

- 3.1 The subject dwelling is a Grade II listed, end terraced property, constructed from natural stone under a Collyweston slate roof. All existing windows and doors are timber and painted white.
- 3.2 The dwelling is positioned with its principal elevation facing over an associated garden area to the west, although the rear elevation is very prominent as it is positioned adjacent to the main vehicular access track into the property.
- 3.3 The dwelling is surrounded by residential development with the exception of Manor Farm to the north.

### **4 Policy Considerations**

- 4.1 National Planning Policy Guidance  
PPS1– Sustainable Development  
PPS5 – Planning and Historic Environment

#### **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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Court of Appeal, although it is not known when a decision will be made in this regard.

Policy 2-Promoting Better Design.

Policy 27- Regional Priorities for the Historic Environment

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

4.4 Rural North, Oundle and Thrapston Plan (Inspector's Modifications 8 Jul 2009) – The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination on 8th 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  
Residential Extensions and Alterations Design Guide, Oct 1998

### **5 Relevant Planning History**

- 5.1 10/01583/FUL Erection of a timber garden room. This application was withdrawn following comments from the Conservation Officer. The Conservation Officer was opposed the design of the garden room and did not support the positioning of the garden room on the front elevation of the listed building, suggesting that it would be more acceptable if positioned on the north elevation. The applicants have since re-designed the proposed garden room but have not altered the positioning.

## **6 Consultations and Representations**

6.1 Neighbours: No comments received.

6.2 Collyweston Parish Council: No comments received. Any comments which are received shall be reported on the committee update sheet.

6.3 Local Highway Authority: No objection.

## **7 Evaluation**

7.1 The main considerations in the determination of this proposal are its design and visual impact, impact on neighbouring amenities and the impact on listed building.

7.2 Design and visual impact

7.2.1 The design of the proposed garden room is considered to be acceptable in that it is of simple construction, layout and appearance. The use of timber and glazing is also acceptable.

7.2.2 It is the positioning of the proposed garden room along the principle elevation of the listed property which is the concern. The property is somewhat unusual in that its principle elevation faces away from the main pedestrian and vehicular approach to the dwelling. Therefore, the front elevation of the property is hidden from view and does not form part of the streetscene.

7.2.3 Nevertheless, considering that the building is Grade II listed, the erection of a garden room on the principle elevation is unacceptable, in that it would clutter the front elevation and would prevent it from being read in its entirety. The dwelling forms part of a terrace and all other dwellings in the terrace remain relatively untouched externally. To permit the proposed extension would erode the simple and original character of the subject property and the terrace as a whole.

7.2.4 It is also important to consider the precedent that an approval of this application may set for other dwellings within the terrace. If all dwellings were to erect similar extensions, then the character and appearance of the entire terrace would be compromised beyond recognition. The proposed development should therefore be refused.

7.3 Impact on the Listed Building

7.3.1 In addition to the points raised at 7.2, the proposed development would further erode the character and fabric of the listed building by increasing the existing window opening to form a door way.

7.4 Neighbouring amenity

7.4.1 Given the proposed positioning of the garden room away from any neighbouring properties, and as the scale of the structure would be modest, no overbearing impact or overshadowing would occur. No further overlooking would occur.

## **8 Other issues**

8.1 Adequate private amenity space would remain within the surrounding curtilage.

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



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

### **Recommendation**

10.1 That the application be REFUSED for the following reasons:

#### **Conditions/Reasons -**

1. The proposed garden room extension, by virtue of its positioning on the principle elevation of the main dwelling, would detract from the building's character and appearance, to the detriment of its special architectural and historic interest. The development, as such, is contrary to PPS1, Policy HE9 of PPS5, Policy 27 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

### **Informatives**

1. The drawings to which this decision relates are as follows: A2Q7670/2bP, A2Q7670/2b, A3Q 7670/2b, A2Q7670/2b  
Received by the Local Planning Authority on 27.01.11

## Committee Report

Committee Date : 25 May 2011

Printed: 11 May 2011

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Case Officer **Amie Baxter**

**EN/11/00134/LBC**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>27 January 2011</b>	<b>27 January 2011</b>	<b>24 March 2011</b>	<b>Lower Nene</b>	<b>Cotterstock</b>

Applicant **Mr And Mrs Rowlett**

Agent **Vale Garden Houses - Mrs A Simms**

**Location** Vicarage Farm Cottage Main Street Cotterstock Peterborough  
Northamptonshire PE8 5HD

Proposal **Erection of a single storey timber and double glazed garden room extension and formation of new access**

---

This item was deferred for a members' site visit at the committee meeting on 3 May 2011. Due to the recent local elections, the composition of the new DC committee will not be finalised until after 18 May 2011, meaning that the arrangements for the site visit have yet to be made. However it is hoped that the site visit can take place before 25 May 2011 in order to enable the application to be determined without further delay. Full analysis of the merits of the application is given in the officers report that was presented to the committee on 3 May 2011 (attached as appendix 1).

### Update:

The following additional information was included on the update sheet to committee of 03/05/11

Cotterstock Parish Council was consulted on the application, rather than Collyweston Parish Council as suggested in the officers report.

The application was called to DC Committee by Cllr Richardson.

The Conservation Officer objects to the proposed development for the reasons given at point 5.1 of the case officers report.

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### Appendix 1

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The application has been brought before the Development Control Committee at the request of a local councillor.

#### 1 Summary of Recommendation

1.1 That permission be REFUSED.

#### 2. The Proposal

2.1 The application is for the erection of a timber, double glazed garden room on the front

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(west) elevation of the property. The design of the proposed garden room has been improved since the previous submission (which was withdrawn) and now consists of a simple timber framed structure on a stone base with a pitched roof. The garden room is to be heavily glazed with two access doors.

- 2.2 A window opening in the front elevation would need to be enlarged to form a doorway from the main house into the garden room.

### **3 The Site and Surroundings**

- 3.1 The subject dwelling is a Grade II listed, end terraced property, constructed from natural stone under a Collyweston slate roof. All existing windows and doors are timber and painted white.
- 3.2 The dwelling is positioned with its principal elevation facing over an associated garden area to the west, although the rear elevation is very prominent as it is positioned adjacent to the main vehicular access track into the property.
- 3.3 The dwelling is surrounded by residential development with the exception of Manor Farm to the north.

### **4 Policy Considerations**

- 4.1 National Planning Policy Guidance

PPS1– Sustainable Development  
PPS5 – Planning and Historic Environment

- 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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Court of Appeal, although it is not known when a decision will be made in this regard.

Policy 2-Promoting Better Design.  
Policy 27 - Regional Priorities for the Historic Environment

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

4.4 Rural North, Oundle and Thrapston Plan (Inspector's Modifications 8 Jul 2009) – The Rural North Oundle and Thrapston Plan went through an examination process in 2008 and 2009. Following this examination on 8th 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  
Residential Extensions and Alterations Design Guide, Oct 1998

### **5 Relevant Planning History**

- 5.1 10/01583/FUL Erection of a timber garden room. This application was withdrawn following comments from the Conservation Officer. The Conservation Officer was opposed the design of the garden room and did not support the positioning of the

garden room on the front elevation of the listed building, suggesting that it would be more acceptable if positioned on the north elevation. The applicants have since re-designed the proposed garden room but have not altered the positioning.

## **6 Consultations and Representations**

6.1 Neighbours: No comments received.

6.2 Collyweston Parish Council: No comments received. Any comments which are received shall be reported on the update sheet.

## **7 Evaluation**

7.1 The sole consideration for the determination of this application is the impact of the proposed development on the listed building.

7.2 Impact on the listed building.

7.2.1 The design of the proposed garden room is considered to be acceptable in that it is of simple construction, layout and appearance. The use of timber and glazing is also acceptable.

7.2.2 It is the positioning of the proposed garden room along the principle elevation of the listed property which is the concern. The property is somewhat unusual in that its principle elevation faces away from the main pedestrian and vehicular approach to the dwelling. Therefore, the front elevation of the property is hidden from view and does not form part of the streetscene.

7.2.3 Nevertheless, considering that the building is Grade II listed, the erection of a garden room on the principle elevation is unacceptable, in that it would clutter the front elevation and would prevent it from being read in its entirety. The dwelling forms part of a terrace and all other dwellings in the terrace remain relatively untouched externally. To permit the proposed extension would erode the simple and original character of the subject property and the terrace as a whole.

7.2.4 It is also important to consider the precedent that an approval of this application may set for other dwellings within the terrace. If all dwellings were to erect similar extensions, then the character and appearance of the entire terrace would be compromised beyond recognition.

7.2.5 In addition, the proposed development would further erode the character and fabric of the listed building by increasing the existing window opening to form a door way.

## **8 Other issues**

8.1 None relevant to this listed building consent application.

## **9 Recommendation**

9.1 That the application be REFUSED for the following reasons:

### **Conditions/Reasons -**

1. The proposed garden room extension, by virtue of its positioning on the principle elevation of the main dwelling, would detract from the building's character and appearance, to the detriment of its special architectural and historic interest. The development, as such, is contrary to PPS1, Policy HE9 of PPS5, Policy 27 of the East Midlands Regional Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

## **Informatives**

1. The drawings to which this decision relates are as follows: A2Q7670/2bP, A2Q7670/2b, A3Q 7670/2b, A2Q7670/2b.  
Received by the Local Planning Authority on 27.01.11.

# Committee Report

Committee Date : 25 May 2011

Printed: 12 May 2011

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Case Officer **Samantha Hammonds**

**EN/11/00079/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>19 January 2011</b>	<b>1 February 2011</b>	<b>3 May 2011</b>	<b>Thrapston Lakes</b>	<b>Islip</b>

Applicant **Wirsol Solar UK Ltd - Mr Peter Davies**

Agent **Fisher German LLP - Mr Tom Armfield**

Location **Colpmans Farm Islip Kettering Northamptonshire NN14 3LT**

Proposal **Installation of 5MW solar park and associated equipment**

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## 1 Summary of recommendation

1.1 That the application be APPROVED subject to conditions.

## 2. The proposal

2.1 A Solar Park is proposed within two fields in the open countryside to the west of Islip. The park would comprise 21,120 solar panels set on 1056 tables (known as PV modules). Each module would consist of 20 panels, would measure 9.95m x 4.08m x 2.49m high (max) and would be held in place by four metal ground supports with 1.6m deep foundations. The modules would be mounted in rows, each row set 7.3m apart, and they would be set at a static 30 degree angle and positioned to face southwards to maximise solar gain. The ground beneath the modules would remain in agricultural use for sheep grazing.

2.2 The solar panels would produce usable electricity for 16 hours a day in the summer and 6.5 hours a day in the winter. Whilst sunlight is the optimum condition, the panels would still produce electricity in cloudy conditions all be it at a reduced level. In total it is expected that the park would produce 4.233 million kWh per annum, sufficient for approximately 1200 dwellings. The power generated would transfer from the site via underground cabling to the Thrapston sub-station in Islip. There are no proposals for additional overhead power lines. The site would be operated remotely.

2.3 A total of five inverters are needed to convert the DC current to AC current to be fed into the grid. The inverters would be housed in five separate green coloured concrete buildings measuring 5.38m x 3.02m x 2.86m high.

2.4 A green, welded mesh perimeter fence is proposed for security. The existing hedgerow would act as a natural screen with the gaps being filled with additional hedgerow planting.

2.5 The applicant is Wirsol, an established solar energy company that has experience of installing and operating several solar parks throughout Europe and the US.

## 3. The site and surroundings

3.1 The site is situated in the open countryside, and is currently grade 3b arable farming land, bound by agricultural land to all sides.

- 3.2 The site occupies a ridge-top location on high ground above Harpers Brook. Whilst the site itself has its own very slight gradient, sloping down from south to north, its position on the plateau of a more steeply sloping valley makes it barely visible from the surrounding landscape.
- 3.3 The site is bounded to the east by the old, disused ironstone railway line. Islip is situated 300m to the east separated from the site by a further field and the A6116, which is some 250m east of the site. Lowick is 1km to the north west separated from the site by the Harpers Brook valley. Colpmans Farm buildings, which provide office accommodation for Wirsol (the applicant), are situated 110m north of the site.

## **4 Policy considerations**

### 4.1 National planning policy

PPS1– Sustainable development  
Supplement to PPS1 - Planning and climate change  
PPS4 - Planning for Sustainable Economic Growth  
PPS5 - Planning for the Historic Environment  
PPS7 - Sustainable Development in the Open Countryside  
PPS9 - Biodiversity and Geological Conservation  
PPS22 - Renewable Energy Companion Guide  
PPS23 Planning and Pollution Control  
PPG24 - Planning and Noise  
PPS25 – Development and flood risk

### 4.2 Government Energy Policies

#### 4.2.1 Energy White Paper: Meeting the Energy Challenge (2007)

#### 4.2.2 Climate Change Act (2008)

### 4.3 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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Court of Appeal, although it is not known when a decision will be made in this regard.

Policy 1 - Regional Core Objectives  
Policy 2 - Promoting Better Design  
Policy 11 - Development in the Southern Sub-Area (Upper Nene Gravel Pits)  
Policy 24 - Regional Priorities for Rural Diversification  
Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage  
Policy 27 - Regional Priorities for the Historic Environment  
Policy 28 - Regional Priorities for Environmental and Green Infrastructure  
Policy 40 - Regional Priorities for Low Carbon Energy Generation

### 4.4 North Northamptonshire Core Spatial Strategy 2008

Policy 1 - Strengthening the Network of Settlements  
Policy 5 - Green Infrastructure  
Policy 9 - Distribution and Location of Development

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. The following policies are relevant:

Policy 4 - Green Infrastructure

## 5 Relevant Planning History

5.1 07/00298/FUL - Partial change of use of barns at Colpmans Farm to B1 use, permitted 23 May 2007. This is the office that Wirsol Solar Independence operates from.

## 6 Consultations and Representations

6.1 Neighbours:

6.1.1 5 letters received from 8 Toll Bar Road, 7 The Green and 25, 83 and 89 Lowick Road, Islip, raising concerns and objections, summarised as follows:

- There is no experience as to the effect or effectiveness of such sites as only four have been granted permission in the UK and I believe none are yet operational.
- No public consultation was carried out prior to making the full application, leaving residents only a little over two weeks to research and comment.
- The UK Feed in Tariff (FIT) is under review following claims that large scale solar parks, which were not anticipated under FIT, would soak up money which was intended to help homes, communities and businesses generate their own electricity.
- Loss of over 10 acres of attractive countryside / prime arable land
- A brown field location should be preferred
- Large industrial site in such rural surroundings is inappropriate and will rob this quiet farmland of its tranquillity
- Only 1,200 homes could be powered by the development
- Visual impact on the character and appearance of the rural area. The site is on a ridge line clearly visible particularly from the picturesque and historic village of Lowick. The surrounding hedges do not equate to the height of the units or inverters and will not form an adequate screen from public vantage points.
- Rural development should be well designed, in keeping and scale, sensitive to character and local distinctiveness of area (PPS7)
- A properly screened, south facing site below the ridge line should be preferred
- No attempt has been made to provide landscaping of any form
- The claim that only four vehicles per annum would visit the site post construction seems unlikely when considering over 10 acres of power generating plant
- Traffic has to use a farm track which is also a public footpath ND14
- There is no information about how the power would be transferred to the National Grid. I would object to a string of pylons leaving this site.
- Disturbance during construction: heavy vehicles will create noise; highway hazard on the A6116 from turning vehicles; local fauna and birdlife will be disturbed.
- Will there be an impact on the adjacent bridleway?
- Overly commercial urbanised use of rural land.
- Change of use will be applied to the land in favour of commercial use. Do not want to see it used as an industrial site with huge warehouses.

