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Meeting: Area Planning Committee Thrapston
Date: Thursday 30th June, 2022
Time: 2.00 pm
Venue: Council Chamber, Cedar Drive, Thrapston, NN14 4LZ

To members of the Area Planning Committee Thrapston

Councillors Jennie Bone (Chair), Gill Mercer (Vice Chair), Kirk Harrison, Bert Jackson, Barbara Jenney, Dorothy Maxwell, Roger Powell, Geoff Shacklock and Lee Wilkes

Substitutes: Councillors Wendy Brackenbury and Michael Tye

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04	Planning Application NE/21/01330/REM Land Between St Christopher's Drive and A605 Oundle Bypass, Oundle Reserved matters application for design, parking and landscaping for the Extra Care facility comprising of 65no apartments, communal and support facilities pursuant to 19/01355/OUT – Outline planning permission for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle (All matters reserved except access). Recommendation: That reserved matters approval is not granted until the Lead Local Flood Authority has given its advice	Relevant Case Officer	11 - 54

05	<p>Planning Application NE/21/01309/REM Land Between St Christopher's Drive and A605 Oundle Bypass, Oundle</p> <p>Reserved Matters approval of appearance, landscaping, layout and scale pursuant to application number 19/01355/OUT – Outline planning permission for the erection of 65 dwellings and an extra-care facility of up to 65 units.</p> <p>Recommendation: That reserved matters approval is not granted until the Lead Local Flood Authority has given its advice.</p>	Relevant Case Officer	55 - 260
06	Close of Meeting		
<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer 22 June 2022</p>			

*The reports on this agenda include summaries of representations that have been received in response to consultation under the Planning Acts and in accordance with the provisions in the Town and Country Planning (Development Management Procedure) Order 2015.

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ITEM	NARRATIVE	DEADLINE
Members of the Public Agenda Statements	Requests to address the committee must be received by 12 Noon on the day before the meeting. Speakers will be limited to speak for 3 minutes.	12 Noon Wednesday 29 June 2022
Member Agenda Statements	A request from a ward councillor must be received by 12 Noon on the day before the meeting. The Member will be limited to speak for 5 minutes, unless where there is more than one ward councillor who wishes to speak, when each ward councillor shall be allocated a maximum of 3 minutes each.	12 Noon Wednesday 29 June 2022

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Members' Declarations of Interest

Members are reminded of their duty to ensure they abide by the approved Member Code of Conduct whilst undertaking their role as a Councillor. Where a matter arises at a meeting which **relates to** a Disclosable Pecuniary Interest, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

Where a matter arises at a meeting which **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

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Minutes of the Area Planning Committee Thrapston

At 7.00pm on Wednesday 8th June 2022

Held in the Council Chamber, Cedar Drive, Thrapston

Present:-

Members

Councillor Jennie Bone (Chair)	Councillor Gill Mercer (Vice Chair)
Councillor Kirk Harrison	Councillor Roger Powell
Councillor Bert Jackson	Councillor Geoff Shacklock
Councillor Dorothy Maxwell	

Officers

Carolyn Tait (Planning Development Manager)
 Dean Wishart (Principal Development Management Officer)
 Peter Baish (Senior Development Management Officer)
 Jacqui Colbourne (Development Management Officer)
 Jamie Parsons (Senior Planning Lawyer)
 Troy Healy (Principal Planning Manager)
 Louise Tyers (Senior Democratic Services Officer)

1 Apologies for non-attendance

Apologies for non-attendance were received from Councillors Barbara Jenney and Lee Wilkes.

2 Members' Declarations of Interest

The Chair invited those who wished to do so to declare interests in respect of items on the agenda.

Councillors	Application	Nature of Interest	DPI	Other Interest
All Committee Members	NE/22/00184/FUL Wilanow, Berrister Place, Raunds	Applicant was a North Northamptonshire Councillor		Yes
Geoff Shacklock	NE/22/00238/FUL The Samuel Pepys, Slipton Lane, Slipton	The applicant and one of the speakers were known to him		Yes (left meeting for item)
	NE/21/01767/FUL Blackthorn Lake, Station Road, Ringstead	The agent acted on his behalf		Yes (left meeting for item)

3 Informal Site Visits

Councillors Jennie Bone, Bert Jackson and Dorothy Maxwell declared that they had visited all of the sites on the agenda.

Councillor Gill Mercer declared that she had visited 142 Westfield Avenue, Rushden (NE/21/01774/FUL).

4 Minutes of the meeting held on 3 May 2022

RESOLVED:-

That the minutes of the Area Planning Committee Thrapston held on 3 May 2022 be confirmed as a correct record and signed.

5 Applications for planning permission, listed building consent and appeal information

The Committee considered the planning application report and noted any additional information on the applications included in the Committee Update Report.

(i) Planning Application NE/22/00184/FUL – Wilanow, Berrister Place, Raunds

The Committee considered an application for the erection of a proposed annex to create a home office and partial conversion of a double garage to form a utility room.

The Senior Development Management Officer presented the report which detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal, providing full and comprehensive details.

It was recommended that planning permission be granted, subject to the conditions set out in the report.

The Chair invited the Committee to determine the application.

It was proposed by Councillor Gill Mercer and seconded by Councillor Kirk Harrison that planning permission be granted.

On being put to the vote, the motion for approval was unanimously carried.

RESOLVED:-

That planning permission be granted, subject to the conditions (and reasons) numbered in the report.

(ii) Planning Application NE/21/01774/FUL – 142 Westfield Avenue, Rushden

The Committee considered an application for a plot division to allow for the construction of two new semi-detached two-bedroom dwellings adjacent to the existing dwelling.

The Senior Development Management Officer presented the report which detailed the proposal, description of the site, relevant planning history,

relevant planning policies, outcome of consultations and an assessment of the proposal, providing full and comprehensive details.

It was recommended that planning permission be granted, subject to the conditions set out in the report.

The Chair invited the Committee to determine the application.

Members noted that there would be no parking for the two proposed dwellings. Also, new building regulations required all new homes to have electric vehicle charging points installed. It was also highlighted that the site was cramped for two dwellings.

In response, officers clarified that the new building regulations did not take effect until later this month. Houses could be built without parking when it was justified and Highways had not objected to the application on parking grounds. A Parking Beat Survey had been undertaken which supported the development and we would need evidence to contradict that view, which we did not have.

It was proposed by Councillor Gill Mercer and seconded by Councillor Geoff Shacklock that planning permission be granted.

On being put to the vote, there were four votes for the motion, one against and one abstention, therefore the motion for approval was carried.

RESOLVED:-

That planning permission be granted subject to the conditions (and reasons) numbered in the report.

(iii) Planning Application NE/21/01843/FUL – Middlefield Farm Site, Church Street, Ringstead

The Committee considered an application for the removal of an existing agricultural building and replace it with a single residential dwelling.

The Senior Development Management Officer presented the report which detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal, providing full and comprehensive details.

It was recommended that planning permission be granted, subject to the conditions set out in the report.

A request to address the meeting had been received from James Fulton, the agent for the applicant, and the Committee was given the opportunity to ask questions for clarification.

Mr Fulton addressed the Committee and stated that the reason for the application was because the applicants wanted a single residential dwelling for themselves. There had been discussions around the conversion of the barn,

but they wished to have the highest energy standards which would not be possible with a conversion. The Parish Council had not been willing to discuss the application and their objection. The development would be smaller and more attractive than the extant permission.

The Chair invited the Committee to determine the application.

It was proposed by Councillor Roger Powell and seconded by Councillor Bert Jackson that planning permission be granted.