6.1.2 1 letter from 6 Rushmere Close, Islip, raising no objections.

6.2 Cllr Reichhold and (former) Cllr Reid share the concerns raised by residents and in particular raise concerns about:



- loss of prime arable land
- access is virtually a blind junction
- reflection of sunlight posing a risk to drivers on the A14

#### 6.3 Islip Parish Council -

- hedges on the north and east boundaries should be maintained at sufficient height so as always to provide screening
- new plantings of trees should be of mature size so as to provide immediate screening
- the land is currently designated for agricultural use and should revert to that use after its use as a solar park. Any further changes during or after its use as a solar park should be subject to full planning control and not simply be allowed as a change of use.

#### 6.4 Twywell Parish Council - no objection but suggest evergreen planting.

#### 6.5 Ramblers Association - no objection. Although the solar park will be visible from public footpath ND15 we do not feel it will have a detrimental effect on the use of this path.

#### 6.6 Natural England - no objection, subject to conditions as set out below. If these conditions cannot be secured, Natural England may be minded to object on these grounds.

- A condition restricting construction works and removal of vegetation to outside the bird breeding season.
- There is a potential for migrating birds from the SSSI/pSPA to collide with the solar panels on the understanding that they are a water body. A condition is therefore recommended that requires: the use of anti-glare materials to minimise the impression of a waterbody; visual separation of the panels; enclosure within hedging to reduce impression of scale.
- There is currently a lack of information and evidence on the impact of solar farms on bird species, so Natural England would welcome a suite of post construction monitoring at the solar farm once operational. The planning authority should ensure the long term deliverability of this monitoring for a minimum of three years.

#### 6.7 The Wildlife Trust -

- The broad scope and content of the Habitat Survey is acceptable and satisfactory and we recommend planning conditions to secure the suggested measures within section 5 of the report regarding biodiversity retention and protection.
- Disappointed that there are few, if any recommendations for either mitigation and enhancement measures in respect of biodiversity and ecological matters. Suggest a condition requiring further measures, for example, landscaping using local native species and habitat creation and management to benefit wildlife.
- Most of the application site lies within a major, strategic Sub-Regional Green Infrastructure Corridor route and is very close to its intersection with another Local Green infrastructure Corridor route too. By constructing this solar park facility the potential for Green Infrastructure (GI) delivery, in the form of corridor / habitat connectivity and contributions to local GI networks, will be a significant opportunity which we would recommend your authority capitalises upon to the full. The application should set out the ways in which its proposed biodiversity enhancements and future sympathetic conservation management of the habitats in and around the site will strengthen, support and also compliment the existing GI corridor route, particularly in respect of connectivity.
- The application should consider the long-term management of all green spaces and hedges.
  - the species choices for the woodland and hedgerow habitat are acceptable, and the 3m high hedgerows should have an A-shaped cross section

- 6.8 North Northants Badger Group - no objection. A sett is believed to be in the vicinity but we are unaware of its location. The Environmental Report does not however place it on the site. Request the developer is asked to make further checks for the presence of badgers before work on site begins.
- 6.9 Environment Agency - no objection, provided that the impermeable area is no greater than that stated in the submitted FRA.
- As the panels are pole-mounted the impermeable area will be only 165.73m<sup>2</sup> and the access tracks will be constructed from permeable crushed aggregate.
  - There is potential for localised soil erosion around the panels as run-off would not be evenly distributed due to the canopy effect of the panels. A percolation test should be undertaken (building regulations) to ensure that soakaways will work adequately in adverse conditions, and if they won't, a scheme of alternative surface water drainage proposals should be submitted. (Features such as trenches or swales installed parallel to the site contours can help manage run-off).
  - The site is on a minor aquifer, Northampton sands, which are a protected drinking water area. Any development should ensure there is no impact on the ground water body.
- 6.10 Total UK Limited Pipelines - not aware that our apparatus are affected by the proposed works.
- 6.11 E-On Central Networks - no objection. The applicant should be advised that Central Networks has network within the proposed site, and should be contacted regarding any diversions, ground works and safe working around the network.
- 6.12 NCC highways - no objection in principle. The officer initially commented that "as the solar panels would face south a reflective zone on the landscape may be created introducing an undue visual effect and cause of concern to the travelling public on the highway network. The significance of this possible effect should be addressed by the planning authority prior to determination, using screening measures to reduce the long-term effect as necessary". However following the submission of further information the officer is now satisfied that "due to the use of non reflective materials, this will prevent any reflectivity of the sun".
- 6.13 NCC archaeology - No further evaluation is required ahead of determination. The archaeological potential of the site can be addressed by a programme of works to monitor intrusive ground works and investigate and record any archaeological remains found.
- 6.14 NCC rights of way - no objection provided the standard requirements are adhered to.
- 6.15 ENC Environmental Protection - we do not have powers to deal with light from natural light sources whether direct or reflected sources. There do not appear to be any other issues at the current time.
- 6.16 ENC Planning Policy - national, regional and development plan policies set out an unequivocal presumption in favour of renewable energy schemes. Overall, there are no planning policy objections in principle. The solar park would assist towards achieving a greater proportion of renewable energy generation for the district.
- 6.17 Site notices were displayed. No other representations were received.

## **7 Evaluation**

- 7.1 The main considerations in the determination of this proposal are: planning policy considerations; landscape and visual impact; impact on neighbouring amenity;

highways and rights of way issues and other matters.

## 7.2 Planning policy considerations

7.2.1 The aims of PPS 1 and the associated companion guide are to promote and encourage renewable energy generation, and moreover not to restrict it. Local planning authorities are told they should not question the energy justification or the need for renewable energy. PPS7 also advises planning authorities to support renewable projects provided that there would be no adverse effects on landscape and designated sites. PPS22 states that significant weight should be given to the environmental and economic benefits of renewable development.

7.2.2 The proposed development would be in accordance with all the above national planning policy advice and would contribute to the aim in the Energy White Paper of generating 20% of UK electricity from renewable sources by 2020. The principle of the proposed development should therefore be supported.

## 7.3 Landscape and visual impact

7.3.1 As mentioned in 3.2, the site is positioned on the plateau of a sloping valley which makes it barely visible from the surrounding landscape. This is emphasised by the fact that, when standing on the site very little of the surrounding landscape is actually visible. When looking from the site towards Islip, only the top of the church spire is visible. None of the wider landscape to the south of the site is visible when standing on the site, indicating that the feared inter-visibility from the A14 and the Ringstead area would not exist.

7.3.2 There may be glimpse views of the site from the Lowick direction, but these views would be of the rear of the modules only and they would be so long distance that they would not be significant in the wider landscape.

7.3.3 Officers can verify from a tour of the surrounding area that the submitted photomontages are realistic. They show a before and after image, and it is extremely difficult to spot the difference, further emphasising the very limited landscape impact.

7.3.4 Additional planting is proposed to ensure that the whole of the site benefits from natural boundary screening, to soften the impact of the weld mesh security fencing that would be erected inside the hedge line. The proposal is only likely to be visible to people passing close by the site, but nonetheless the design is such that it blends into a landscape rather than appearing as a harsh or solid feature.

7.3.5 Overall, the landscape and visual impact would be minimal and is considered acceptable.

## 7.4 Impact on neighbouring amenity

7.4.1 The nearest houses to the site are those in Jubilee Road, Islip and these are approximately 300m away separated from the site by two fields and the A6116. These dwellings are sufficiently separate from the site to ensure that residential amenity is not affected.

7.4.2 The solar park would not create any noise or emissions. Despite concerns raised by some residents, the operators insist that in their vast experience they have never known wind noise to be a problem. As the modules are sited with 7m gaps between them there is no concentration or funnelling effect from the wind, it simply dissipates as though the structures were not there. It is likely that the noise from trees rustling in the wind would be far greater than that produced by the solar modules, and the A6116 is always going to be the dominant noise source.

7.4.3 The solar panels are matt in finish and are designed to absorb solar radiation not to reflect it. Glare would not therefore be an issue. Even if a small amount of light was reflected this would not be experienced from residential properties due to the southerly orientation of the panels.

## 7.5 Highways and rights of way

7.5.1 Apart from the construction phase, traffic movement would be limited to occasional maintenance traffic. Day to day, the site would be operated remotely with inspections every 6 months for maintenance and cleaning. Only 4 vehicle movements per year are expected for maintenance with possible additional trips in exceptional circumstances such as malfunction giving an estimated total of 8 movements per year. There is no reason why this should cause any significant issues.

7.5.2 The Highway Authority has raised no objection to the proposal, and accepts that the non-reflective material of the solar panels will ensure there are no issues with regard to glare.

7.5.3 The Rights of Way officer has no objection, provided the standard requirements are adhered to (such as not obstructing the rights of way, or interfering with them). There should be no reason why the proposal would contravene these requirements, but an informative is suggested in any event.

## 7.6 Flooding

7.6.1 The Environment Agency has no objection to the proposed development. They stipulate that this is on the basis of the figures and construction information given in the FRA for the impermeable ground area. A condition that ensures the impermeable ground area is no greater than that stipulated, and that the access tracks are constructed from permeable crushed aggregate is therefore recommended.

7.6.2 The Environment Agency advise that there is potential for localised soil erosion around the panels as run-off would not be evenly distributed due to the canopy effect of the panels. They advise that a percolation test should be undertaken to ensure that soakaways will work adequately in adverse conditions. If they won't, a scheme of alternative surface water drainage proposals should be submitted. This can be ensured by condition. Features such as trenches or swales installed parallel to the site contours can help manage run-off.

7.6.3 The Environment Agency advise that, as the site is on the Northampton Sands minor aquifer (a protected drinking water area), any development should ensure there is no impact on the ground water body. A condition is recommended to address this issue.

## 7.7 Ecological

7.7.1 A Habitat Survey was submitted with the application and this has been reviewed by Natural England, the Wildlife Trust and the Northamptonshire Badger Group.

7.7.2 The Wildlife Trust are satisfied with the recommendations of the Habitat Survey and recommend that a condition is imposed to ensure the mitigation measures therein are implemented. They have however suggested that conditions be used to request additional ecological mitigation and enhancements, including proposals to enhance the green infrastructure network.

7.7.3 Natural England have no objections subject to the imposition of conditions: to restrict works to outside the bird breeding season; to require the use of anti-glare materials and bordered panels to minimise the impression of a waterbody; and to require boundary

hedging.

7.7.4 There is currently a lack of information and evidence on the impact of solar farms on bird species, so Natural England would welcome a suite of post construction monitoring at the solar farm once operational. The planning authority should ensure the long term deliverability of this monitoring for a minimum of three years.

7.7.5 The conditions suggested by our wildlife consultees are all recommended.

## 7.8 Archaeological

7.8.1 An archaeological assessment was submitted during the course of the application. The county archaeologist has reviewed the assessment and advises that no further evaluation is required ahead of determination. The archaeological potential of the site can be addressed by a programme of works to monitor intrusive ground works and investigate and record any archaeological remains found. A condition is therefore recommended.

## 7.9 Heritage assets

7.9.1 The nearest listed buildings to the site are several hundred metres away. As outlined in section 7.3, the lie of the land is such that there would be very limited visual impact so it could not therefore be concluded that the proposal would harm the setting of the listed buildings.

## 7.10 Light pollution

7.10.1 There would be no fixed illumination of the solar park and this can be ensured by condition. Most activity would take place in daylight hours, with only safety critical emergency repairs would be undertaken after dark using temporary mobile lighting.

## 7.11 Loss of agricultural land and change of planning use status

7.11.1 For the duration of the solar park, the land would continue in agricultural use as sheep would be brought in to graze beneath the panels, helping to keep the grass levels down and maintain the condition and efficiency of the solar park.

7.11.2 Once the solar park is decommissioned, the land would strictly speaking be classified as previously-developed land but this would not mean that other forms of development would be automatically brought forward or considered acceptable for the site. Any development proposal would have to be considered against the relevant policies of the development plan, the thrust of which currently displays a very strong presumption against any new development in the open countryside. The solar park proposal, if permitted, would not give a planning change of use to the land. It would merely authorise the solar park development on the agricultural land. Once the solar park ceased to be, the planning use would still be agricultural and, despite the land then being classed as previously developed, it would still benefit from all the normal planning policy protection that is given to the open countryside.

## 8 Other issues

8.1 Crime and disorder - given the proposals for security fencing there would be no significant issues.

## 9. Conclusion

9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1 and supplement, PPS4, PPS5, PPS7, PPS9, PPS22, PPG24, PPS26, policies 1, 2, 11, 24, 26, 27, 28, 40 of the East Midlands Regional Plan, policies 1, 5, 9, and 13 of the North Northamptonshire Core Spatial Strategy 2008 and policy 4 of the Rural North Oundle and Thrapston Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as 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.

### Recommendation

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

### Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No development shall take place within the area indicated 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 ensure that features of archaeological interest are properly examined and recorded, in accordance with PPS5 Policy HE12.
3. The access tracks hereby approved shall be constructed from permeable crushed aggregate, and the impermeable ground area within the site shall be no greater than that stipulated in the submitted Flood Risk Assessment (received by the local planning authority 1.2.11).  
Reason: In order to reduce the risk of flooding.
4. Prior to the commencement of development: (i) a scheme to demonstrate how the ground water within the Northampton Sands minor aquifer shall be protected; and (ii) a report detailing the results of a percolation test, together with any necessary alternative surface water drainage proposals that may be required; shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.  
Reason: To reduce the risk of flooding.

5. The solar panels shall be coated to reduce glare/reflectivity, and the modules shall be designed and positioned such that they are separated visually, in accordance with further details to be submitted to and approved in writing by the local planning authority.  
Reason: To minimise the risk to bird-life.
6. The inverter housing structures and the security fencing shall be finished in green, in accordance with details to be submitted to and approved in writing by the local planning authority.  
Reason: In the interest of visual amenity.
7. All solar panels and their supports, the inverters and their structures, the fencing and any underground concrete shall be removed from the site within 6 months of the solar park ceasing to be operational, and the site shall subsequently be restored in accordance with a scheme to be submitted to and approved in writing by the local planning authority.  
Reason To safeguard the long term amenity of this rural location and enable the land to continue in agricultural use.
8. Development shall proceed in strict accordance with the recommendations in section 5 of the Extended Phase I Habitat Survey (prepared by Just Ecology Ltd, received by the local planning authority on 19.1.11).  
Reason: In the interests of ecological protection.
9. Notwithstanding the details already submitted, prior to the commencement of development further checks for the presence of badgers on the site shall take place. If badgers are found on the site this shall be reported in writing to the local planning authority and no development shall continue without the further written approval of the local planning authority.  
Reason: To enable the planning authority to take further advice in the interests of protecting before work on site begins
10. 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.
11. Notwithstanding the details submitted, within twelve months of the commencement of development a detailed scheme of biodiversity enhancements, future conservation management and habitat creation, including details of habitat development, faunal activity, ongoing management, monitoring and reporting shall be submitted to and approved in writing by the local planning authority. The approved scheme shall include provision for bat and bird nesting boxes and shall subsequently be implemented for the duration of development.  
Reason: In the interests of biodiversity.
12. No development shall take place until a Post Construction Monitoring Scheme in relation to birds has been submitted to and approved by the local planning authority in writing. This scheme shall specify survey methodology; frequency of visits and the duration of monitoring. Development shall be carried out in accordance with this approved post construction monitoring scheme.  
Reason: To ensure that protected species are safeguarded during and after the construction process in accordance with PPS9
13. No external artificial lighting shall be installed on the site, unless otherwise agreed in writing by the local planning authority.  
Reason: To protect the amenity of the area.
14. The development hereby permitted shall be carried out strictly in accordance with the

approved plans: W117.1-001A, W117.1-100B, W117.1-002, W117.1-004, W117.1-005 and W117.1-006 received by the Local Planning Authority on 19.01.11 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 and supplement, PPS4, PPS5, PPS7, PPS9, PPS22, PPG24, PPS26, policies 1, 2, 11, 24, 26, 27, 28, 40 of the East Midlands Regional Plan, policies 1, 5, 9, and 13 of the North Northamptonshire Core Spatial Strategy 2008 and policy 4 of the Rural North Oundle and Thrapston Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as 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 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.

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

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. Planning permission does not absolve the applicants or any successive developer from complying with the relevant law relating to biodiversity and protected species, including complying with the terms and conditions of any licences required as described in part IV B of Circular 06/2005.

5. With respect to works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:

- the routes must be kept clear, unobstructed, safe for users, and no structures or material placed on them at all times
- there must be no interference or damage to the surface of the right of way and any damage must be made good by the applicant
- a Temporary Traffic Regulation Order is required if the right of way needs to be closed
- any new path furniture needs to be approved in advance with the Access Development Officer at NCC.



# Committee Report

Committee Date : 25 May 2011

Printed: 11 May 2011

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Case Officer **Amie Baxter**

**EN/09/01410/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>7 September 2009</b>	<b>7 September 2009</b>	<b>2 November 2009</b>	<b>Oundle</b>	<b>Benefield</b>

Applicant **Mr M Berridge**

Agent **G P Planning**

**Location** Churchfield Farm House Harley Way Oundle Peterborough Northamptonshire  
PE8 5AU

Proposal **Change of use of grain store and farm yard to stone processing and storage of product**

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The application is brought forward for determination by Development Control Committee at the discretion of the Head of Planning Services.

## 1.0 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

## 2.0 The Proposal

2.1 This is a retrospective application for the change of use of a grain store and farm yard to stone processing and storage. The gross floor area of the building is 834 sq m and the site area is 0.5Ha. There are 6 full time employees and the hours of operation are:

Monday to Friday: 7.30 to 17.00

2.2 The application refers to the provision of 5 car parking spaces.

2.3 The change of use dates from 6 April 2009. The landowner leases the site to PGR Construction Ltd.

2.4 The application is accompanied by the following:

- Planning Statement
- Noise Assessment
- Transport Assessment

2.5 It is proposed that the bund around the site will be landscaped.

2.6 The planning statement describes the industrial process. The building accommodates two saws and there is one saw outside in the yard. The saws are used to cut large block stone into ashlar building stone and floor tiles.

2.7 Two large blocks of stone are delivered by a flat bed articulated lorry from quarries principally within Lincolnshire. They are unloaded with a forklift and moved into the building for processing. Once it is processed building stone is stored in 1 tonne bags and floor tiles are stored on pallets in the yard ready for collection. Collection is by van and small lorry, although occasionally a large load is sent out on one of the incoming

flatbed lorries.

- 2.8 The process uses a substantial quantity of water, which is collected from the roof into outside tanks. Water used in the process is collected in a sump constructed in the floor of the building.
- 2.9 Waste stone from the cutting process and fines from the water press are removed by lorry to PGRs recycling site in Barnwell. The site, it is anticipated, will process between 6,000 tonnes and 8,000 tonnes per annum, which will result in approximately 1000 tonnes of off/cuts/stone dust.

### **3.0 The Site and Surroundings**

- 3.1 The site is located in the open countryside to the south east of Harley Way. It lies within the farm complex of Churchfield Farm at its western end. The proposal relates to a former grain store building which is 30m x 35m x 8.5m high. The south east corner of the building is not included within the application as it houses the farm workshop. There is an outside yard area 40m x 35m that is used for the storage of product. The yard is bounded to the west and south by a bund. The building is set below the level of the highway by around 3m.

### **4.0 Policy Considerations**

- 4.1 National Planning Policy  
PPS1 – Delivering Sustainable Development (incorporating new statement on climate change)  
PPS4 – Planning for Sustainable Economic Growth  
PPS7 – Sustainable Development in Rural Areas  
PPG24 – Planning and Noise
- 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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Following a further legal challenge, it was confirmed by the courts that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. This decision has however now been challenged in the court of appeal.

Policy 1- Regional Core Objectives  
Policy 2 – Promoting Better Design  
Policy 3 – Distribution of Development  
Policy 18 – Regional Priorities for the Economy  
Policy 24 – Regional Priorities for Rural Diversification  
Policy 38 – Regional Priorities for Waste Management  
Policy 48 – Regional Car Parking Standards

- 4.3 North Northamptonshire Core Spatial Strategy  
Policy 1 – Strengthening the network of settlements  
Policy 9 – Distribution and Location of Development  
Policy 11- Distribution of Jobs  
Policy13 – General Sustainable Development Principles  
Policy 14 – Energy Efficiency and Sustainable Construction

- 4.4 Northamptonshire County Structure Plan  
No relevant saved policies.

4.5 East Northamptonshire District Local Plan  
Policy AG4 – The re-use and adaptation of buildings in the countryside

4.6 Rural North Oundle and Thrapston Plan

Policy 1 – Settlement Roles  
Policy 23- Rural Buildings – General Approach  
Policy 25- Farm Diversification

4.7 Other Relevant Policies / Documents

NCC SPG – Crime and Disorder  
NCC SPG – Parking  
North Northamptonshire Sustainable Design SPD

## **5.0 Planning History**

5.1 09/00628/FUL change of use of grain store and farmyard to stone processing and storage of product. Withdrawn 31.07.2009.

## **6.0 Consultations and Representations**

6.1 Benefield Parish Council – No comments received.

6.2 Neighbours – No comments received

6.3 Highway Authority – No objection in principle however conditions are required in relation to the following highway improvement works:

- Passing bays between A427 Benefield Road and access to Churchfield Farm
- A routing agreement and signage to ensure all vehicles turn right from the access
- A daily log of vehicles visiting the site

6.4 Environment Agency – No objection

6.5 NCC Rights of Way – No comments received

6.6 Ramblers – No comments received

6.7 Environmental Health – Environmental Health have considered various revisions of the Noise Assessment. In their most recent advice they note that whilst there are some issues with the Noise Assessment it demonstrates that the noise from the operation is likely to be audible at the residential properties and this could give rise to complaints were the ownership of either the residential properties or the business premises to change.

An acoustic fence of 2.4m in height along the boundary with the cottages in conjunction with either repositioning of or an acoustic screen being installed around the trammel, would reduce noise to an acceptable level.

A noise limit of no greater than 5dB(A) above background when measured over a 15 minute period is recommended.

In addition a condition would be required to limit hours of operation which will cause noise to be limited to between 7.30 -17.30 Mondays to Fridays and 8.00-13.00 on Saturdays. Noise Monitoring will also need to be carried out with mitigation measures

in place.

The applicant must be made aware that ENC can take action under the Environmental Protection Act 1990 to abate nuisance if complaints are justified.

A condition is required in relation to dust mitigation.

- 6.8 National Trust – The site is within the wider vicinity of Lyveden New Bield, an important historic site and tourist attraction owned/managed by the National Trust. The Trust has not detected any adverse environmental impacts, such as noise or dust, that effects Lyveden New Bield. The Trust does not object. If the Council is minded to grant permission no doubt it will give careful consideration to the highway safety implications of the proposals and satisfy itself that the local road network is suitable to handle the size and volume of vehicles.

## **7.0 Evaluation**

- 7.1 The issues which need to be considered are the principle of the change of use, visual amenity, the impact on residential amenity, noise and dust and highway safety.

### **7.2 Principle of B1 Use**

- 7.2.1 PPS4, which amended PPS7 indicates that proposals for economic development should be considered favourably. Policy EC12 indicates that applications for the re-use of rural buildings for economic development should be approved, particularly those adjacent to or closely related to towns and villages, where the benefits outweigh the harm in terms of:

- i. The potential impact on the countryside, landscape and wildlife
- ii. Local economic and social needs and opportunities
- iii. Settlement patterns and the level of accessibility to service centres, markets and housing
- iv. The need to conserve, or the desirability of conserving heritage assets and
- v. The suitability of the building(s)

- 7.2.2 Policy 11 (g) in the North Northamptonshire Core Spatial Strategy indicates that in order to support farm diversification in the open countryside, conversion to employment use of buildings worthy of retention will be supported where proposals are in accordance with the criteria set out in Policy 13. ( This is the Policy which sets out general sustainable development criteria).

- 7.2.3 Policy AG4 in the East Northamptonshire District Local Plan indicates that permission will be granted for the adaptation and re-use of rural buildings provided that the form, bulk and general design of the scheme is in keeping with the character of surroundings and the re-use is for employment (or leisure or tourism) The following criteria also need to be met:

- (i) extensive alterations, re-building, large scale extensions are not permitted
- (ii) structural surveys are required
- (iii) conditions are to be imposed withdrawing permitted development rights to prevent further extensions
- (iv) proposals that would have an adverse impact on the amenity of surrounding users are not to be permitted.
- (v) detailed drawings are required to indicate the layout design and external appearance
- (vi) the local highway network must be capable of satisfactorily accommodation traffic

- 7.2.4 Policy 23 in the Rural North Oundle and Thrapston Plan indicates that planning

permission will be granted for the adaptation and re-use of buildings in the countryside for employment or tourism, or residential use provided that:

- a. the character of any building of historic or visual interest is conserved. Detailed drawings are required.
- b. Schemes are limited to situations where buildings are substantially intact. Structural surveys will be required for unoccupied buildings that show signs of dereliction.
- c. Conditions are imposed withdrawing permitted development.

7.2.5 Policy 25 in the Rural North Oundle and Thrapston Plan indicates that farm diversification projects will be encouraged and sets out a number of criteria.

7.2.6 Thus the principle of the re-use of the building for employment purposes would accord with national and local policy subject to the criteria attached to the policies being met and these are considered below.

### 7.3 Impact on Visual Amenity and Character of the Area

7.3.1 The building is a typical purpose built agricultural building located within an existing farm complex. It is in good condition, requires little alteration and the re-use of the building for employment purposes would not have a significant visual impact or an adverse impact on the character of the surrounding area.

### 7.4 Impact on Residential Amenity

7.4.1 There are three residential properties in relatively close proximity to the site; Churchfield Farmhouse, which lies on the far side of the farm complex separated by the site by other farm buildings ( approx 60 m away) and a pair of semi-detached cottages known as Churchfield Cottages on the opposite side of the road ( approx 60 m away).

7.4.2 The dwellings are far enough away to ensure that no issues arise in relation to the physical impact of the building or overlooking and the issues which need to be considered are dust and noise.

7.4.3 Environmental Health advise that the Noise Assessment demonstrates the potential for an adverse noise impact, although they do suggest that this could be mitigated by a 2.4m high fence. The site however is located within the open countryside and a 2.4m high fence would be harmful to visual amenity.

7.4.4 The residential properties are however all in the ownership of the applicant ( who owns the site but not the business that is operating from it) and Environmental Health have received no complaints about noise. In the light of this, and the need to consider proposals for economic development favourably officers have been considering whether there is any alternative mitigation method.

7.4.5 One option that has been explored is whether the existing dwellings could be tied to the business either by the use of a condition or S106 Agreement. It has been concluded however that it would not be reasonable to fetter the applicants ability to dispose of the residential properties in the future.

7.4.6 Another option that has been considered is whether a temporary planning permission could be granted. Circular 11/95 advises that 3 factors should be taken into account in considering whether a temporary consent would be appropriate. It advises:

- It will rarely be necessary to give temporary permission for development which conforms with the development plan
- It is undesirable to impose a condition requiring the demolition after a stated period of a

- building that is intended to be permanent
- The material conditions to which regard must be had in granting any permission are not limited or made different by the decision to make the permission a temporary one. The reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenities of the area.

The Circular concludes that a temporary permission will only be appropriate either where the applicant proposed temporary permission or where a trial run is needed in order to assess the effect of the development on the area. In this case temporary development is not proposed and as it is a retrospective application and the use has been carried out since April 2009 a trial run is unnecessary.

7.4.7 There would appear to be no other possible mitigation measures. However officers are reluctant to recommend refusal of a retrospective application for an employment use when no complaints have been received. What is suggested therefore is the imposition of an informative on the planning permission to highlight that should the dwellings be sold then there would be likely to be noise nuisance complaints, that under environmental health legislation, that could ultimately result in the business having to close. This would give the applicant the choice regarding the future of his landownership. If he decided to sell the houses he would know that this could ultimately impact on how the building could be occupied. If the application site were to be purchased by the business then the position regarding the impact that the sale of the dwellings would have would be known. Members need to be aware however that this is not however an ideal way of dealing with the issue and might result in issues in the future. However the properties might never be sold separately from the farmyard in which case a business might have had to close unnecessarily.

7.4.8 Environmental Health are satisfied that dust can be adequately controlled by condition.

## 7.5 Highway safety

7.5.1 The Transport Assessment includes the following information:

- The building was previously used as a grain store. In 2008 the site was used to store 3,000 tonnes of wheat arriving in 16 tonne trailers. This generated around 375 HGV movements. All the wheat was transferred to the site during July and August, generating an average of 188 HGV movements from the 2 month period.
- The wheat was then exported from the site in 30 tonne articulated bulk lorries over the following 8-9 months. This generated 200 HGV trips, averaging around 25 lorry movements per day.
- There are likely to be around 24 HGV trips per week, 55 trucks/vans and 72 car trips.
- It is estimated that the total number of trips associated with the site would increase from around 575 per year to 7550 per year. This represents around 27 movements per day (two-way) of which around 50% is from staff cars.

7.5.3 Whilst this is a significant increase overall in vehicle movements the grain store movements were very concentrated. There have also been no complaints over the period that the business has been in operation. Highways have also not objected to the application subject to the imposition of a condition requiring the provision of passing bays to Harley Way, a routing agreement with appropriate signage and the keeping of a daily log of vehicles. The passing bays have however already been put in place by a

different development and are no longer required.