On being put to the vote, the motion for approval was unanimously carried.

RESOLVED:-

That planning permission be granted, subject to the conditions (and reasons) numbered in the report.

Councillor Geoff Shacklock left the meeting for the following two applications and did not return.

(iv) Planning Application NE/22/00238/FUL – The Samuel Pepys, Slipton Lane, Slipton

The Committee considered an application for the partial demolition and conversion of a public house to a single residential dwelling with associated development including garage, access, parking and landscaping.

The Principal Development Management Officer presented the report which detailed the proposal, description of the site, relevant planning history, relevant planning policies and an assessment of the proposal, providing full and comprehensive details.

It was recommended that planning permission be granted, subject to the conditions set out in the report.

Requests to address the meeting had been received from John Beaty, an objector and Mark Harris, the agent for the applicant and the Committee was given the opportunity to ask questions for clarification.

Mr Beaty addressed the Committee and stated that planning permission in 2021 had been refused as the applicant had failed to prove that the loss of a community facility was acceptable. It was not correct to say that no offer had been made by the community for the pub. The owner had been approached but had refused access to himself or a valuer as they were not willing to sell the premises as a pub. The pub was the main place people socialised in the village and needed to be kept. If the application was approved, it would be the loss of a pub which had been there for nearly 100 years.

Mr Harris addressed the Committee and stated that the applicants had purchased the pub in 2016. It was not trading at that time and the plan was to reopen it and a tenant was in place in 2017. Unfortunately, the business failed in 2019 and the lease surrendered. The pub has been marketed ever since,

with only one recorded viewing. The Asset of Community Value (ACV) process had not led to a bid, despite being listed twice, and it was his belief that the process was being used as a delaying tactic. The refusal of access was inaccurate as the community had been asked to approach the agents and this had not been done. The proposed development was an improvement as it was bringing an empty premise into use.

The Chair invited the Committee to determine the application.

To assist the Committee, the Senior Planning Lawyer explained the ACV process. He confirmed that this application did not stop an application to bid from the Friends being made.

Members sought clarification as to what the differences were with this application compared to the last one which was refused in 2021. In relation to the Joint Core Strategy (JCS), it could be argued that not all of the criteria had been met as there was evidence of a desire to keep the asset. Some Members felt that the community should be given a chance to pursue the opportunity to make a bid for the pub.

In response, officers clarified that the difference with this application compared to the previous one was the situation with the ACV and viability. There had been several earlier applications which were for more dwellings. Policy 7 of JCS had now been met regarding community services and facilities as whilst there was a desire to keep the pub, no bid had been made which demonstrated that there was no need. This was the second time that the pub had been listed as an ACV and due process had been followed by the landowner.

It was proposed by Councillor Kirk Harrison and seconded by Councillor Bert Jackson that planning permission be granted, subject to an additional condition.

On being put to the vote, there were two votes for the motion, two against and one abstention. The Chair used her casting vote and voted for the motion and therefore the motion for approval was carried.

RESOLVED:-

That planning permission be granted, subject to the conditions (and reasons) numbered in the report and an additional condition in relation to sustainability measures for the new building:

- An electric vehicle charging point;
- The use of gas fired boilers; and
- Measures to encourage use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day.

(v) Planning Application NE/21/01767/FUL – Blackthorn Lake, Station Road, Ringstead

The Committee considered an application for the replacement of an existing site manager's office/accommodation with a new site manager's cabin.

The Development Management Officer presented the report which detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal, providing full and comprehensive details.

It was recommended that planning permission be granted, subject to the conditions set out in the report.

The Chair invited the Committee to determine the application.

Members noted that no electric vehicle charging point had been included and it was suggested that this be included as a condition.

It was proposed by Councillor Dorothy Maxwell and seconded by Councillor Bert Jackson that planning permission be granted, subject to an additional condition.

On being put to the vote, the motion for approval was unanimously carried.

RESOLVED:-

That planning permission be granted, subject to the conditions (and reasons) numbered in the report and an additional condition in relation to sustainability measures for the new building:

- An electric vehicle charging point;
- For gas fired boilers; and
- Measures to encourage use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day.

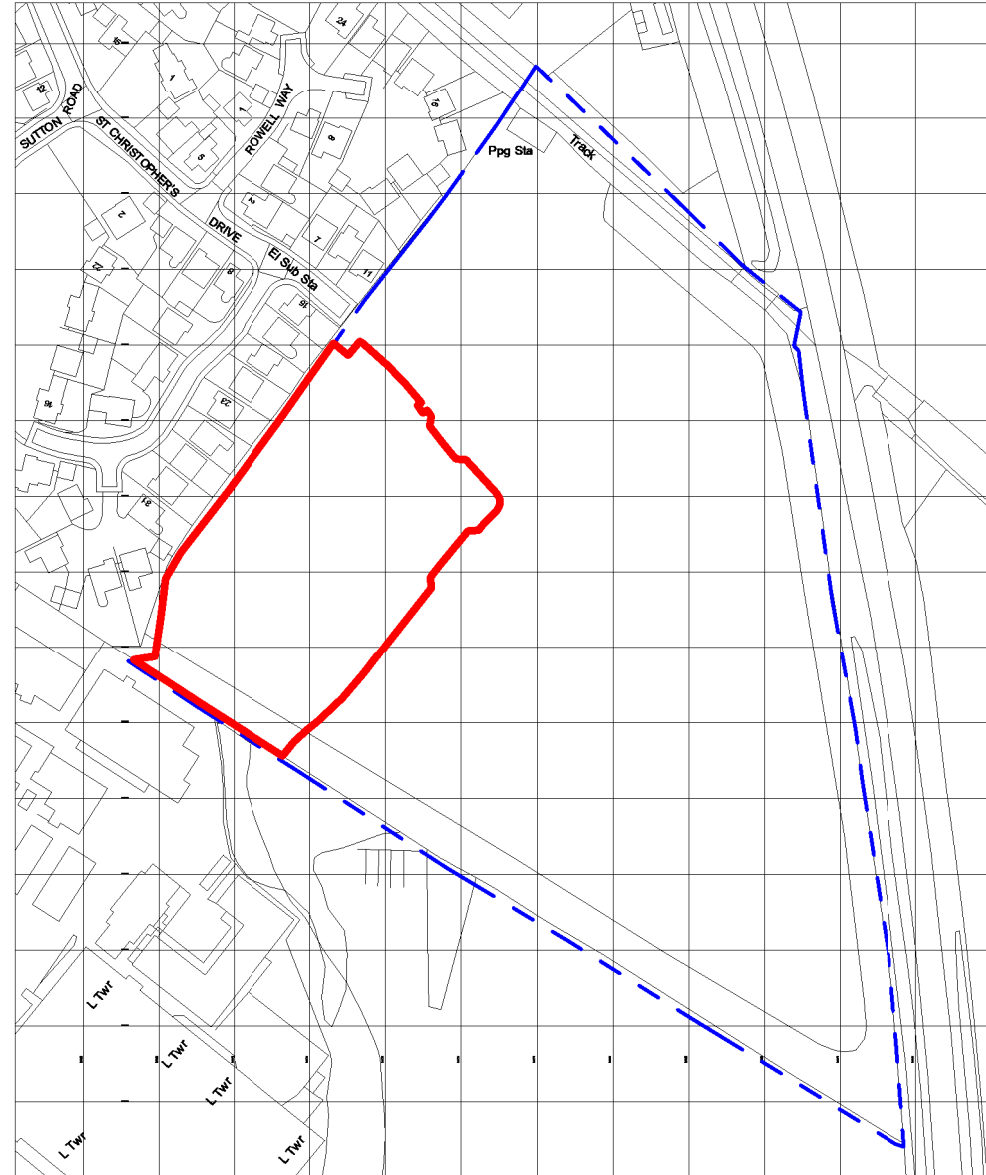
6 Close of Meeting

The Chair thanked members, officers and the public for their attendance and closed the meeting.