## **8.0 Other matters:**

8.1 Crime – No issues emerge

8.2 Disabled access – The building is not to be publicly accessible.

## **9.0 Recommendation**

9.1 That planning permission be GRANTED subject to the imposition of conditions and an informative in relation to the possible impact of noise.

## **9 Conditions/Reasons -**

1. Within 3 months from the date of this permission a comprehensive landscape scheme shall be submitted to and agreed in writing with the Local Planning Authority. This landscaping scheme shall be implemented strictly in accordance with the approved details in the first planting season following the date of this decision. 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.

2. The hours of operation shall be limited to between 7.30 to 17.30 Mondays to Fridays and 8.00 to 13.00 on Saturdays. No work shall be carried out on Sundays or Bank Holidays.

Reason: In the interest of residential amenity

3. Within 2 months of the date of this permission a dust mitigation scheme shall be submitted to and approved by the Local Planning Authority in writing. All work shall be carried out in accordance with this dust mitigation scheme.

Reason: In the interest of residential amenity

4. Notwithstanding the submitted details, within 2 months from the date of this permission the following highway accommodation/improvement works/details shall be submitted to and approved in writing by the Local Planning Authority:

1. A routing agreement, including any necessary signage, to ensure that all drivers leaving the site turn right onto Harley way  
Development shall be carried out in accordance with the approved details

5. A daily log shall be kept on an ongoing basis to record all vehicles attracted to the site and this log shall be maintained on an annual basis.

Reason: In the interest of Highway Safety

6. The height of the storage of external materials shall not exceed 2 metres.

Reason:

In the interest of visual amenity

7. Development shall be carried out strictly in accordance with the following submitted plans.

T1

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1446-P-02

1446-P-04

1446-P-06

1446-P-03A

## **Informatives**

1. The applicant is advised that, due to the proximity of the residential properties to the site, if these properties were not within the ownership or control of the applicant then justifiable complaints about noise nuisance would be likely to arise. If the residential properties are sold and noise nuisance complaints are received then this Council would have no option but to take action under environmental health legislation which could ultimately result in the business having to close. The applicant should therefore give careful consideration to this in deciding whether to dispose of any of the residential properties.
2. Your attention is drawn to the contents of the attached letter from the Environment Agency.
3. No works within the existing public highway may commence without the express written permission of the highway authority. This planning permission does not give or infer such permission. The Highway Authority will only give consent to commence works subject to the completion of an Agreement, under Section 278 of the Highways Act 1980. Full engineering, drainage and constructional details will be required to process such an agreement. Any details submitted will be subject to a technical and safety audit that may result in changes to the details of the adopted highway required to discharge the relevant condition above.

Attention is drawn to the implementation of the Traffic Management Act 2004, where a three month notice period to allocate road space ( for works within the highway) is formally given prior to the commencement of works.



# Committee Report

Committee Date : 25 May 2011

Printed: 11 May 2011

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Case Officer **Amie Baxter**

**EN/10/02222/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>17 December 2010</b>	<b>20 January 2011</b>	<b>17 March 2011</b>	<b>Kings Forest</b>	<b>Kings Cliffe</b>

Applicant **Mr Roger Barker**

Agent **Richardson - Mr Michael Thompson**

Location **50A Bridge Street Kings Cliffe Peterborough Northamptonshire PE8 6XH**

Proposal **Three year consent to let residential annex (first floor)**

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This application is brought before the Development Control Committee at the request of the local Ward Member and as Kings Cliffe Parish Council object.

## 1 Summary of Recommendation

1.1 It is recommended that the application be REFUSED.

## 2. The Proposal

2.1 The application seeks temporary (3 years) planning permission to use an existing two storey ancillary outbuilding as a separate unit of residential accommodation.

2.2 The applicants intention was for his elderly mother to live in the outbuilding but, as yet, she has decided to stay in her own home. So, to prevent the building being left unused, he feels that it would be appropriate to obtain temporary planning permission for the building to be let out as a separate unit, until such a time that his mother is ready to occupy the outbuilding.

## 3. The Site and Surroundings.

3.1 The application site is to the eastern edge of Kings Cliffe and has access off Bridge Street which is a main road through the village. The site is within the village settlement boundary, as set out by the Rural North, Oundle and Thrapston Plan.

3.2 The site accommodates a recently built, large, two storey stone dwelling with large rear garden. To the front of the dwelling is another area of garden and a driveway, in which stands the outbuilding which is the subject of this application.

3.3 The outbuilding is positioned directly adjacent to the front of the plot and abuts the path running along the southern side of Bridge Street. The outbuilding is constructed from stone and is two storey in height. There is a double garage, shower room and pedestrian entrance door at ground floor level and a lounge, kitchen and single bedroom with toilet at first floor. The outbuilding was intended to be used as an ancillary outbuilding for use of the occupiers of the main dwelling.

3.4 There is semi-mature natural boundary screening along the north west, north east and south east boundaries of the site.

3.5 The site is not within a conservation area.

## **4 Policy Considerations**

### 4.1 National Planning Policy Guidance

PPS1– Sustainable Development  
PPS3- Housing  
PPS7- Sustainable Development in Rural Areas.

### 4.2 East Midlands 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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Court of Appeal, although it is not known when a decision will be made in this regard. The policies within this document which are relevant to this application are:

Policy 2- Promoting Better Design  
Policy 3 - Distribution of New Development

### 4.3 North Northamptonshire Core Spatial Strategy 2008

Policy 1- Strengthening the Network of Settlements  
Policy 9- Distribution and Location of Development  
Policy 13 – General Sustainable Development Principles  
Policy 14 – Energy Efficiency and Sustainable Construction

### 4.4 Rural North, Oundle and Thrapston Plan- submission document.

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

Policy 1- Settlement Roles  
Policy 2- Windfall Development in Settlements

## **5 Relevant Planning History**

5.1 EN/05/00653/FUL Erection of dwelling and detached two storey garage to front of plot. Permitted with conditions on 29.06.2005.

## **6 Consultations and Representations**

6.1 Neighbours: No objections received.  
6.2 Kings Cliffe Parish Council: Object (no specific reasons given)

## **7 Evaluation**

7.1 The main considerations in the determination of this proposal are: principle of development, impact on the character of the area, impact on neighbours and future occupiers, access and parking and other material planning considerations.

## 7.2 Principle of development

7.2.1 It is important to note that if planning permission were to be granted for a temporary consent for independent residential use of the outbuilding, then it would be difficult to resist an application in the future for permanent use of the outbuilding as a separate dwelling. This is particularly true given that the applicant is requesting consent for a three year period.

7.2.2 The circumstances for providing a permanent dwelling would be similar to that of providing a dwelling for a period of three years and the use of the outbuilding as a separate dwelling would have already been accepted as being appropriate, both for this location and in policy terms. Therefore, it is crucial to focus on the implications that an approval of this application could have in the longer term. As such, the evaluation of this application gives significant weight to the long term implications of the proposal.

7.2.3 The applicant has applied for a temporary planning permission (for a period of three years). Circular 11/95: Use of conditions in planning applications refers to Section 72 (1)(b) of the Town and Country Planning Act 1990. This section gives power to impose conditions which require that a use be discontinued at the end of a specified period. In deciding whether a temporary planning permission is appropriate for this particular proposal, it is important to consider the following factors.

- It is rarely necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the development plan.
- The material considerations to which regard must be had in granting any planning permission are not limited to or made different by the decision to make a permission a temporary one. Thus, the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenity of the area and instead, concerns should be met with conditions which safeguard amenity. If it is not possible to devise such conditions, and if the damage to amenity cannot be accepted, then the only course of action is to refuse planning permission.

7.2.4 The East Midlands Regional Plan (EMRP) Policy 2 encourages development which makes the most efficient use of land and Policy 3 states that development should make the best use of previously developed land. Although garden land is now considered to be greenfield, the land the subject of this application is previously developed by virtue of the fact that the outbuilding in question already exists. The proposal fails to comply with Policy 3 (d) given that the proposal would not maintain the distinctive character of the village, as discussed in detail at 7.4 of this report.

7.2.5 Policies 1, 9 and 10 of the North Northamptonshire Core Spatial Strategy (NNCSS) seek to direct rural development to sites within village boundaries, subject to the criteria to be set out in development plan documents and favouring the re-use of buildings within and adjoining village boundaries.

7.2.6 Kings Cliffe is identified in the Rural North, Oundle and Thrapston Plan (RNOTP) as a local service centre with a defined settlement boundary. The application site is wholly inside that settlement boundary. There is scope for windfall development within Kings Cliffe and emphasis is put on development that involves the re-use of existing buildings. Policy 2 of RNOTP notes that the siting of any proposed dwelling must follow the character of the surrounding area and be satisfactorily integrated into the settlement and the surrounding area. The proposal fails to comply with the policy as it would be out of keeping with the character of the surrounding development, as discussed in detail at 7.4 of this report.

## 7.3 Visual Impact.

7.3.1 The existing garage was considered acceptable, in terms of its visual impact at the time of the approval of the original application (EN/05/00653/FUL). The proposed

development does not propose any alterations to the existing outbuilding and therefore, its visual impact would not be any more harmful than as with the present situation.

#### 7.4 Impact on the character of the area.

7.4.1 Regardless of there being little visual impact, the proposal would result in a unit which would have no relationship with the main dwelling in terms of its use. The purpose of an annex is to compliment and provide additional space which is ancillary to the use of the main dwelling, for use by a single family unit.

7.4.2 The proposal would result in a degree of separation which is not a characteristic of the intended use of the building as an annex to the main dwelling. The separation and lack of interdependence between the main house and the annex would be obvious, given that the subject building is positioned proud of the existing building line and has little physical or visual relationship with the form and layout of the subject site or surrounding dwellings. Subsequently, the proposal would have a detrimental impact upon the character of the existing plot and the area as a whole and as such, would be contrary to RNOTP policy 2 and NNCSS policy 13.

7.4.3 The risk of setting an undesirable precedent for separate dwelling units within the front garden areas of neighbouring dwelling is also a prevalent concern. Should this proposal be permitted, it would be difficult to resist proposals for other occupiers along the south west side of Bridge Street from doing something similar. This, in turn, would have a severe impact on the existing character and form of the area, by creating a row of small dwellings close to the road and in front of the existing row of dwellings. The current character of the area is one that is open with large dwellings set well back from the road, behind large front gardens. The proposed development would not respect or enhance the character or form of the village and therefore, would be contrary to RNOTP policy 2 and NNCSS policy 13.

7.4.4 In addition to this, it is likely that the annex would experience a higher level of activity (by an entirely separate family) than is currently experienced with the unit operating as an annex. This would be obvious and would have a negative impact on the character of the area.

#### 7.5 Impact on the amenity of neighbouring residents and future occupiers.

7.5.1 No additional structures or windows are proposed and therefore, the level of overshadowing, overbearing impact or overlooking of neighbouring property would not increase. A distance of 17 metres lies between the opposing elevations of each building which is sufficient enough to prevent any direct overlooking between habitable room windows. However, the windows of the outbuilding would overlook the front garden area of the main house. Whilst this would not necessarily be detrimental to privacy as the house's private garden area is to the rear, this is not a situation that you would usually expect to find.

7.5.2 There is no separate area of amenity space proposed for the future occupier of the outbuilding and to use the rear garden area of the main dwelling would be unacceptable on privacy grounds. However, it may be acceptable for a small residential unit to be without an area of amenity space for ease of maintenance for example. It may be possible that the occupier could be afforded a small portion of the amenity space adjacent to the annex to improve quality of life.

#### 7.6 Impact on the highway.

7.6.1 The proposed development would make use of an existing vehicular access which is constructed to current standards and an existing parking and turning area, capable of accommodating approximately 5 vehicles. The intensification of use of the access for a

small one bed roomed dwelling would not justify the need to make any alterations to the current access and parking arrangements to accommodate the proposal.

## **8 Other issues**

- 8.1 Crime and Disorder - this application does not raise any significant issues.
- 8.2 Access for Disabled- The building the subject of this application would remain under residential use and would not therefore need to comply with access regulations for public buildings.

## **Recommendation**

- 10.1 It is recommended that the application be REFUSED.

### **Conditions/Reasons -**

- 1. The proposed development, by nature of the obvious separation, resultant lack of interdependence between the dwelling and the annex and the subsequent intensification of the site, would be out of keeping with the prevailing character and layout of this part of the village. As such, the proposed development is contrary to Policy 3 (d) of the East Midlands Regional Plan (RSS8), Policy 13(d) of the North Northamptonshire Core Spatial Strategy and Policy 2 of the Rural North, Oundle and Thrapston Plan.
- 2. The proposed development would result in an undesirable precedent for similar development on neighbouring plots. This would erode the existing character and layout of this part of the village. As such, the proposed development is contrary to Policy 2 of the East Midlands Regional Plan (RSS8), Policy 13 (d) of the North Northamptonshire Core Spatial Strategy and Policy 2 of Rural North, Oundle and Thrapston Plan.

## **Informatives**

- 1. This decision relates to the following plans: Site plan and floor plan Received by the local planning authority on: 17/12/10 and 20/01/11.

# Committee Report

Committee Date : 25 May 2011

Printed: 6 May 2011

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Case Officer **Sharon Horner**

**EN/11/00165/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>3 February 2011</b>	<b>14 February 2011</b>	<b>11 April 2011</b>	<b>Oundle</b>	<b>Oundle</b>

Applicant **Mr G O'Conner**

Agent **G J Morris**

**Location** 23 Victoria Road Oundle Peterborough Northamptonshire PE8 4AY

Proposal **Replacement of existing conservatory with two storey rear extension to incorporate four rooflights, two in the east elevation and two in the west elevation**

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This application is brought before Development Control committee because of an objection from Oundle Town Council and at the request of Councillor Bateman and Councillor Reichhold.

## 1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

## 2. The Proposal

2.1 The application seeks permission for a two storey rear extension.

2.2 The extension would project some 4.5 metres beyond the rear of the dwelling to a width of 4.5 metres and ridge height of 7.0 metres.

## 3. Site and Surroundings

3.1 The application site accommodates a two storey detached dwelling with a detached double garage. The dwelling is constructed from light brown brick under a brown concrete tiled roof, with most windows and doors being white UPVC. The property benefits from a driveway which provides parking for two vehicles.

3.2 The dwelling is surrounded by properties of a similar style and age but most vary slightly in their design and layout.

3.2 The dwelling has boundary screening to the rear of the property in the form of 2 metre close boarded fencing.

## 4 Policy Considerations

4.1 National Planning Policy Guidance  
PPS1– Sustainable Development

#### 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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Court of Appeal, although it is not known when a decision will be made in this regard.