The meeting closed at 8.58pm.

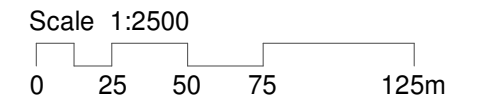
Chair

Date

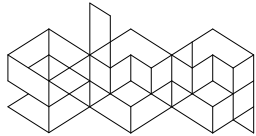


Site Location Plan
1 : 2500

- Development Boundary
- - - Development Boundary of Outline Approval 19-01355-OUT



No.	Revision	Date	Checked out

 <p>Saunders Boston Architects</p> <p>Eastern Gate House, 119 Newmarket Road, Cambridge CB5 8HA T: 01223 367733 office@saundersboston.co.uk</p> <p>The Generator, The Gallery, King's Wharf The Quay, Exeter EX2 4AN T: 01392 348627 www.saundersboston.co.uk</p>	Client H21																
	Job Oundle																
Drawing Title Site Location Plan	Scale 1 : 2500@ A3																
SBA Project Code 1841	<table border="1"> <tr> <td>Drawn</td> <td>SL</td> <td>Date</td> <td>16/02/21</td> </tr> <tr> <td>Checked</td> <td>DH</td> <td>Suitability Code</td> <td> </td> </tr> </table>	Drawn	SL	Date	16/02/21	Checked	DH	Suitability Code									
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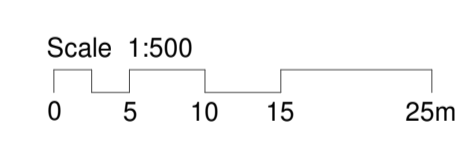


Legend

- Existing Tree
- Proposed Tree
- Development Boundary
- Development Boundary of Outline Approval 19-01355-OUT

Total Number of Parking Spaces - 36

Page 13



Client	Revision	Date	Chk	Auth
G		21.12.17		
F		21.08.20	SL	SL
E		21.07.14	SL	SL
C		21.06.14	SL	SL
D		21.07.01	SL	SL
C		21.05.27	SL	SL
B		21.05.27	SL	SL
A		21.02.17	SL	SL
N				

Saunders Boston Architects

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SBA Project Code		Drawn	SL	Date	20/01/21
1841		Checked	DH	Subsity Code	

Job		H21			
Drawing		Oundle			
Site Plan - Proposed		As indicated @A1			
Scale		Revision		G	
project		originator	zone	level	type
1841		-SBA-XX-XX-DR-A-	503		

Appendix

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**North Northamptonshire Area Planning Committee
(Thrapston)
30 June 2022**

Application Reference	NE/21/01330/REM
Case Officer	Patrick Reid
Location	Land Between St Christopher's Drive And A605 Oundle Bypass Oundle Northamptonshire
Development	Reserved Matters: design, parking and landscaping for the Extra Care facility comprising of 65no apartments, communal and support facilities pursuant to 19/01355/OUT - Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (All matters reserved except access).
Applicant	Housing 21 - Mr Peter Smith
Agent	Saunders Boston Architects - Stuart Liles
Ward	Oundle Ward
Overall Expiry Date	8 December 2021
Agreed Extension of Time	TBC

Appendix A(1) – Committee Reported dated 3 May 2022

Appendix B(1) – Committee Update Report dated 3 May 2022

Resolution of 3 May Committee Meeting: The meeting was adjourned before this application was discussed and as such this application will be reported back to an Area Planning Committee at a later date to be agreed.

1. Recommendation

- 1.1 That reserved matters approval is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:
- If the LLFA recommends that reserved matters approval be granted to the proposed development, grant reserved matters approval subject to the conditions listed in the report or substantially similar conditions, or:
 - If the LLFA recommends/seek minor amendments that are not material to the scheme, such amendments can be received from the Applicant, and if they address the requests, grant reserved matters approval subject to the conditions listed in the report or substantially similar conditions; or
 - If the LLFA recommends that reserved matters approval be refused, then refuse reserved matters approval on the grounds of drainage, or:
 - If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager in consultation with the Chair and Vice Chair of the Area Planning Committee, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and if the applicant does not agree to an extension of time then refuse reserved matters approval on the grounds of surface water drainage.

2. The Proposal

- 2.1 The proposal is the same as presented at the 3 May meeting and this report should be read in conjunction with Appendix A(1) so Members have a full understanding. However, since then the Applicant has provided the following additional information:
- Response to drainage comments, received 16 May;
 - Drawings showing roof heights/levels received 4 May;
 - Amended Drainage Statement received 10 June (in response to LLFA comments received 8 June).
- 2.2 The design of the development has not altered beyond the additional information being received relating to drainage.

3. Site Description

- 3.1 As per 3 May report.

4. Relevant Planning History

4.1 As per 3 May report.

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Neighbours / Responses to Publicity

No further representations received.

5.2 Anglian Water

Comments received since 3 May meeting:

It is confirmed that there is capacity within the foul network to accommodate the flows from the development proposals without the need for mitigation.

The concerns raised by Members and local residents have been investigated and it is confirmed that there is an on-going historical issue related to flow backing up from the pumping station in heavy storm conditions.

We have undertaken a full serviceability on the pumping station which reported no issues, and the station is performing well in normal conditions. The wet well has regular cleans and has a relatively new pump impellers and wear plates.

As stated above the issues regarding flooding and overflow was a result of exceptional weather. We do not, and cannot, design our network to accommodate unattenuated flows caused by storm events. OFWAT, our regulator, recognises this and confirms that in such situations no breach of statutory duty has taken place.

We have installed 2 flow monitors in the following locations:
Manhole 7900 on Ashton Road
Manhole 5926 south of Stoke Hill

These monitors allow us to identify any restrictions within the network and we will share the data with the relevant flood organisations. It could be that we identify areas where surface water connections have been made or general maintenance is required. We are happy to share a highlight report of this data with you on a 6 monthly basis. Please note that to fully understand the data we need 12 months' worth of monitoring information.

In summary the flooding is caused by extreme weather events and surface water entering the public system. Our pumping station and network are operating well and the proposed development can connect without the need for network improvements.

Legislation does not require new development to provide betterment, nor do our regulators expect our networks to manage and accommodate surface water in storm events. Flood management spans several organisations, such as the Lead Local Flood Authority, Highways and the Environment Agency. In situations such as this partnership working between the flood management organisations is key, it is not for a developer to manage or facilitate these discussions.

5.3 Lead Local Flood Authority (LLFA)

Comments received since 3 May meeting:

The drawing 1114-05-01 Rev A is produced for showing the drainage network. As this site is likely to have overland flow, we require more information;

1. Ground Floor – Finished floor level (only 50mm freeboard, is it adequate?)
2. Precise location of the earth bund and levels along the boundary to stop overland flow.
3. Gully positions for roof and surface water.

5.4 Tree and Landscape Officer

Briefly, I can support this application. Although the residential blocks are large in scale, the existing trees have been given enough space for their safe retention, and avoid future relationship issues with the new buildings, and the landscaping proposals appear to be well considered for an extra care facility, providing an attractive and interesting landscape setting and garden for the benefit of residents.

1, Retention and protection of existing trees

The applicant has submitted an Arboricultural Method Statement from James Blake Associates Landscape Architects, which includes a tree protection plan drawing. The design of the care facility provides sufficient space for the retained trees at the rear of the site including some protected by Tree Preservation Order 170 (Ashton Road, Oundle) 1997.

In principle the tree protection information is acceptable subject to a few minor amendments in accordance with BS5837:2012 Trees in Relation to Construction. The tree protection plan needs to be dimensioned, so that the tree protective barriers may be installed at the correct distance from the retained trees. It should be dimensioned from the stems of the tree and this should be shown on the tree protection plan. The plan submitted does not have this and is also annotated with 'Do Not Scale off this Drawing'. This needs to be precise.

With this small amendment, the tree protection details can be accepted. It is recommended the works be carried out in accordance with the tree protection proposals.

Protection of trees & hedges during works

Conditions recommended relating to tree protection during works.

Landscaping and new tree planting

The therapeutic benefits of access to a safe, and attractive outdoor environment are well recognised. The Landscape design does seem to reflect this and allows for seasonal visual interest. I would suggest some tree species are changed, for more ornamental species. Views and access to well maintained grounds and gardens can greatly enhance wellbeing and make a positive contribution to the setting of the buildings and wider visual amenity.

I am broadly supporting of the landscape proposals with a few changes to the tree species. However, they are lacking in detail and more information is required before the landscaping proposals can be considered to be acceptable. The necessary information can be secured by Conditions.

Conditions suggested requiring further landscaping details.

6. Relevant Planning Policies and Considerations

6.1 As per 3 May report.

7. Evaluation

The key issues for consideration are:

The matters that have progressed since meeting of 3 May including:

- Sewerage capacity;
- Drainage – LLFA comments;
- Trees – Tree Officer comments;
- Building heights.

7.1 Sewerage Capacity

7.1.1 Since the 3 May committee, where the application was not discussed, additional information has been received including consultation responses. This includes comments from Anglian Water who provided comments to add further clarity on the matter of the local sewerage network, due to queries being raised under the concurrent and associated application for the reserved matters of dwellings on the adjacent land under ref. NE/21/01309/REM.

7.1.2 The comments received from Anglian Water establish that the foul network can accommodate the development. They also advise that the network is in good operational order and that no network improvements are required for the proposals. Based on the advice received, it is considered the proposed foul water impact is acceptable.

7.2 Drainage – LLFA comments

- 7.2.1 Since the meeting of 3 May, comments from the LLFA were received on 8 June. Following this, the Applicant submitted a response on the 10 June answering the queries raised including gully positions, manhole sizes and details from the manufacturer that the attenuation measures can withstand traffic load when driving on the land above. This information was provided to the LLFA and their response is awaited.
- 7.2.2 It is expected that the LLFA will respond ahead of the meeting of 30 June. Until the LLFA have confirmed the acceptability of the drainage proposals in full, it is appropriate that the recommendation make the same allowances as for the meeting of 3 May. Should their comments be addressed prior to the meeting of 30 June then the recommendation can be amended within the Committee Update Report to reflect this.

7.3 Trees – Tree Officer comments were awaited

- 7.3.1 Since the meeting of 3 May, comments have been received from the Tree Officer which are supportive of the proposals. Some minor suggestions for species changes have been made. The comments have been provided to the Applicant for a response.
- 7.3.2 The landscaping scheme for the Extra Care facility is considered to be acceptable as a whole albeit some suggestions for species changes. In advance of the meeting on 30 June, it is anticipated that the Applicant can amend the proposed species mix to the satisfaction of the Local Planning Authority. It is expected that this matter can be concluded in the Committee Update Report.

7.4 Building heights

- 7.4.1 Since the meeting of 3 May, the Applicant has submitted additional plans to provide a clearer vision of the heights of the proposed building and land in relation to the surrounding development. The development proposal has not changed, the plans simply indicate the heights for viewing and assessment.
- 7.4.2 The height of the building is considered appropriate as confirmed in the 3 May report. The additional information further demonstrates the building height is appropriate in visual and private amenity terms.

8. Other Matters

- 8.1 Neighbour comments: no representations received since 3 May.

9. Conclusion / Planning Balance

- 9.1 Since the 3 May meeting, comments have been received from Anglian Water, the LLFA and the Tree Officer. Additionally, additional plans indicating the heights of roofs/buildings on and around the site have been provided to give a clearer view of the Extra Care building proposed in relation to its surrounding. The Applicant has also provided answers to the queries raised by the LLFA.

- 9.2 Whilst the response from the LLFA is awaited, it is appropriate that the recommendation remains the same as for the 3 May committee. Potentially the LLFA may confirm the additional information addresses their concerns, in which case the recommendation can be for approval subject to conditions.
- 9.3 The comments from the Tree Officer indicate the landscaping proposals are broadly acceptable although some species changes are suggested. It is expected that this matter can be resolved prior to the meeting on 30 June and will be reported as an update to the Committee.

10. Recommendation

- 10.1 That reserved matters approval is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:
- If the LLFA recommends that reserved matters approval be granted to the proposed development, grant reserved matters approval subject to the conditions listed in the report or substantially similar conditions, or:
 - If the LLFA recommends/seek minor amendments that are not material to the scheme, such amendments can be received from the Applicant, and if they address the requests, grant reserved matters approval subject to the conditions listed in the report or substantially similar conditions; or
 - If the LLFA recommends that reserved matters approval be refused, then refuse reserved matters approval on the grounds of drainage, or:
 - If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager in consultation with the Chair and Vice Chair of the Area Planning Committee, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse reserved matters approval on the grounds of surface water drainage.

11. Conditions / Reasons for Refusal

- 11.1 As per the conditions recommended on 3 May and with the following amendment to the listed conditions to refer to the plans received on 4 May with dimensions:
- 11.2 2. The development hereby permitted shall be carried out strictly in accordance with following plans received by the Local Planning Authority:

- Site Location Plan ref. SBAXXXDRA500;
- Site Plan – Existing ref. SBAXXXDRA501;
- Site Plan – Proposed ref. SBAXXXDRA503 rev. G;
- Signage Specification ref. EX01;
- Elevations Sheet 01 ref. SBAXZZDRA510 rev. E;
- Elevations Sheet 02. Ref. SBAZZXDRA511 rev. E;
- Ground Floor Plan ref. SBAXXXDRA504 rev. H;
- Upper Floor Plans ref. SBAXXXDRA505 rev. F;
- Site Sections ref. SBAXZZDRA520 rev. D;
- Apartment Plans ref. SBAXZZDRA 010 rev. B;
- Cycle & Smoking Shelter ref. SBAXZZDRA011 rev. A;
- Roof Plan ref. SBAXXXDRA506 rev. C;
- Phasing Plan ref. AROUPP100;
- Landscape Layout Plan ref. 2140WWAXXXDRL100 rev. PL02;
- Planting Strategy Plan ref. 2140WWAXXXDRL300 rev. PL02;
- Landscape Sections ref. 2140WWAXXXDRL0400 rev. PL01.

Reason: In order to clarify the terms of this consent.

4. The external materials to be used shall be those specified in the Design and Access Statement and in the form as shown on the Elevations drawings. These include:

- Gault facing brick;
- Architectural detailing as shown on Elevations Sheet 01 ref. SBAXZZDRA510 rev. D and Elevations Sheet 02. Ref.SBAZZXDRA511 rev. D;
- Slate effect roof tiles.

Samples of these materials shall be left available on site for inspection prior to the construction of the development hereby permitted above damp proof course level and the final details shall be agreed in writing by the Local Planning Authority.