#### 4.3 North Northamptonshire Core Spatial Strategy

Policy 13 General Sustainable development principles

#### 4.4 Rural North Oundle and Thrapston Plan (Inspector's 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 Supplementary Planning Guidance

Residential Extensions and Alterations Design Guide, Oct 1998

### 5 Relevant Planning History

5.1 None relevant to this application.

### 6 Consultations and Representations

6.1 Neighbours: Objection from one neighbour at Number 25 Victoria Road on the following grounds:

- The proposed extension would overbear the whole of the property, both house and garden area. Number 23 is built on a hill and already stands over three feet higher than number 25. The proposed extension would appear even more overbearing because of the incline on the street.
- The proposed four windows overlooking Number 25 property would be an invasion of privacy. Furthermore, due to the close proximity, Number 25 would be able to see directly into the proposed upstairs windows.
- The proposed chimney - on environmental issues, there are concerns regarding global warming, burning wood, the smell, the pollution to the air, and the smoke nuisance which may affect Number 25 health. Furthermore the proximity of the proposed chimney would be very close to Number 25 kitchen door.
- Number 25 made contact with the water board, and were informed that Number 23 and 25 share a private sewer which runs across the back of both properties and under the proposed two storey proposal. There have been issues with regards to this sewer in the past. This therefore causes Number 25 great concern. The proposed extension would be built over existing manholes, Number 25 question how their property would be affected if there is another blockage. Additionally how would Number 25 gain access to the sewer in the event of an emergency.
- The impact of the two storey extension would cause considerable devaluation to Number 25. Additionally it would deter prospective buyers in the future.
- Due to the close proximity of the two properties, the proposed extension would not only be completely overbearing but would also block out natural light to Number 25 kitchen, dining room and Number 25 outside patio/garden areas.

6.2 Oundle Town Council initially had no objection (as of response on the 7th March 2011). However following a further hearing of this application at Oundle Town Council meeting

on Thursday 7th April 2011 and additional information received, Oundle Town Council now object to this application, expressing support for the concerns from the neighbouring property 25 Victoria Road.

## **7 Evaluation**

7.1 The following issues are relevant to the determination of this application: Visual Impact and Impact on Residential Amenity

7.2. Visual amenity

7.2.1 The proposed extension would replace the existing conservatory which is 3.8 metres high at present and projects 4.5 metres into the rear garden.

7.2.2 The design of the proposed extension has been achieved by mirroring the detail and materials used in the main dwelling.

7.2.3 The two storey extension would be subservient in terms of its massing and the design picks up on features and proportions of the host building. The proposed extension would therefore have an acceptable impact on its character and that of the street scene and would therefore comply with Supplementary Planning Guidance advice for residential extensions and alterations.

7.3 Overbearing:

7.3.1 The proposed extension is approximately 1.6 metres away from the neighbour's boundary (No.25) and 5.3 metres away from the neighbouring dwelling. There is a difference in land levels of approximately 1.0 metre between the application site and the neighbouring dwelling at 25 Victoria Road.

7.3.2 The proposed two storey rear extension would be 7.0 metres high on the existing application site however, due to the different land levels the extension would appear 8.0 metres high from the neighbouring side 25 Victoria Road.

7.3.3 However, the extension does not interrupt the 45 degree line drawn from the centre of the nearest neighbouring habitable room window. (The 45 degree test is used to assess whether a proposal is overbearing or would overshadow neighbouring properties). Given the distance of the proposal from the boundary, and the minimal projection beyond the neighbours rear building line, the proposal would not be unduly overbearing.

7.4. Overshadowing and Loss of light:

7.4.1 The neighbouring property 25 Victoria Road has a north facing patio area, so this should not suffer from overshadowing as a result of the proposed extension. The neighbours are concerned that their enjoyment of this area would be adversely affected. However, this is not the only garden/amenity area; there is an extensive garden beyond this area which can be used for further enjoyment.

7.4.2 The extension does not interrupt the 45 degree line drawn from the centre of the nearest neighbouring habitable room window, the test is easily passed with room to spare.

7.4.3 The extension is situated to the west of the neighbour so any overshadowing would only occur as the sun is setting and would not have a significantly greater impact in this respect than the applicant's existing dwelling. Therefore, even accounting for the difference in land levels there would be no significant issues of overshadowing or loss of light.

7.4.4 There are no other properties that would be affected by the proposal in terms of



overbearing or overshadowing impact.

#### 7.5 Overlooking and loss of privacy

7.5.1 There would be a window in the first floor rear elevation, which would serve the master bedroom. Any views into any of the neighbouring gardens from the proposed rear window would be no different to that already experienced from the existing first floor windows to the rear elevation. It is not considered that the additional window would result in an unacceptable increase in overlooking to these properties.

7.5.2 The two new obscure glazed windows to the east side elevation would not affect privacy for 25 Victoria Road, as the windows would be obscure glazed and top hung with a restrictor for maximum opening.

7.5.3 Two roof lights would be installed in the two storey rear extension; they are positioned in the east side elevation which would serve the master bedroom; the rooflights would be at a high level so would not allow any overlooking.

#### 8. Other Issues

8.1 The property would retain adequate off road car parking given its resultant size.

8.2 Adequate amenity space would remain.

8.3 The neighbouring property number 25 have concerns regarding risk of blockages in the sewers, as the properties share a private sewer which runs across the back of the properties and under the proposed two storey extension. Any issues with regard to private drains and sewers would not be a planning consideration in the determination of this application.

8.4 Number 25 Victoria Road have concerns regarding environmental issues like the smell, pollution to the air and the smoke nuisance which could affect their health. The chimney is domestic in style and scale and would be expected for this type of dwelling. The safety and environmental issues of the chimney in this instance would not be an issue, as any smells or odours would discharge from an elevated position, directly into the open air and not towards number 25 Victoria Road.

#### 9 Conditions/Reasons -

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

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

2. The development hereby permitted shall be carried out using materials and treatments matching those of the existing building.

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

3. Before the first occupation of the extension hereby permitted the two first floor windows in the east elevation shall be provided with obscure glazing to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and with a top hung restrictor for maximum opening. The windows shall be retained in this manner unless otherwise agreed in writing by the local planning authority.

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

4. The works hereby permitted shall be carried out strictly in accordance with the approved plans (location plan received on 3.02.11 and GO/011/01A received on 14.02.11 the site/roof plan shown on this plan is however, superseded by site/roof plan received by the local planning authority on 07.04.11) 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, Policy 13 of the North Northamptonshire Core Spatial Strategy 2008, Rural North Oundle and Thrapston Plan and Supplementary Planning Guidance Residential Extensions and Alterations Design Guide, Oct 1998. Having regard to these, the representations received and any reasons, as the main issues were identified, the impact on neighbouring amenity, the design and visual impact. The application has been approved as:

1. The siting and design of the two storey rear extension is acceptable and the development would not harm the visual amenity of the area.
2. The proposal would not cause harm to the neighbouring amenity.

A full report is available on the Council's website [www.east-northamptonshire.gov.uk](http://www.east-northamptonshire.gov.uk)

# Committee Report

Committee Date : 25 May 2011

Printed: 5 May 2011

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Case Officer **Carolyn Tait**

**EN/11/00358/RWL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>2 March 2011</b>	<b>2 March 2011</b>	<b>27 April 2011</b>	<b>Woodford</b>	<b>Little Addington</b>

Applicant **ED Estates Ltd**

Agent **Berrys - Mr A Frendo**

Location **OP0004 SP9573 Irthlingborough Road Little Addington Northamptonshire**

Proposal **Replacement of extant planning permission EN/07/02260/FUL  
Erection of grain store 7/10/08**

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This application is brought before Development Control Committee at the request of the local ward member following a ward member consultation, because the Parish Council have objected.

## 1 Summary of Recommendation

1.1 The application be GRANTED subject to conditions.

## 2. The Proposal

2.1 This is an application for the replacement of an extant planning permission EN/07/02260/FUL, which is due to expire on 7th October 2011.

2.2 The development proposed is for the erection of a grain store to store and dry grain measuring approximately 43 metre in length (including the proposed fan house) by 9 metres in height by 22 metres in depth.

## 3. The Site and Surroundings

3.1 The site is situated within the open countryside to the south of Little Addington. To the north of the site is an existing industrial estate. The site will be accessed from the main Irthlingborough Road.

## 4 Policy Considerations

4.1 National Planning Policy Guidance notes/statements

The following national policy guidance notes/statements have remained in place and unchanged since the determination of the original application:

PPS1– Sustainable Development

PPS7 – Sustainable Development in Rural Areas

PPS4, Planning for Sustainable Economic Growth, has been introduced since the previous application was determined and amended PPS7.

4.2 East Midlands Regional Plan (RSS8)

This is a new policy document which has been introduced since the previous application was determined.

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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSSs is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Courts of Appeal, although it is not known when a decision will be made in this regard.

#### 4.3 North Northamptonshire Core Spatial Strategy 2008

The following development plan document has remained in place and unchanged since the determination of the original application:

- Policy 13 – General Sustainable Development Principles

The Northamptonshire County Structure Plan, referred to in the original decision, has been superseded by the NNCSS so is no longer relevant.

#### 4.4 Three Towns Plan, Preferred Options

This document can still be regarded as supplementary guidance.

### 5 Relevant Planning History

5.1 04/00590/FUL Erection of grain store. PERMITTED.

5.2 07/02260/FUL Erection of grain store. PERMITTED.

### 6 Consultations and Representations

6.1 Neighbours: no comments received.

6.2 Little Addington Parish Council: Objection. Comments can be summarised as:

- It is not clear how far away from the road the proposal would be as stated originally. It should be set back at least 200 metres.
- Light pollution from the site should be zero.
- The noise level as stated is excessive and measures should be put in place to make sure that the nearest residents are not affected.

6.3 Ramblers Association: No comments to make.

6.4 Environmental Protection Officer: No objection subject to a condition to make sure that noise levels will be acceptable.

6.5 Local Highway Authority: Comments can be summarised as:

- No objection subject to a condition for 4.5 metre x 120 metre visibility splays.

### 7 Evaluation

#### 7.1 Approach to Determining Replacement Applications

7.1.1 The government guidance published in relation to replacement applications advises that local planning authorities should take a positive, constructive approach to determination because the development has been judged to be acceptable at an earlier date. Local planning authorities should focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of planning permission.

7.1.2 The only consideration in the determination of this application is therefore whether recent changes to planning policy and other material considerations are significant enough to lead the local planning authority to come to a different view than that reached in 2007.

7.1.3 The principle of development, design and materials, effect on neighbours, impact on the public highway and other matters have all previously been considered acceptable. Only changes to policy or material considerations should be relevant to the consideration of this application.

## 7.2 Planning policy

7.2.1 PPS4 has superseded parts of PPS7. However, the relevant parts of PPS7 which refer to agricultural buildings have not been superseded by this policy. PPS7 supports development for the purposes of agriculture subject to appropriate siting, design, materials and access. These were all assessed as part of the extant permission and no material changes have occurred that would have implications for the renewal of the planning permission.

## 7.3 Changes to other material considerations

7.3.1 Noise has been raised as a concern by Little Addington Parish Council, which was previously raised, but the comments have changed to state that the nearest property should not be effected. A condition to control noise levels was previously imposed. Revised wording has been recommended by the Council's Environmental Protection Officer.

7.3.2 Officers are not aware of any other material considerations that would lead to a different recommendation being reached to that on the 2007 application.

## 8 Other issues

8.1 As stated above, issues of design, neighbouring amenity, highway matters and so on have already been considered acceptable in the previous grant of planning permission. Nothing about the proposals or the site circumstances appears to have changed since the previous approval, so the application is considered acceptable in these respects. The Parish Council have raised concerns about the distance from the highway. This was assessed as part of the previous application and has not changed as part of this replacement application. The Parish Council have stated that the proposed grain store should be set back by 200 metres from the road. However, it would be unreasonable to ask for this alteration given that there is permission on the site for the development to be carried out as proposed.

8.2 The Parish Council have concerns about light pollution from the site. There is nothing stated in the application about lighting and as such it would not be covered by this planning permission. However should any complaints be received with regards to the use of external lighting then Environmental Services will be obliged to investigate them under the Environmental Protection Act 1990.

8.2 An additional condition is recommended to ensure that the development is carried out in accordance with the approved plans.

## 9 Conclusion

9.1 In recommending this application for approval, the relevant planning guidance and policies were identified as PPS1, PPS4, PPS7, Policy 2 of the East Midlands Regional Plan, Policy 13 of the North Northamptonshire Core Spatial Strategy and the Three Towns Plan Preferred Options Document. Having regard to these, the representations received and any other material planning reasons, the main issue was identified as the policy background and how this manifests in respect of the principle of the development, visual impact, impact on neighbouring amenities 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 design and siting of the building would be acceptable and would not result in a detrimental visual impact.
- Subject to appropriate conditions there would be no undue harm to neighbouring amenity.
- The proposal would not result in a detrimental impact on highway safety subject to the imposition of relevant conditions.

### Recommendation

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

### Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to construction of the building hereby approved, visibility splays of 4.5m x 120.0m in both directions shall be provided. Details of these splays and details of hedgerow loss/replanting shall be submitted to and approved by the local planning authority. The details approved shall then be maintained thereafter.  
Reason: In the interest of highway safety and visual amenity.
3. The grain dryers connected with this building and use shall be located on the eastern end of the building, details of which shall be submitted to any approved by the local planning authority prior to erection of the building.  
Reason: To protect the amenity of neighbouring properties.
4. No development shall take place until there has been submitted to and approved by the local planning authority a comprehensive scheme of landscaping for the site, which shall be implemented strictly in accordance with the approved details in the first planting season following the erection of the building.  
Reason: To ensure a reasonable standard of development and to protect the visual amenity of the countryside.
5. The operating hours for the use and building hereby permitted shall not occur before 06.00 hours or later than 23.00 hours on any given day.  
Reason: To protect the amenity of neighbouring properties.
6. Any noise from the activities relating to the use of the grain store and any equipment within it shall not exceed the background level when measured as a 5min LAeq at the nearest residential property or any other premises to be agreed with the LPA. No third octave band must be more than 10dB greater than the neighbouring frequency band, in order to protect residential amenity.  
Reason; In the interests of residential amenity.

7. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 26 February 2008, drawing numbers: A8317/PD005 B Proposed plans and elevations and Location plan at a scale of 1:10,000, 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, PPS4, PPS7, Policy 2 of the East Midlands Regional Plan, Policy 13 of the North Northamptonshire Core Spatial Strategy and the Three Towns Plan Preferred Options Document. Having regard to these, the representations received and any other material planning reasons, the main issue was identified as the policy background and how this manifests in respect of the principle of the development, visual impact, impact on neighbouring amenities and highway matters. The application has been approved as:

- The principle of the development is acceptable and is consistent with the development plan.
- The design and siting of the building would be acceptable and would not result in a detrimental visual impact.
- Subject to appropriate conditions there would be no undue harm to neighbouring amenity.
- The proposal would not result in a detrimental impact on highway safety subject to the imposition of relevant conditions.

# Committee Report

Committee Date : 25 May 2011

Printed: 12 May 2011

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Case Officer **Anna Lee**

**EN/11/00419/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>11 March 2011</b>	<b>15 March 2011</b>	<b>10 May 2011</b>	<b>Rushden</b>	<b>Pemberton</b>

Applicant **Mr And Mrs J Harris**

Agent **Myles And Sims Architects - Mr L Sims**

Location **216 Wellingborough Road Rushden Northamptonshire NN10 9SX**

Proposal **Formation of new public doorways and alterations to windows**

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The application has been brought to Development Control Committee because Rushden Town Council has objected. Town Council members felt that the proposed shop entrance should be more in keeping with the building.