Reason: To enhance the appearance of the development in the interests of visual and residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

5. The development hereby permitted shall be constructed in accordance with the levels details as specified on approved plan references: Site Sections ref. SBAXZZDRA520 rev. C, submitted as part of this application for reserved matters consent.

Reason: In the interests of residential and visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

11.3 Additional conditions recommended following receipt of Tree Officer comments:

8. No development or other operations shall commence on site until the existing trees and hedges to be retained have been protected in accordance with the Arboricultural Method Statement by James Blake Associates

Landscape Architects, and the tree protective fencing erected in accordance with the Tree Protection Plan, drawing number JBA 21/185, which shall be annotated with the measurement of the distance between the retained trees and the tree protective fencing. This amendment shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the approved works do not harm nearby trees and hedges.

9. The erection of fencing for the protection of any retained tree or hedge shall be carried out before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason: To ensure the approved works do not harm nearby trees and hedges.

12. Informatives

- 1 As per report of 3 May.

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**North Northamptonshire Area Planning Committee
(Thrapston)
3 May 2022**

Application Reference	NE/21/01330/REM
Case Officer	Patrick Reid
Location	Land Between St Christopher's Drive And A605 Oundle Bypass Oundle Northamptonshire
Development	Reserved Matters: design, parking and landscaping for the Extra Care facility comprising of 65no apartments, communal and support facilities pursuant to 19/01355/OUT - Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (All matters reserved except access).
Applicant	Housing 21 - Mr Peter Smith
Agent	Saunders Boston Architects - Stuart Liles
Ward	Oundle Ward
Overall Expiry Date	8 December 2021
Agreed Extension of Time	6 May 2022

List of Appendices

See application NE/21/01309/REM for list of Appendices

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the number of objections on the application exceeds five and the recommendation is for approval.

1. Recommendation

- 1.1 That planning permission is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:
- If the LLFA recommends that planning permission be granted to the proposed development, grant planning permission subject to the conditions listed in the report or substantially similar conditions, or:
 - If the LLFA recommends that planning permission be refused, then refuse planning permission on the grounds of drainage, or:
 - If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse planning permission on the grounds of surface water drainage.

2. The Proposal

- 2.1 This application seeks approval of Reserved Matters relating to part of the outline planning permission ref. 19/01355/OUT. The outline permission, gives consent for up to 65 dwellings and an extra care facility of up to 65 units and this application seeks approval for the layout, appearance, scale and landscaping of the latter. For clarity, the principle of the proposed extra care facility has already been approved under 19/01355/OUT and consideration of principle does not therefore need to be revisited as part of this reserved matters application.
- 2.2 The layout of the extra care facility places the building with a broadly 'U' shaped footprint with the two projecting elements on the western side. An access into the site is proposed along the northern boundary of the application site, off the road which would also serve the dwellings. Parking for the site would be located beside the internal access road and centrally, west of the building. The building would occupy much of the western part of the site. The southern part would be used as the garden/external amenity space for the facility.
- 2.3 The building would be three storeys in height for its majority, while a small part would be two storeys in height. The two-storey element would be the projection near to the access in the north-eastern part of the site.
- 2.4 At primarily three-storeys in height with a pitched roof, the scale of the building would mean its height would be a maximum of 14.1m to the highest part of the ridge, with varying eave levels of around 8.5 to 9.9m due to the varied roof structure and levels. The external materials to be used would be slate effect roof tiles while the elevations would be gault facing brick. The elevations show various elements of architectural detailing to the facades

including variation in brick finishes around the building. The brick finishes for the chimneys would differ to the main facades, whilst the balconies also would provide visual interest. The scale of the building is also broken up visually by the use of a technique to make the building appear as several smaller elements, rather than one monotonous structure.

- 2.5 The landscaping of the site incorporates different elements that are intended to respond to their contexts. The eastern boundary is to face the adjacent housing and includes a mixture of hard surface finishes and planting. The northern boundary is in a similar public-facing context and would include the access to the site. The western boundary borders the established housing and shows a combination of a retention pond and addition of planting. Ornamental planting is proposed in the central courtyard area near some of the parking bays. A central grass area will also be positioned in front of the access. The southern part of the site would primarily be covered by grass with various hedging and plants added interspersed around a walkway that would run around the building.

3. Site Description

- 3.1 The site forms part of an irregular shaped field that has an extant outline planning permission for up to 65 dwellings and an extra care facility. The site forms the south-western part of the site and is roughly rectangular in footprint. It is positioned to the east of housing off St Christopher's Drive with a number of houses backing onto the site.
- 3.2 The topography of the site varies in levels with an increase at the southern edge. There is a lowering in the levels of the site with a small lowering from west to east.
- 3.3 To the south of the site is a secondary school called 'Prince William School'. The southern boundary is occupied by mature and tall trees/hedging. The western boundary is partly defined by fencing and hedging, with the adjacent housing visible above and between the screening. The site is otherwise occupied by grass.
- 3.4 The outline planning permission ref. 19/01355/OUT included several conditions which set out requirements of details to be included in a Reserved Matters application. A summary of these conditions is set out below:
- 12 – external roofing and facing materials;
 - 13 – boundary treatments;
 - 14 – slab and finished floor levels, ground levels;
 - 15 – details of bus stop;
 - 17 – landscaping;
 - 21 – provision for cyclists, connection to ROW, improvements to ROW, pedestrian link to school;
 - 25 – noise assessment;
 - 31 – phasing;
 - 32 – plans that should be reflected including building heights parameter plan.

All of the relevant details in relation to the above conditions have been submitted as part of this Reserved Matters application.

- 3.5 The site is not within or adjacent a Conservation Area and there are no listed buildings nearby. It is within Flood Zone 1 (least likely to flood) and there are no other landscape designations on the site. There are trees subject of Tree Preservation Orders toward the south-western corner of the site but outside of it.

4. Relevant Planning History

- 4.1 19/01355/OUT – Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (All matters reserved except access) – Approved – 20.11.2020
- 4.2 NE/21/01031/MPO – S106 Deed of Variation to vary the Principal Agreement in so far as it relates to the affordable extra care site pursuant to application 19/01355/OUT - Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (All matters reserved except access). – Under consideration.
- 4.3 13/01245/OUT - Outline: Residential development of up to 95 houses (all matters reserved) – Refused – 17.10.2013 and subsequently dismissed at appeal.
- Concurrent application:
- 4.4 NE/21/01309/REM - Reserved Matters approval of Appearance, Landscaping, Layout and Scale pursuant to application number 19/01355/OUT - Outline planning permission for the erection of 65 dwellings and an extra-care facility of up to 65 units – Currently under consideration

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Oundle Town Council

Comments received in objection summarised as follows:

- Concern at the access and footpaths through the adjacent housing estate, including the widths of the pavements;
- Noise impact from A605;
- Sewage concerns locally and the impact of the proposal;
- Surface water drainage;
- Request water management and highways officers attend a committee meeting;
- Construction management plan concerns;
- Parking provision considered short;
- Funding of bus passes should be for more than one year;
- The building is too tall.

5.2 Neighbours / Responses to Publicity

Seventeen representations in objection have been received. Several of which raise matters relating to the adjacent housing site, which is subject of a separate application. The issues raised are summarised below:

- Overlooking of nearby properties;
- No need for balconies;
- Traffic impact on nearby roads;
- Concern at construction traffic;
- Question of where emergency and visitor vehicles will park;
- Sewerage concerns;
- Noise;
- Three storey building would be out of character with the area;
- Potential flooding;
- Loss of light;
- Impact on town centre infrastructure;
- Question about how access from the Waitrose roundabout would be improved;
- Concern at access route to Prince William School;
- Parking insufficiency;
- Noise for residents;
- Reference to fencing beside A605;
- Concern at the adjacent housing scheme.

5.3 Local Highway Authority (LHA)

Comments summarised as follows (prior to removal of bellmouth junction):

- sufficient parking spaces are proposed;
- A bellmouth arrangement is not necessary;
- Vehicle tracking is accepted.

5.4 Environmental Protection

- Extensive pre-application discussions have taken place with the applicant and their acoustic consultant to arrive at a layout that achieves the best acoustic environment possible given the impact of traffic noise. The proposed site plan -SBA-XX-XX-DR-A-503(F) dated 20.01.21 reflects the development of the site plan as agreed under pre-application discussions. As such there are no objections to agreeing that development can proceed based on the above layout plan.

5.5 Northamptonshire Police

Comments summarised as follows:

- Northamptonshire police have no formal objection;
- accepted that some additional windows have been included on the gable ends to give extra surveillance opportunities, landscape

planting has been used to create an obstacle to potential intruders in a number of locations and prevent people accessing ground floor windows or patio doors;

- some additional detail should be submitted in the form of a Crime Prevention Statement to detail these measures;
- question as to what control and movement into and around the building/site as it is stated that the communal facilities are open to the public.

(Officer comment: Applicant has confirmed there is no 'general' public access to the site/facility. Access would only be for visitors, and there are no facilities open to the public.)

5.6 Environment Agency

No comments to make.

5.7 Anglian Water

Comments summarised as follows (comments confirmed as being identical as for the housing reserved matters application ref. NE/21/0130/REM):

Assets Affected:

Informative recommended due to assets being nearby.

Foul Water:

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Conditions of the outline planning application, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water:

We have reviewed the applicant's submitted surface water drainage information and consider that the impacts on Anglian Water's public surface water sewerage network are acceptable and have been adequately addressed at this stage. We request that we are consulted on any forthcoming application to discharge Conditions of the outline planning application, to which this Reserved Matters application relates, that require the submission and approval of detailed surface water drainage information.

5.8 Archaeology

The application area is in the part of site which has been quarried, and evaluation has shown that no archaeological remains survive in that part of the site. Therefore, no comments to make on the proposals.

5.9 Greenway Community Partnership

Request for S106 contribution towards the local Greenway.

5.10 Natural England

No comment to make.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 3 - Landscape Character
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 11 - The Network of Urban and Rural Areas
Policy 30 - Housing Mix and Tenure

6.4 Emerging East Northamptonshire Local Plan Part 2 2011-2031 (LPP2)
(Submission version March 2021)

EN1 - Spatial development strategy
EN2 - Settlement boundary criteria – urban areas
EN12 - Health and wellbeing
EN13 - Design of Buildings/Extensions
EN14 - Designated Heritage Assets
EN24 - Oundle housing allocations
EN27 - St Christopher's Drive, Oundle
EN30 - Housing mix and tenure to meet local need
EN31 - Older people's housing provision
EN32 - Self and custom build housing

6.5 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)

7. Evaluation

The key issues for consideration are:

- Design and Visual Impact
- Impact on Neighbouring Amenity
- Environmental Matters
- Parking/Access
- Ecology
- Other Conditions
- Drainage
- Planning Obligations
- Crime and Safety Considerations
- Emerging Part 2 Local Plan

7.1 Design and Visual Impact

7.1.1 Matters of layout, appearance, scale and landscaping are integral to the visual impact of the extra care facility. The application has been considered through the Council's Design Surgery process. The feedback from this was positive, with relatively modest or minor improvements suggested. Amended details were then submitted by the applicant to take into account the design response. Taking each of the reserved matters in turn, they are considered below:

Layout

7.1.2 The siting of the building, the placement of the garden/outside space and the access and parking area is considered suitable from both a functional and aesthetic perspective. The layout ensures the building faces the external public roads to the north and east, whilst providing separation from the housing to the west.

7.1.3 The constraints of the site including both the existing and proposed surrounding development and the need for an access, have been accounted for by the layout. The eastern and northern elevations are set back from the boundary edge to enable landscaping and a better visual relationship with the surroundings. The overall layout of the building and the wider site is considered acceptable.

Scale

7.1.4 The outline permission required the extra care building be no taller than four storeys. The mainly three storey design with part-two storey, accords with this requirement. The other constraints on scale are the aesthetics/visual impact of how the building would fit with the housing to the west and the proposed housing to the north/east. Neighbouring amenity, including of the housing to the west, is a key consideration.

- 7.1.5 Aesthetically, the building has been designed in a manner which would be broken up visually through architectural measures. The design helps present a building that would appear as several smaller buildings that adjoin, rather than one large uniform structure. This design choice is considered positive, as is the use of varying roof forms to provide visual interest.
- 7.1.6 Sectional plans have indicated the scale of the building in relation to the surroundings, including the housing to the west. This and the design of the roofs, particularly the south-western projection which would be nearest the residential properties, is considered appropriate. The eaves in this part of the building slope away from the housing (rather than being a gable end) which helps ensure the scale is appropriate for this context of the site. The sectional drawings also show that the ground floor of the building will be at a lower level than that of the housing of St Christopher's Drive.
- 7.1.7 Considering the surroundings, the outline consent and the appearance of the building proposed, the scale of the proposed building and development is acceptable.

Landscaping

- 7.1.8 A detailed landscaping scheme accompanies the application and sets out the surfaces to be used as well as the proposed planting. This is required to have both aesthetic and functional purposes, including securing the boundaries of the site and providing a level of screening for ground floor units.
- 7.1.9 For the hard surface areas, materials are proposed that are intended to visually indicate the nature of the shared pedestrian and vehicle use. The entrance area/parking and external space in the internal 'courtyard' areas is shown to include planting and variety of materials including block paving, with different styles used for the road and parking space surfaces. The variety shown for the external areas is considered to be visually and functionally well designed.
- 7.1.10 The external garden to the south is considered to provide a soft and useable space that would include a path. Ornamental planting beside the building around the southern perimeter of the building will also add extra visual interest. This will continue on the eastern boundary.
- 7.1.11 The use of boundary hedging on the eastern and northern boundaries will help provide a visual differentiation of the site from the adjacent housing development. It will also provide an element of privacy as well as general visual interest. The eastern boundary includes an entrance to the building which would be located between the hedging to the north and south.
- 7.1.12 Overall, it is considered the landscaping of the site is well designed and achieves the necessary purposes both internally and on the boundaries.

Appearance

- 7.1.13 The appearance of the building is influenced by its scale, layout and architectural features. A key feature of the elevations is the use of balconies

which are located on all the elevations, except those nearest the dwellings to the west. The design of the balconies contributes to a number of architectural tools that provide visual breaks. These along the use of windows and difference in bricks are considered well designed.

- 7.1.14 The materials proposed, including for the elevations, roof and windows are considered to create an excellent resultant appearance, both from the external public space and internally. The external walls would be built with a brick that would create an aesthetically attractive building. The contrast between the relatively light brick and the dark window and door frames are considered to be well suited. The slate type roof tile is also considered to be an appropriate material to use.
- 7.1.15 Taking account of all elements of the appearance of the building, including the materials, the balconies, the various architectural features and the layout of the external space, it is considered that the proposal is acceptable in visual terms. The positive response from the Council's Design Surgery process adds weight to considering the design achieves a high quality scheme aesthetically and functionally.

7.2 **Impact on Neighbouring Amenity**

- 7.2.1 To the west of the site are properties that back onto it. They include 15 to 35a (odds) St Christopher's Drive and the boundary is defined by a combination of fencing and hedging/trees. The fencing at the back of the houses would remain and additional hedge planting is proposed.