## 1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

## 2. The Proposal

2.1 The application is to create a new front entrance door facing Wellingborough Road, to replace the existing windows with timber double glazed windows, to block up the existing door and window openings on the west and north sides of the building, and to create an access ramp at the rear of the building. Amended plans were received to show these proposals on 10 May 2011.

2.2 This application proposes external alterations to the building only. The council has received a separate application proposing the conversion of the first floor of the building into three flats under reference EN/11/00288/FUL. This application is currently invalid.

## 3 The Site and Surroundings

3.1 The application building is the former Oakley Arms Public House. The building has been vacant for some time and all the doors and windows on the building have been boarded up. The building is of 1950s/60s style with tall chimney stacks. The building is faced with red brick, but is painted in a dusky pink colour on the sides facing the roads. The building has a dark grey slated roof.

3.2 The building benefits from a customer parking area at the rear and access to the parking area is from Washbrook Road. Double yellow lines are found in front of the vehicular access and there is a fence and wall measuring some 1.8-2.0 metres in height on both sides of the access point.

3.3 The site is surrounded by commercial and residential development along Wellingborough Road and mainly residential development along Washbrook Road.



## **4 Policy Considerations**

- 4.1 National Planning Policy Guidance:  
PPS1– Sustainable Development  
PPS4 – Planning for Sustainable Economic Development

- 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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSS's is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Court of Appeal, although it is not known when a decision will be made in this regard.

Policy 2 – Promoting Better Design

- 4.3 North Northamptonshire Core Spatial Strategy, June 2008:  
Policy 13 – General Sustainable Development Principles

- 4.4 Supplementary Planning Document:  
Design SPD, March 2009  
Shop Front SPD, January 2011

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

## **5 Other Relevant Planning History**

- 5.1 EN/09/01443/FUL, 'Internal alterations, single storey rear extension and external works to former public house, including new advertising signage', Permitted, 04.11.2009.
- 5.2 EN/09/01444/ADV, 'New advertising signage', Permitted, 04.11.2009.
- 5.3 EN/84/01553/ADV, 'Illuminated sign', Permitted, 14.12.1984.

## **6 Consultations and Representations**

- 6.1 Neighbours: no comments received.
- 6.2 Rushden Town Council: "Members felt the proposed shop entrance should be more in keeping with the rest of the building and the guidelines in the East Northants Council's shop front design document should be adhered to".
- 6.3 Design Officer: The Design Officer initially raised concerns about the design of the shop windows proposed around the new entrance door and the proposed use of uPVC windows and aluminium shutters, as these would not be in-keeping with the design and appearance of the overall building and the Shop Front SPD explicitly discourages the use of solid external shutters. The Design Officer's comments have since been superseded by the revised proposals and any comments received from the Design Officer to the amended drawings will be added to the committee updates.
- 6.4 Local highway authority: no objection, "no door and window feature shall open out over the adopted highway".

## **7 Evaluation**

7.1 The following issues are relevant to the consideration of this planning application.

### **7.2 Principle of Development**

7.2.1 The application proposes alterations to an existing commercial property located within the built up part of the town. Therefore, the principle of the development is acceptable, subject to the issues set out below.

### **7.3 Visual Impact**

7.3.1 The original proposal was to install new single pane window openings around the proposed new customer entrance at the ground floor of the building, use of uPVC for the window and doors and to install aluminium screens. Following advice that these proposals would not be in keeping with the rest of the building and contrary to the advice contained in Shop Front Design SPD, amended plans have been received to show (1) the provision of a single entrance door to replace the double opening sliding entrance door previously proposed, (2) retention and repair of the existing timber windows by retaining the timber frames, (3) replacement of the existing single glazed windows with double glazing, and (4) omission of the aluminium screens.

7.3.2 The proposal to retain and repair the existing timber windows would ensure that the development would be in keeping with the rest of the building. There would be no visual harm from the proposal to replace the existing single glazing with double glazing. The proposed new customer entrance door would be constructed in aluminium and be painted in a dust-coated white colour. This material would appear harmonious on the building and would appear in-keeping with the windows on the existing building, which are also in white.

7.3.3 Therefore, providing conditions are imposed to ensure that all windows be constructed in timber to match the design, colour and finish of the existing windows on the building (with the exception of the windows proposed around the new shop entrance which would be in aluminium), and that the permission does not give consent to any aluminium screens or roller shutters, this would ensure the proposal complies with adopted Shop Front SPD and that there would be no significant visual harm from the proposal.

7.3.4 Finally, there would be no harm from the proposal to block up the existing windows on the west side of the building, as there would still be a number of windows left on this side that would maintain an active frontage to the road. The proposal to block up a few small windows at the rear of the building and the installation of a disabled access ramp would be barely visible as they would be concealed behind the existing wall.

### **7.4 Neighbour Amenity**

7.4.1 The proposed alterations are located sufficiently away from neighbouring properties. Therefore, there would be no adverse effect on neighbours.

### **7.5 Highway Impact**

7.5.1 Providing a condition is imposed to ensure that the proposed entrance door and any new windows installed at the ground floor of the building open inwards, there would be no significant highway impact from this proposal.

## **8 Other issues**

8.1 Access for Disabled - The proposed new entrance would be on the frontage to

Wellingborough Road and would be accessible from the pavement level. In addition, the access ramp proposed at the rear would allow sufficient access for disabled access users. Therefore, there would be no significant disabled access issues.

## **9 Recommendation**

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

### **Conditions/Reasons -**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. With the exception of the windows adjoining the new front entrance door, all windows repaired or replaced shall be in timber and shall match the existing windows and other windows on the building in design, detailing, colour (white) and finish, unless otherwise agreed in writing by the local planning authority.  
Reason: To achieve a satisfactory elevational appearance for the development.
3. This permission does not relate to any aluminium screens or roller shutters.  
Reason: To ensure a satisfactory elevational appearance to the development and to ensure the development complies with Shop Front SPD.
4. The front entrance door, and any new windows inserted at the ground floor on the southern and western elevation of the building, shall be designed to open inwards only and shall not open on to the public highway.  
Reason: In the interest of highway safety
5. This consent is for external alterations only and does not relate to the internal uses shown on the submitted drawings.  
Reason: In order to clarify the terms of this planning permission.
6. The development hereby permitted shall be carried out strictly in accordance with the approved plans; amended plans received by the local planning authority on 10 May 2011, drawing number: C625/1374/04 Revision C; and drawing number 975/03B and location plan scale 1:1250 received on 11 March 2011.  
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, PPS4; Policy 2 of the East Midlands Regional Plan 2009; Policy 13 of the North Northamptonshire Core Spatial Strategy 2008; Design SPD 2009; Shop Front SPD 2011; 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; highway impact; and access for the disabled.  
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 have no significant disabled access issues.

A full report is available on the Council's website [www.east-northamptonshire.gov.uk](http://www.east-northamptonshire.gov.uk)

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

Plans received by the local planning authority on 15 March 2011, drawing numbers: 975/05A, 975/04, 975/03A, 975/02; and drawing number 975/01A.

# Committee Delegated Report

Committee Date : 25 May 2011

Printed: 13 May 2011

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Case Officer **Carolyn Tait**

**EN/11/00498/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>28 March 2011</b>	<b>12 April 2011</b>	<b>7 June 2011</b>	<b>Barnwell</b>	<b>Titchmarsh</b>

Applicant **The Society Of Merchant Venturerers**

Agent **Carter Jonas LLP - Miss A Hallam**

Location **4 St Andrews Close Titchmarsh Kettering Northamptonshire NN14 3DS**

Proposal **Demolition of existing dwelling and garages and erection of two 1 bedroom dwelling and one 2 bed dwelling**

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This application is brought before the Development Control Committee as it proposes more than one unit in a restricted infill village.

## 1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

## 2. The Proposal

2.1 The application proposes the demolition of the bungalow at No.4 St Andrews Close and adjacent garage block and the erection of two one bedroom bungalows and one two bedroom two storey dwelling.

2.2 The applicant proposes to retain all trees and hedgerows.

2.3 Four parking spaces would be provided. One space for each bungalow and two spaces for the proposed two storey dwelling.

## 3 The Site and Surroundings

3.1 The application site accommodates a three bedroom detached bungalow and a row of five garages.

3.2 No.4 St Andrews Close is a brick built bungalow and is currently in a poor state of repair. It has been vacant for over five years. This property does not have any parking facilities.

3.3 St Andrews Close is characterised by a mix of one storey and two storey detached properties built in the 1960s and 1970s.

3.4 There is an adjacent conservation area to the south west of the site.

## 4 Policy Considerations

4.1 National Planning Policy Guidance

PPS1– Sustainable Development  
PPS3 - Housing

#### 4.2 East Midlands Regional Plan

- Policy 2 – Promoting Better Design
- Policy 3 – Distribution of New Development
- Policy 13b – Housing Provision (Northamptonshire)

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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSSs is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Courts of Appeal, although it is not known when a decision will be made in this regard.

#### 4.3 North Northamptonshire Core Strategy

- Policy 1 – Strengthening the Network of Settlements
- Policy 7 – Delivering Housing
- Policy 9 – Distribution and Location of Development
- Policy 10 – Distribution of Housing
- Policy 13 – General Sustainable Development Principles
- Policy 14 – Energy Efficiency and Sustainable Construction

#### 4.4 Supplementary Planning Guidance Parking SPG

#### 4.5 Other Documents

- The Rural North Oundle and Thrapston Plan
- Policy 1 – Settlement Roles
- Policy 2 – Windfall Development in Settlements
- Policy 8 – Housing Mix

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. Local Highway Authority Standing Advice for Planning Authorities.

## 5 Relevant Planning History

### 5.1 None relevant.

## 6 Consultations and Representations

### 6.1 Neighbours: Comments can be summarised as:

- The proposed two storey dwelling would not fit comfortably in-between four single level dwellings.
- Would the ridge height of the proposed two storey dwelling impact upon the adjacent conservation area?
- Would the proposed dwellings ensure that the turning head is retained?
- There is no off road parking for the three bungalows at the end of the close, visitors to these dwellings would have nowhere to park.
- No.3 St Andrews Close would be losing a garage which has been rented for 15 years with a vehicle in it.

- The garages were originally built to provide parking facilities for Nos. 2, 3 and 4 St Andrews Close.
- The parking area nearest to No.3 St Andrews Close would cause noise and disturbance to the master bedroom.
- Access to No.3 St Andrews Lane is needed at all times.
- Overdevelopment of the site.
- Access to the properties by emergency vehicles would be made extremely difficult as turning space in front of the garages would be lost.
- Overlooking to No.3 St Andrews Lane by the positioning of windows directly opposite.
- Overlook the garden of No.3 St Andrews Close and the property directly behind in St Andrews Lane.
- Would affect sewerage and waste pipes.
- There is a water hydrant on the pavement outside of No.3 St Andrews Lane.
- The renovation of No.4 St Andrews Close would provide less disruption.
- The erection of a two storey dwelling would be out of keeping with the existing roof lines.
- The proposed number of dwellings is out of proportion with the density of existing dwellings in St Andrews Close.
- Two dwellings would have been more appropriate.
- The site is not currently vacant as stated in the application form.
- In conflict with policy.
- Concerns were expressed by Officers at pre-application stage.

6.2 Titchmarsh Parish Council: No objection.

6.3 Site Notice posted: 19 April 2011 on a post to the front of the site.

6.4 Senior Conservation Officer: No comments received.

6.5 Local Highway Authority: Conditions set out in the Local Highway Authority's Standing Advice should be applied to this planning application.

6.6 Environmental services: No comments received.

## **7 Evaluation**

7.1 The following considerations are relevant to the determination of this proposal.

7.2 Principle of development

7.2.1 The proposed dwellings would be located on previously developed land as defined in PPS3. Therefore the principle of development on this site is acceptable as planning policy supports development on previously developed land.

7.2.2 Policy 8 of the Rural North Oundle and Thrapston Plan states that proposals for new housing should include a mix of housing types to take account of local need. It states that on smaller sites, a mix which includes mainly 1 or 2 bedroom house types would be acceptable. The proposal is for two one-bedroom properties and one two-bedroom property. As such the proposal complies with Policy 8.

7.3 Visual impact

7.3.1 The street scene is characterised by bungalows to the north of St Andrews Close and

two storey properties to the south and east of the close. All properties are detached and were built around the 1960s and 1970s. The bungalows are all very similar in character and appearance as are the two storey dwellings. However, both house types differ significantly from one another.

7.3.2 The proposal is for two single storey dwellings and one two storey dwelling. Both of these house types can be found within the surrounding area and therefore if permitted would not be introducing a new dwelling type. Whilst the proposed dwellings are smaller than those within the street scene in terms of their scale, and they differ in design, they would be similar in appearance and scale with one another and would not appear as piecemeal development. As the street is made up by a mixture of dwelling types the proposal would not be out of keeping and as such would not result in a detrimental visual impact to the character and appearance of the street scene or the surrounding area.

7.3.3 The proposal would not result in an overdevelopment of the site as the dwellings fit comfortably and each property would have adequate amenity space for the number of bedrooms proposed.

#### 7.4 Impact on the adjacent conservation area

7.4.1 The proposed development would not appear as a prominent feature in the conservation area because of its set back distance and the views would be obscured by neighbouring properties.

7.4.2 As the proposed dwellings would not result in a detrimental visual impact to the character and appearance of the surrounding area, they would not fail to preserve or enhance the conservation area and as such would not result in undue harm to its character or appearance.

#### 7.5 Impact on neighbouring amenity

7.5.1 The nearest properties to the proposed dwellings are No.47 High Street, No.8A St Andrews Lane and No.3 St Andrews Close. All other nearby properties would be located far enough away not to be impacted to any significant extent.

7.5.2 No.47 High Street is located to the south west of the application site with its garden adjacent to the boundary. The proposed bungalow closest to this property would be located on the site of the existing garage block. It would retain the rear wall of the existing garages and as such there would be no overlooking to the amenity space of this property.

7.5.3 No.8A St Andrews Lane is situated higher than the proposed dwellings. The proposed two storey dwelling would be located approximately 21 meters away from this neighbouring property at the nearest point. This distance would be sufficient to prevent undue overshadowing or overbearing impact along with the difference in land levels. The first floor bedroom window of the proposed two storey dwelling would create a slight degree of overlooking to the rear of the garden of No.8A but this would be partially obscured by boundary screening and would not be significant enough to warrant a refusal of planning permission. The nearest proposed bungalow to this neighbouring property would sit approximately 16 metres away at the nearest point. As this property would only be single storey in height this distance would be sufficient to prevent any undue harm to this neighbouring property.

7.5.4 No.3 St Andrews Lane would be located nearest to the northern most bungalow. Whilst the sitting/dining room window would directly face this property, boundary screening is proposed between this window and the neighbouring dwelling and as such would



reduce any mutual overlooking. As this proposed dwelling is only single storey in height, there would be no undue harm caused by overshadowing or overbearing impact.

7.5.5 Neighbours comments have been received about potential noise from a vehicle parking at the most northerly bungalow. It is unlikely that this would cause any more disturbance than a vehicle driving into the cul-de-sac and using the turning head located directly to the front of No.3 St Andrews Close.

## 7.6 Parking/impact on highway safety

7.6.1 There are five existing garages. According to the application details three of these are currently vacant, one is used by a resident in another street and one is used by a resident of St Andrews Close. Four spaces are provided. Therefore this would result in the loss of one parking space within St Andrews Close. This loss of one space would significantly increase the competition for off-road parking and as such would not justify a reason for refusal. The number of proposed spaces for each dwelling is considered an acceptable level for the types of dwelling proposed and the number of bedrooms each property would have.

7.6.2 The local highway authority have no objection to the application subject to the implementation of conditions in accordance with the local highway authority standing advice.

7.6.3 Neighbours have commented that the proposal could lead to the loss of turning space at the end of the cul-de-sac. The application site does not include the turning head and as such would not have any impact on its use.

7.6.4 Neighbours comments have been received about the loss of space in front of the garages for emergency vehicles to turn around. The existing garage sites are not part of the adopted highway and emergency vehicles should be able to access properties from the adopted highway.

## 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 therefore does not raise any significant issues.

8.3 Neighbours have commented that the proposal would affect a water hydrant and sewerage pipes. However, this would be covered by Building Regulations.

8.4 Neighbours have suggested alternative proposals, however, the local planning authority have to assess the application that has been submitted.

8.5 Neighbours have commented that Officers had concerns at pre-application stage. However, this was based on the information submitted to them at the time and the policies that were in place. The Policy for which the pre-application advice refers to is no longer a saved policy.

## 9 Recommendation

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

## Conditions/Reasons -

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Notwithstanding the submitted details, details and samples of all the external roofing and facing materials to be used on the works hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The works will be carried out in accordance with the approved details.  
Reason: To ensure the protection of the integrity of the Listed Building.
3. Notwithstanding the submitted information, a revised layout plan demonstrating the provision of pedestrian visibility splays measuring 2.4m x 2.4m either side of the proposed parking facilities shall have been submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall thereafter be carried out in accordance with these approved details.  
Reason: In the interests of highway safety.
4. Prior to the commencement of development, a scheme to prevent the unregulated discharge of surface water from the access hereby approved to the public highway shall have been submitted to and approved in writing by the local planning authority. These measures shall be implemented before the development hereby permitted is brought into use.  
Reason: In the interest of highway safety.
5. The parking area and vehicular access required shall be hard surfaced.  
Reason: To prevent the unregulated discharge of materials to the public highway.
6. Notwithstanding the submitted information, 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 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.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order amending that order with or without modification), no extensions or other alterations under Classes A to F shall be undertaken without the prior written approval of the Local Planning Authority.  
Reason: To safeguard the amenity of the area.
8. Notwithstanding the submitted details, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, implemented prior to the occupation of the building hereby permitted and retained thereafter.  
Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development.
9. The parking area hereby approved shall be provided and permanently retained for the parking of vehicles of residents/occupiers of the approved dwelling, prior to occupation, shall not be used for any other purpose and retained in perpetuity.  
Reason: In the interests of highway safety.
10. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 4 May 2011, drawing

numbers: 03A Proposed ground floor plan and elevations, 01A Site location plan and block plan, 04A Proposed first floor plan and roof plan and 02C Existing plans and elevations, 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, PPS5, East Midlands Regional Plan policies 2, 3 and 13b, the North Northamptonshire Core Spatial Strategy 2008 policies 1, 7, 9, 10, 13 and 14, Parking SPG, Highway Authority Standing Advice for Planning Authorities and the Rural North Oundle and Thrapston Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, the visual impact, the impact on neighbouring amenity, the impact on the adjacent conservation area and the impact on highway safety. The application has been approved as:

1. The principle of developing the site is considered acceptable and complies with all relevant planning policy.
2. The siting and design of the buildings are acceptable and the development would not harm the visual amenity or character of the area.
3. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
4. The proposal would not result in a detrimental impact to highway safety subject to the implementation of relevant conditions.
5. The proposal would not result in a detrimental impact on the character or appearance of the adjacent conservation area, as it would not fail to preserve or enhance it.

# Committee Report

Committee Date : 25 May 2011

Printed: 13 May 2011

Case Officer **Carolyn Tait**

**EN/11/00518/FUL**

Date received	Date valid	Overall Expiry	Ward	Parish
<b>31 March 2011</b>	<b>31 March 2011</b>	<b>26 May 2011</b>	<b>Thrapston Market</b>	<b>Denford</b>

Applicant **Mr And Mrs R Hurst**

Agent **Henry H Bletsoe & Son**

Location **Kingswood School Lane Denford Northamptonshire NN14 4PZ**

Proposal **Erection of residential dwelling (re submission)**

## 1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

## 2. The Proposal

2.1 The application proposes the erection of a 5 bedroom dwellinghouse with swimming pool and an attached garage to the rear of 'Kingswood' on the eastern side of School Lane.

2.2 It is proposed to gain access to the rear of the site by creating a driveway along the southern boundary.

2.3 This application is a re-submission of a previously refused application EN/10/00749/FUL. This application was refused as there was no supporting information relating to the swimming pool and for possible overlooking to No.2 Riverview Gardens. This current application moves the previously refused dwelling approximately 2 metres north to address the overlooking, and includes information with regards to the proposed swimming pool.

## 3 The Site and Surroundings

3.1 The site is situated out side the village boundary as identified in the Rural North Oundle and Thrapston Plan. To the west is open countryside with other detached dwellings to the south and east. Immediately to the north is a small copse of mature trees, beyond which is the River Nene, which forms to the northern boundary of the curtilage.

3.2 The site is located within flood zone 3 and is located within a Pipeline consult area.

## 4 Policy Considerations

4.1 National Planning Policy Guidance

PPS1– Sustainable Development  
PPS3 – Housing

#### 4.2 East Midlands Regional Plan

- Policy 2 – Promoting Better Design
- Policy 3 – Distribution of New Development
- Policy 13b – Housing Provision (Northamptonshire)
- Policy 35 – A Regional Approach to Managing Flood Risk

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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSSs is a material consideration which should be taken into account when determining a planning application. Cala Homes has taken its case to the Courts of Appeal, although it is not known when a decision will be made in this regard.

#### 4.3 North Northamptonshire Core Spatial Strategy

- Policy 1 – Strengthening the Network of Settlements
- Policy 7 – Delivering Housing
- Policy 9 – Distribution and Location of Development
- Policy 10 – Distribution of Housing
- Policy 13 – General Sustainable Development Principles
- Policy 14 – Energy Efficiency and Sustainable Construction

#### 4.4 Supplementary Planning Guidance

None relevant

#### 4.5 Other Documents

- Local Highway Authority Standing Advice
- Rural North Oundle and Thrapston Plan (Inspectors Modifications, 8 July 2009)
- Policy 1 – Settlement Roles

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

## 5 Relevant Planning History

- 5.1 89/00179/FUL Domestic leisure building. PERMITTED.
- 5.2 07/02282/FUL New dwelling house and construction of 3.5 metre wide access. WITHDRAWN.
- 5.3 08/01225/FUL. Erection of dwelling house in garden and construction of 3.5 metre wide access to School Lane. This application was refused on 22 September 2008 and was subsequently allowed at appeal on 15 April 2009. Therefore this permission is still extant.

This application was originally refused as the proposed dwelling was located outside of the settlement boundary as identified in the Rural North Oundle and Thrapston Plan and would have resulted in the loss of transition between the open countryside and built environment and would detract from the open and rural character and form of the site and its wider village context. It stated in the Officer report that The Rural North Oundle and Thrapston Plan seeks to prevent development outside of villages with

defined boundaries.

The Planning Inspector allowed the appeal and stated that the proposed house would have ample space around it and would sit well within the landscape.

The Inspector made reference to the status of the Rural North Oundle and Thrapston Plan and stated that the process of the RNOTP was ongoing and the proposed village boundary might change following further consultations.

Overall the Inspector concluded that the proposed site was not important to the visual form of the village and would represent low density development which would integrate well into its edge of village situation, without harming the character and appearance of the village or its landscape setting. The Inspector also concluded that although the site is designated as Important Open Land the public do not have a right of access to the land.

5.4 10/00749/FUL Erection of dwelling house. REFUSED. Details in 2.3 above.

## **6 Consultations and Representations**

6.1 Neighbours: Comments can be summarised as:

### Noise

- The noise report states at 3.2 that it relies entirely on the plant manufacturer's technical data as the basis for all its conclusions and there has been no measurement of the specific equipment in use in similar circumstances, over a reasonable period of time, running in varied states of efficiency and in different climatic conditions to determine noise levels. This has simply been compared to a bench test and this can be no basis on which to draw any balanced conclusions.
- The exercise on which the noise report is based is also incomplete. In point 5.6.2 the writer states that at the time at which the report was compiled, significant additional noise-generating equipment had not been specified and therefore could not be included in his assessment of potential noise levels at the site.
- The pool equipment proposed may not even be used in the final construction.
- The pool would be used until 2am possibly generating additional noise.
- The impact of the proposed pool on neighbouring properties can not be fully assessed as the noise report is not fully conclusive.
- If the lack of a swimming pool noise report was an omission by the planning inspector, does this affect the validity of the approved dwelling (08/01225/FUL)?

### Impact on neighbouring amenity

- Increased invasion of privacy to No.3 Riverview Gardens.
- Why did the original permission only refer to No.2 Riverview Gardens and not No.3 Riverview Gardens?
- Why does this application show four dormer windows facing directly towards No.3 Riverview Gardens? Why are these still being included in the re-submitted application?
- Invasion of privacy to No.2 Riverview Gardens
- The proposed movement by 2 metres to the north east fails to eliminate the issue of overlooking at No.2 Riverview Gardens.
- This proposed dwelling is located approximately 12 meters closer to No.2 Riverview Gardens than the previously approved application.

### Visual impact

- Will alter the character of the village.
- Is situated in close proximity to the Old School and the Parish Church, this part of the

village is an important link to its past.

#### Other comments

- The Planning Inspector's decision when he allowed the previous application states that "development should be carried out in accordance with the approved details".
- A requirement was placed upon No.2 Riverview Gardens to replace dormer windows with Velux windows when permission for this dwelling was granted, to prevent any overlooking to the applicant's garden.
- The location of the proposed dwelling is not in accordance with the approved details as required by the Planning Inspectorate , but is in an entirely different location within the garden.
- Does nothing to rebalance the mix of housing in this area
- Officers and Councillors should be aware of the Localism Bill currently passing through Parliament. In this instance the Ward Councillor, residents and Parish Council Chairman have joined together in opposing this application and believe that the local viewpoint should be given due weight in accordance with the spirit of this new legislation that will soon become law.
- The present application is not significantly different from the previous application.
- The design and access statement is incorrect when it states that the proposed development is in line with the earlier permission, as it no longer includes Velux windows.
- The footprint, layout and boundaries differ significantly from the previously approved application.

#### Inaccuracies with Design and Access Statement

- The area of land running down to the River Nene has not been officially designated as garden land.
- The existing stone and brick domestic store does not "screen the application site to the countryside to the west". The two storey dwelling would tower above it creating a visual intrusion on the land to the west and encroach on the open countryside. The hedgerow to the remainder of the western boundary has been recently severely cut back and would take many years to screen the application site from the open countryside to the west.
- Part of the development is located outside of the confines of the village settlement boundary.
- There is no precedent for building on the 'site' because the 'site' has now been changed.
- The natural aspects which the Design and Access Statement refers to are not in fact natural aspects but constitute planted 'woodland'.
- The proposed dwelling is not similar to the existing permitted scheme.
- The land to the north is not "open in character" it is heavily wooded.
- The height of the proposed dwelling is not consistent with the existing approved scheme.
- Will not be in keeping with Kingswood or the rest of the village.

6.2 Denford Parish Council: No comments received.

6.3 Conservation Officer (TPO): No comments to make.

6.4 Local Highway Authority: No objection in principle to this application.

6.5 Environment Agency: Previously the Environment Agency had no objection subject to the imposition of relevant planning conditions. As this proposal is located on flood zone 1 land but adjacent to flood zone 2 and 3 land it was not necessary for them to be consulted. However, the previously recommended conditions are recommended for

this proposal.

- 6.6 Natural England: On the previously refused application Natural England had no objection subject to the imposition of relevant planning conditions. This condition is recommended for this proposal. Natural England were not consulted on this application as local planning authorities are to refer to their specialist standing advice.
- 6.7 The Wildlife Trust: Were consulted on the previous application and no representations were received. The reason the Wildlife Trust were consulted was because the north western corner of the site falls within a Nature Conservation Zone.
- 6.8 Environmental Protection Officer: No objection subject to recommended condition.
- 6.9 Pipeline Consultation: The proposed dwelling does not fall within the pipeline buffer zone and therefore a consultation was not necessary. The previously submitted scheme did not affect the pipeline either, although a consult was carried out. This application is for the dwelling to be moved two metres to the east, the pipeline would still not be affected as it is located 210 metres to the west of the application site.
- 6.10 Site Notice posted: 12 April 2011.

## **7 Evaluation**

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

7.2 Principle of development

7.2.1 The site is located outside of the settlement boundary as identified in the Rural North Oundle and Thrapston Plan and is located on garden land, which does not constitute previously developed land as outlined in PPS3. However, there is an extant permission on this site (EN/08/01225/FUL) for a residential dwelling. Although the dwelling already approved is different in terms of scale, design, layout and form, this approval has set a precedent for the principle of developing this site for a residential dwelling and as such the principle of development of this site for residential use is considered acceptable.

7.3 Visual impact

7.3.1 The proposed dwelling would not be highly visible from the street scene as it would be screened by the existing dwelling at 'Kingswood' and neighbouring dwellings at Riverview Gardens. The site is located away from the public highway by approximately 55 metres and as such would not create a prominent or obtrusive feature within the street scene. For this reason the proposed dwelling would not result in a detrimental visual impact on the character or appearance of the street scene.

7.3.2 Whilst the delegated report for application reference EN/08/01225/FUL stated that the proposal was on the edge of the village settlement and due to its location would create a detrimental visual impact to the character and appearance of the surrounding area and open countryside, the Inspector's decision states that the proposed dwelling would sit well within the landscape and as such would not have a detrimental visual impact. Although this was for a previous application the Inspector's decision is a material consideration and therefore it has to be accepted that the proposed dwelling would not cause a detrimental visual impact to the character and appearance of the surrounding area or the open countryside. The size of the proposed dwelling is similar in size to that which was allowed by the Planning Inspectorate.

7.3.3 The design of the proposed dwelling is considered acceptable and a number of its features can be found in properties located close to the dwelling. For example the attached garage, gable ends, velux windows and dormer windows. Therefore, when



considered in isolation, for reasons of design the dwelling is considered acceptable.

7.3.4 This dwelling differs from the previously approved dwelling in terms of design as it includes dormer windows to the south east elevation, and does not include a balcony. This proposal includes a single garage door whereas the previous included two garage doors. The form of the roof however, is the same and includes two projecting gables. The swimming pool has been relocated to the south west of the property whereas in the previous permission it was located to the north east. The north west elevation differs in that it now includes two projecting gables whereas the previous proposal only had one. The design of this application is exactly the same as the application which was refused previously. The refusal reasons were not related to design. Nothing has materially changed since the decision to refuse the previous application and as such the visual impact is acceptable.