27 to 35 St Christopher's Drive (odds)

- 7.2.2 The above properties are closest to the southern projecting element of the extra care facility. The separation between the southern projection and the house to the west would be around 24.5m to numbers 29 and 31. In terms of levels, whilst this part of the building would be three storeys, it would be on lower land. It is considered the separation and massing of the building would ensure the neighbouring properties would not incur an unacceptable impact on their outlook.
- 7.2.3 In terms of privacy, the windows of the west elevation on the southern projecting wing would include windows serving bedrooms of extra care units and every floor, as well as to the corridor. The bedroom window is not the main window serving the bedrooms as they have a larger one on the alternate wall. As a bedroom, it is less likely to be a source of a resident looking out than a kitchen or living room and as such is less sensitive. More importantly, as the distance between the side bedroom windows and no. 29 is 24.5m, in addition to there being a boundary fence/hedging, it is considered there would be no unacceptable impact on the privacy of the neighbouring properties. The same applies to no. 31 which would have a similar relationship.
- 7.2.4 The separation to numbers 33 is around 20.6m but the orientation is different due to the placing of the house. The rear windows of the extra care units, would not face directly towards the house or its garden. The house would be approximately at a 45 degree angle to the corner of the proposed

building, and the windows would not materially affect the privacy of the property. Additionally, the closest windows would not have balconies as these would only 'start' further away from the dwellings.

- 7.2.5 Solar studies are included with the application and these demonstrate the overshadowing impact would be particularly limited to a time around 5pm for the spring and autumn equinoxes and the summer solstice. The findings of the solar study indicate the impact of the development would be small, limited to a limited part of the latter part of the day and is considered to be acceptable in planning terms.

15 to 25 St Christopher's Drive (odds)

- 7.2.6 These properties are sited further away from the proposed building and as such there would be no unacceptable impact on their amenities. The nearest point is around 38 metres away from the extra care building. The parking and access arrangement would also not affect such amenities.

Proposed new housing to the north and east

- 7.2.7 The proposed housing to the north and east is the subject of a concurrent reserved matters application. The submitted details indicate the proposed layout of the housing which enables an assessment of the relationship between the two proposals.

- 7.2.8 The housing to the north includes a mixture of semi-detached and detached, two-storey buildings. Plots 25 to 28 of the housing scheme would face almost directly at the northern elevation of the extra care building and there would be a separation of around 22.5m from wall to wall. The extra care building would be two-storey and two and a half storey at this part, which would help ensure the relationship between the two properties does not result in unacceptable intervisibility between the buildings. The two and a half element would be around 23.7m away and this separation is considered sufficient to ensure acceptable amenities would be created.

- 7.2.9 Housing to the east is proposed to include a combination of detached and semi-detached properties, with distances varying from around 18.3m at plot 50 to 23.7m at plot 49. There are no windows in the side of Plot 50 that would incur an unacceptable loss of privacy and the relationship is considered acceptable.

- 7.2.10 The layout of the adjacent housing scheme is not subject for consideration as part of this application and is for determination as part of a separate application. The current proposed layout, along with that of the extra care facility, is considered to ensure the relationship does not cause any unacceptable loss of privacies or other amenities should the adjacent housing scheme be carried out.

7.3 **Environmental Matters**

- 7.3.1 The scheme, as well as the adjacent housing development, have been subject to pre-application discussions with the Council's Environmental Protection Team. The measures on the eastern edge of the housing site

include acoustic fencing. This measure along with the layout of the two sites, has been to input on the matter of noise to seek to achieve developments that adequately address the matter of noise from the A605. The extra care development would be away from the A605 with the housing site in the space between.

- 7.3.2 The application has been accompanied by a Noise Impact Assessment (NIA). Local residents have raised concern about the potential impact of noise on the extra care facility, in particular from the nearby A605. The submitted NIA sets out that acceptable internal ambient noise levels will be achievable without a requirement of further measures than those proposed. Whilst the concerns are noted, the Council's Environmental Protection Team have advised the development is acceptable in terms of noise. Their assessment and expertise is to be considered significant weight. As it has been advised that they have no objection to the proposal in this regard, the development is considered acceptable in terms of noise and other environmental matters.

7.4 **Parking/Access**

- 7.4.1 The access into the site off St Christopher's Drive has been established by the outline consent and consent has already been given. It is therefore the details of the internal access and parking arrangement, as part of the layout, that are for determination in this application.

- 7.4.2 This current application includes a Travel Plan and Design and Access Statement which set out evidence for the parking provision needed. This included details from parking studies undertaken at other sites run by the intended operator of the extra care facility regarding their individual parking patterns, requirements and demand. The evidence concluded that parking space need would total 31-32 spaces, which is four less than the 36 spaces to be provided.

- 7.4.3 The application and its details have been subject of consultation with the Local Highway Authority who has confirmed the slight reduction in parking need is justified and the layout is acceptable.

- 7.4.4 In the comments received from the LHA initially, it was commented that a bellmouth entrance into the site is not necessary. Amended plans were received which show a standard rather than bellmouth entrance. The proposal is therefore considered acceptable in terms of the parking and access considerations of the layout.

7.5 **Ecology**

- 7.5.1 Matters of ecology are not subject of any conditions of the outline permission having already been addressed under the outline consent. No comments have been received from the Ecologist and there is no reason to indicate the site is a habitat to species of particular note.

- 7.5.2 The landscaping proposals include a significant extent of hedge, tree and plant additions around the site. The western and southern boundaries, in particular, are proposed to continue to be occupied by trees. In considering

the extent of fauna proposed and that the site is primarily occupied by low level grass currently, it is considered there are no reasons to indicate the reserved matters are not acceptable from an ecological point of view.

7.6 Other Conditions

- 7.6.1 The outline planning permission ref. 19/01355/OUT includes a number of conditions that set out details that are required to be included within the Reserved Matters application/s. These included conditions 12, 13 and 14 which address materials, boundary treatments and levels, respectively. Condition 15 requires details of a bus stop shelter and it is considered that the timber unit shown is considered acceptable.
- 7.6.2 Condition 21 covers matters relating to the right of way (ROW) and provision for cyclists. This primarily relates to the housing scheme as it is that part of the outline site that adjoins the ROW to the north.
- 7.6.3 Condition 32 requires that the reserved matters details accord with a number of plans that accompanied the outline application, including a 'building heights plan'. This set out that the extra care development was to be no more than four storeys in height and the proposal accords with this.
- 7.6.4 In respect of the various conditions that set out requirements for the reserved matters application/s, it is considered that the application has met all the requirements in respect of the extra care scheme.

7.7 Drainage

- 7.7.1 The matter of surface water drainage management is subject of Condition 7 of the outline consent. Condition 8 requires that reference be made to the original Flood Risk Assessment and drainage details.
- 7.7.2 Details have been submitted that address this matter in the form of a Drainage Statement which directly addresses Conditions 7 and 8. At the time of writing this report, no response has been received from the Lead Local Flood Authority (LLFA). It is considered unreasonable to delay the determination of the application indefinitely. To address this matter, it is considered reasonable that a potential resolution to grant permission for the application can be conditional on the receipt of acceptance/agreement from the LLFA which should be forthcoming. The LLFA has advised that this application is being prioritised and therefore any comments will be reported in the Committee Update Report and the recommendation will be amended if necessary.
- 7.7.3 Anglian Water has advised that the proposal would have an acceptable impact on Anglian Water's public surface water sewerage network and do not object.