7.3.5 Neighbours have commented that the proposal is within close proximity to the Old School and the Parish Church. However, the proposed dwelling would not alter the setting or character of these nearby buildings.

#### 7.4 Impact on neighbouring amenity

7.4.1 The previously submitted application, reference 10/00749/FUL was refused for the impact on No.2 Riverview Gardens. This revised application has moved the dwelling approximately 2 metres to the east to try to overcome any possible overlooking which may have been caused. The first floor bedroom dormer window would be located approximately 21 metres from the nearest elevation at No.2 Riverview Gardens and views would be obscured by the proposed front projecting gable. As such, the revised layout would remove the possibility for any undue overlooking and is now acceptable.

7.4.2 The revised siting would mean that the proposed dwelling would be moved closer to No.3 Riverview Gardens. Whilst neighbours have concerns, this property would be located approximately 25 metres away at the nearest point. It would also be sited on lower ground. This distance and the difference in land levels would be sufficient to prevent any undue overlooking, overshadowing or overbearing impact.

7.4.3 The proposal would not cause any issues of overlooking to any windows on the neighbouring property at No.2 Riverview as the proposed dwelling would be situated lower and therefore it would not be possible to overlook the existing velux windows located on the north west elevation of the neighbouring property.

7.4.4 Neighbours have asked why this application still includes four dormer windows. The Council can not restrict what an applicant includes within their proposal. These proposed windows would not cause any undue overlooking to neighbouring amenity and as such are acceptable.

#### 7.5 Impact on highway safety

7.5.1 The local highway authority has no objection to the proposal subject to conditions in accordance with their standing advice. Therefore conditions are recommended for pedestrian visibility splays, measures for the unregulated discharge of surface water onto the highway and sufficient turning and parking space is provided, including emergency vehicles, where the length of a drive is in excess of 45 metres. The access is in excess of 45 metres, however, sufficient turning and parking space is included within the site.

#### 7.6 Impact on flooding

7.6.1 The Environment Agency had no objection to the previous proposal subject to two conditions being added to any permission granted to ensure that no development takes

place within flood zones 2 or 3 and that Permitted Development rights are removed from the site.

## 7.7 Noise

7.7.1 Neighbours have concerns about noise levels caused by the pool. However, the Council's Environmental Protection Officer has no objection to the proposal subject to the imposition of a condition to control the level of noise generated by the pool and associated machinery.

## 8 Other issues

8.1 Adequate private amenity space would remain at 'Kingswood'.

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

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

8.4 Neighbours have asked why the original permission only referred to No.2 Riverview Gardens and not No.3. This is covered in the previous application in the Officer's report.

8.5 Neighbours have stated that the proposed dwelling is not located in accordance with the approved details as found in the Planning Inspector's decision. This is a separate application for a new development.

8.6 Neighbours have commented that No.2 Riverview Gardens was required to include Velux windows instead of dormer windows to prevent overlooking. This would have been assessed at the time that the application was submitted. The impact on No.2 Riverview Gardens has been assessed within paragraph 7.4.

8.7 Neighbours have commented that the proposal does nothing to rebalance the mix of housing within the village. The application allowed by the Planning Inspectorate was for a five bedroom dwelling as is the current proposal. The Planning Inspectorate did not mention housing mix being of concern. The previous scheme is extant and a five bedroom dwelling could still be built on the site.

8.8 Comments have been received about the Localism Bill. This is not yet legislation and therefore can not be considered a material consideration.

8.9 Neighbours have stated a number of inaccuracies within the Design and Access Statement. However, a number of site visits have been carried out to the site itself and neighbouring properties and the application has been fully assessed.

## 9 Recommendation

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

### Conditions/Reasons -

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

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

2. Notwithstanding the submitted details, details and samples of all the external roofing and

facing materials to be used on the works hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The works will be carried out in accordance with the approved details.

Reason: To ensure the protection of the integrity of the Listed Building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order amending that order with or without modification), no extensions or other alterations under Classes A to F shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenity of the area.

4. Notwithstanding the submitted details, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the building hereby permitted and retained thereafter.

Reason: To ensure that the boundaries of the site are properly treated so as to secure a satisfactory standard of development.

5. The garage and parking area hereby approved shall be provided and permanently retained for the parking of vehicles of residents/occupiers of the approved dwelling, prior to occupation, shall not be used for any other purpose and retained in perpetuity.

Reason: In the interests of highway safety.

6. Before any work is commenced on the development the subject of this permission, details of the ground floor levels of the proposed building in relation to surrounding properties shall have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the amenity of adjacent properties.

7. Prior to the first use or occupation of the development hereby permitted pedestrian visibility splays of at least 2.4 metres x 2.4 metres (2 metres x 2 metres where there is turning space within the site) shall be provided on each side of the vehicular access within the site and thereafter retained in perpetuity. These measurements are taken from and along the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.6 metres above access / footway level.

Reason: In the interests of highway safety.

8. Prior to the first use or occupation of the development hereby permitted, the means of access shall be of a minimum width of 3 metres and shall be paved with a hard bound surface for the first 5 metres from the highway boundary. The maximum gradient over the 5 metre distance shall not exceed 1 in 15.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

10. The development hereby permitted shall be carried out strictly in accordance with the approved plans received by the Local Planning Authority on 31 March 2011, drawing numbers: 1F Ground floor, 2F First floor, 3F Front and rear elevations, 4F Side elevations, 5F Section through hall, 6F Section through kitchen, 7F Section through pool room, 8F Section through changing/plant, 10F Block plan at a scale of 1:500 and Site plan at a scale of 1:2500, 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.

11. Noise from the fixed plant shall not exceed the background noise levels when measured as a 15 minute LAeq at the nearest residential premises.  
Reason: In the interests of neighbouring amenity.
12. No built development shall take place within flood risk zones 2 and 3 as detailed in Table D1 of Planning Policy Statement 25 unless otherwise agreed in writing by the local planning authority.  
Reason: To reduce the risk of flooding to occupants, the site and thid parties in accordance with PPS25, Policy 35 of the East Midlands Regional Plan and Policy 13 (q) of the North Northamptonshire Core Spatial Strategy.
13. Site clearance options that involve the destruction and removal of vegetation on site shall not be undertaken during the months of march to august inclusive, except when approved by the local planning authority.  
Reason: To ensure that breeding birds are not adversely affected.

### **Informatives**

1. In approving this application, the relevant planning guidance and policies were identified as PPS1, PPS3, PPG24, PPS25, East Midlands Regional Plan policies 2, 3, 13b and 35, the North Northamptonshire Core Spatial Strategy 2008 policies 1, 7, 9, 10, 13 and 14, Highway Authority Standing Advice for Planning Authorities and Policy 1 of the Rural North Oundle and Thrapston Plan. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the principle of development, the visual impact, the impact on neighbouring amenity, the impact on highway safety, the impact on flooding and noise. The application has been approved as:
  - 1 The principle of developing the site for a single dwelling is considered acceptable and complies with all relevant planning policy.
  2. The siting and design of the building is acceptable and the development would not harm the visual amenity or character of the area.
  3. The proposal would not have a significant impact on the amenities of neighbouring occupiers.
  4. The proposal would not result in a detrimental impact to highway safety subject to the implementation of relevant conditions
  5. The proposal would not result in any impact on flooding subject to the implementation of relevant conditions.
  6. There would be no undue harm caused by noise subject to the implementation of a relevant condition.

# Committee Report

Committee Date : 25 May 2011

Printed: 11 May 2011

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Case Officer **Samantha Hammonds**

**EN/11/00590/VAR**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>11 April 2011</b>	<b>11 April 2011</b>	<b>6 June 2011</b>	<b>Raunds Saxon</b>	<b>Raunds</b>

Applicant **Spire Homes**

Agent **MsSquare Architects Ltd - Mr T Millican**

Location **Land To The Rear Of 10 And 12 To 14 Park Road Raunds Northamptonshire**

Proposal **Variation of condition 21 pursuant to planning permission 10/02068/FUL Erection of ten new dwellings (six 2-bedroom and four 3-bedroom affordable homes) along with ten sheds, new associated access road and parking court**

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This application is brought to committee as it considered the previous application for this site, and the proposal does not fall within the scheme of delegation.

## 1 Summary of Recommendation

1.1 That permission be GRANTED subject to conditions.

## 2. The Proposal

2.1 The application seeks a variation to the previously approved plans in respect of a development of ten affordable houses. Following detailed survey work on site, the developer is proposing an increase to the finished floor levels of the individual dwellings to facilitate construction on this sloping site.

2.2 This proposed variation does not affect the levels of the overall site, only the finished floor levels of the approved buildings.

2.3 The finished floor levels would vary as follows: unit 1 to be 0.775m higher; unit 2 to be 1.075m higher; units 3-5 to be 0.7m higher; unit 6 to be 0.85m higher; unit 7 to be 0.55m higher; units 8-9 to be 0.8m higher; and unit 10 to be 0.5m higher. The average height increase is 0.75m.

2.4 This amendment would result in a variation to the external appearance of the dwellings as the roof lines would become more "stepped" than previously approved.

## 3. The Site and Surroundings

3.1 There are no buildings on the site currently and the land appears to function as garden land. The site is concealed from Ponds Close by a 1.8m wire mesh fence with substantial mixed planting behind. Land levels slope up from north to south.

3.2 The site is almost entirely surrounded by residential uses, with the exception of a factory building to the east of the site. There is also a run-down looking residential

garaging court to the north east of the site on Ponds Close.

## **4 Policy Considerations**

- 4.1 National Planning Policy Guidance  
PPS1– Sustainable Development  
PPS3 – Housing  
PPG13 – Transport  
PPS23 – Planning and Pollution Control  
PPG24 – Planning and Noise

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. A statement was then issued by the Government reiterating their intention to remove RSSs and that this should be treated as a material consideration. Despite a further legal challenge, it has now been confirmed that the Government's intention to abolish RSSs is a material consideration which should be taken into account when determining a planning application.

- 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 15 - Regional Priorities for Affordable Housing in Rural Areas

4.3 North Northamptonshire Core Spatial Strategy 2008

- Policy 1 – Strengthening the Network of Settlements
- Policy 6 - Infrastructure Delivery and Developer Contributions
- Policy 7 – Delivering Housing
- Policy 9 - Distribution and Location of Development
- Policy 10 – Distribution of Housing
- Policy 13 – General Sustainable Development Principles
- Policy 14 – Energy Efficiency and Sustainable Construction
- Policy 15 – Sustainable Housing Provision

## **5 Relevant Planning History**

- 5.1 10/02068/FUL - Residential development of ten affordable dwellings (six 2-bed and four 3-bed) with associated sheds, access and parking. Committee resolved to approve on 9 February 2011 subject to S106 agreement. Permission issued 5 April 2011.
- 5.2 03/00818/OUT – Residential development – refused under delegated powers on 10 November 2003 for the following reasons:
- Contrary to the interim housing policy “Managing the Release of Housing Land” which sought to prioritise development on brownfield land at a time when housing land supply and development rates were exceeding expectations.
  - Lack of noise assessment to ensure compatibility with nearby commercial/industrial uses.

## **6 Consultations and Representations**

6.1 Neighbours: 2 objections from 5 and 7 Ponds Close, raising the following concerns:

- Plot 10 (with no ground work lowered and no retaining wall) will not be safe. Ground at

- the rear of plot 10 is level with the top of the fence on no 6 with a 6ft drop.
  - Plot 10 (at a higher level and with no wall or fencing) will affect privacy of 7 Ponds Close and other dwellings
  - Disappointed with the original decision to grant permission for the ten dwellings
- 6.2 Raunds Town Council: no objection
- 6.3 Police Crime Prevention Officer: no objection
- 6.4 NCC Highways: no comments on the revised plans, so long as the highways conditions on the original planning permission still apply.
- 6.5 ENC Environmental Services (contamination): no objection. The application should not interfere with the agreed remediation of the site.
- 6.6 ENC Environmental Services (noise): no obvious issues apparent at this time.
- 6.7 ENC Housing Strategy: no comments as this variation does not affect the mix, size or tenure of properties.
- 6.8 A site notice was displayed. No other representations were received.

## **7 Evaluation**

- 7.1 The main considerations in the determination of this proposal are: design and visual impact and impact on neighbouring properties.
- 7.2 Design and Visual Impact
- 7.2.1 The layout and design of the development has already been agreed by 10/02068/FUL.
- 7.2.2 The slight change in external appearance to introduce more of a stepped roof line to the development would not significantly alter the character or appearance and would be acceptable in visual terms. No other changes are proposed to the basic design and proportions of the dwellings.
- 7.2.3 The average overall increase in levels of the buildings would be 0.75m, which is not excessive in proportion to their total height (8.6m). The approved dwellings were always going to be slightly higher than the existing neighbouring dwellings due to their differing architectural style and design. Taking account of the natural slope in the land on the application site, the newly proposed building heights would not be excessive and would still fit well within the streetscene.
- 7.2.4 The approved solar panels on the rear roof slopes of the dwellings would be slightly repositioned and increased in size. This amendment would not be detrimental to visual amenity.

## **7.3 Impact on neighbouring properties and residential amenity**

- 7.3.1 The slight increase in building heights would not have a significant impact on the residential amenity of neighbouring occupiers. There is no proposed change to the positioning of the buildings or the number or size of window openings.

## **8 Other issues**

- 8.1 A neighbour has commented that, due to the higher ground at the bottom end of the new gardens of plots 3-10 (at the south of the site), the development may be unsafe and future residents may be able to look from their gardens into neighbouring gardens

and properties. This is not an issue that can be controlled as part of the current proposed variation as the garden land levels would not be altered from that previously approved. However, detailed consideration of the boundary treatment will take place as part of the process of discharging conditions for the main planning permission. It will be possible to ensure that safety and privacy will not be unacceptably compromised by controlling the details of the boundary treatment for the overall development.

- 8.2 If granted, this permission would serve to supersede the relevant previously approved plans with those now submitted. The previous planning permission would still be the main planning permission for the development and all the conditions therein would remain in force. There is therefore no need to repeat all of the previous conditions. The two permissions should be read in conjunction.

## **9 Recommendation**

- 9.1 That permission be GRANTED to vary the conditional planning permission, subject to the following condition:

### **Conditions/Reasons -**

1. Condition 21 of EN/10/02068/FUL is hereby varied. The development shall be carried out strictly in accordance with the approved plans: drawings 018-WD-001; 018-WD-101; 018-WD-202; and 018-WD-301 received by the local planning authority on 11 April 2011; and drawing 018-PA-002 received by the local planning authority on May 2011.  
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, PPG13, PPS23, PPG24; East Midlands Regional Plan policies 1, 2, 3, 13b, 14, 15; North Northamptonshire Core Spatial Strategy 2008 policies 1, 6, 7, 9, 10, 13, 14, and 15. Having regard to these, the representations received and any other material planning reasons, the main issues were identified as the impact on neighbouring amenities, the design and the visual impact. 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 the amenities of neighbouring occupiers.