Foul Water

- 7.7.4 Anglian Water has commented on the application that the proposal has an acceptable impact on the public foul sewerage network. The proposal is therefore acceptable in this regard.

7.8 Planning Obligations

- 7.8.1 As the application is for the reserved matters of layout, appearance, scale and landscaping, matters of planning obligations are not relevant. A S106 Agreement accompanies the outline planning permission and the associated planning obligations were dealt with at that stage.
- 7.8.2 The required details, including those of the materials and the bus shelter, have been provided with the application. It is considered to meet these requirements. It is noted that a request for planning obligations towards the East Northamptonshire Greenway was received via a consultation. However, as this application is for reserved matters, the matter has already been addressed.

7.9 Crime and Safety Considerations

- 7.9.1 The comments from Northamptonshire Police are not in objection but have expressed that further details would have been preferred. The surveillance that the windows would provide are welcomed as well as landscape planting which provides an obstacle.
- 7.9.2 The Agent has confirmed that access will only be for residents and visitors of residents, rather than the general public. The eastern boundary would include hedging and a 1.2m tall steel fencing. These would not prevent someone climbing over, but windows do provide surveillance. Internally, beyond the car park, a 1.5m rail fence would provide security, as well as the surveillance from windows. It is considered that, as the officer does not object and the design provides a level of security by surveillance and fencing, the scheme is acceptable in this regard.

7.10 Emerging Part 2 Local Plan

- 7.10.1 The Part 2 LP is currently at examination having been submitted in March 2021. Most recently, initial queries and suggested amendments have occurred between the Council and the Inspector.
- 7.10.2 Most significantly for this application, there are draft policies, EN24 and EN27, that relate specifically to this site under 'Oundle Housing Allocations'. For the site as a whole (including the housing land), it indicates that the site is to include 'around 100 dwellings'. Part (b) of the policy notes that the site is well placed to deliver specialist older persons' housing.
- 7.10.3 As an extra care scheme, in land use terms the proposal does not represent 'dwellings' but is a residential institution that falls under use class C2. Nevertheless, the wording of the policy indicates that specialist accommodation is intended for the site and the term 'dwelling' is loosely used to cover both houses and extra care units, of which 65 would be provided on this site. Additionally, as the outline permission has established the principle of the use, this aspect of the emerging policy is not a determining consideration.

7.10.4 In regard to part (c), as the LHA do not object to the access and parking arrangement, the proposal is considered to meet the policy's requirements.

8. Other Matters

- 8.1 Neighbour comments: A number of concerns have been raised. Several of the concerns are addressed above, including the impact on the privacy and light of neighbouring properties. In terms of the matters of access, this matter has been established by the outline planning consent and has already been determined. It is necessary to note also that several of the concerns raised relate solely to the adjacent housing proposal. Matters of planning obligations are also addressed above.
- 8.2 Balconies: One concern raised was a querying of the need for balconies. In addressing this, the significance of these on both the appearance and the privacy of neighbouring properties has been addressed above. It is understood that balconies would provide external amenity space to residents and would benefit their wellbeing without resulting in harm to neighbouring amenity. They also provide visual interest to the building and are considered a positive feature.
- 8.3 Drainage / Flooding: Matters of drainage/flooding are addressed above. In regard to construction traffic and associated matters, these are matters to be dealt with by a separate condition on the outline permission.
- 8.4 Building Height: One concern raised was that the building should not be three storeys. For the reasons set out, the design is considered appropriate and would provide 65 extra care units to the benefit of the local community.
- 8.5 Equality: the application raises not matters of equality concern.
- 8.6 Health Impact Assessment: Paragraph 92 of the NFFP states planning policies and decisions should aim to achieve healthy, inclusive and safe communities. The design of the scheme is considered to provide facilities that would significantly benefit the residents of the facility.

9. Conclusion / Planning Balance

- 9.1 The layout, scale, appearance and landscaping of the proposed development are considered acceptable. The relationship with neighbouring properties, both existing and proposed, have been considered and the proposal is considered acceptable in this regard. The design of the scheme is considered a significantly positive addition to the site that will provide an aesthetically beneficial addition to the area and provides the necessary access functions. The matters covered by other conditions on the outline consent, including drainage, are not considered a reason to without approval on the reserved matters, provided the LLFA confirm the drainage scheme is acceptable.

10. Recommendation

- 10.1 That planning permission is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:
- If the LLFA recommends that planning permission be granted to the proposed development, grant planning permission subject to the conditions listed in the report or substantially similar conditions, or:
 - If the LLFA recommends that planning permission be refused, then refuse planning permission on the grounds of drainage, or:
 - If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse planning permission on the grounds of surface water drainage.

11. Conditions / Reasons for Refusal

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with following plans received by the Local Planning Authority:

- Site Location Plan ref. SBAXXXDRA500;
- Site Plan – Existing ref. SBAXXXDRA501;
- Site Plan – Proposed ref. SBAXXXDRA503 rev. G;
- Signage Specification ref. EX01;
- Elevations Sheet 01 ref. SBAXZZDRA510 rev. D;
- Elevations Sheet 02. Ref. SBAXZZDRA511 rev. D;
- Ground Floor Plan ref. SBAXXXDRA504 rev. G;
- Site Sections ref. SBAXZZDRA520 rev. C;
- Apartment Plans ref. SBAXZZDRA 010 rev. B;
- Cycle & Smoking Shelter ref. SBAXZZDRA011 rev. A;
- Roof Plan ref. SBAXXXDRA506 rev. B;
- Phasing Plan ref. AROUPP100;
- Landscape Layout Plan ref. 2140WWAXXXDRL100 rev. PL02;
- Planting Strategy Plan ref. 2140WWAXXXDRL300 rev. PL02;
- Landscape Sections ref. 2140WWAXXXDRL0400 rev. PL01.

Reason: In order to clarify the terms of this consent.

3 The hard and soft landscaping for the development hereby permitted shall be carried out strictly in accordance with following plans received by the Local Planning Authority:

- Landscape Layout Plan ref. 2140WWAXXXXDRL100 rev. PL02;
- Planting Strategy Plan ref. 2140WWAXXXXDRL300 rev. PL02;
- Arboricultural Method Statement ref. JBA21185AR04 dated 29 June 2021.

This shall be carried out prior to the first occupation of the development hereby permitted or in the first planting season following first occupation (whichever is the soonest) or in accordance with a timetable to be agreed in writing by the Local Planning Authority prior to the first occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to clarify the landscaping terms of this consent, the visual amenity of the site and the function of the external space around the extra care facility.

4 The external materials to be used shall be those specified in the Design and Access Statement and in the form as shown on the Elevations drawings. These include:

- Gault facing brick;
- Architectural detailing as shown on Elevations Sheet 01 ref. SBAXZZDRA510 rev. D and Elevations Sheet 02. Ref. SBAXZZDRA511 rev. D;
- Slate effect roof tiles.

Samples of these materials shall be left available on site for inspection prior to the construction of the development hereby permitted above damp proof course level and the final details shall be agreed in writing by the Local Planning Authority.

Reason: To enhance the appearance of the development in the interests of visual and residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

5 The development hereby permitted shall be constructed in accordance with the levels details as specified on approved plan references: Site Sections ref. SBAXZZDRA520 rev. C, submitted as part of this application for reserved matters consent.

Reason: In the interests of residential and visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

6 The approved parking spaces must be constructed, as shown on the Ground Floor Plan ref. SBAXXXDRA504 rev. G, and made available for use prior to the first occupation of the development hereby permitted and

shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interest in ensuring the extra care development has sufficient parking and there is not an unacceptable demand for on-street parking.

7 Prior to the occupation of the development, the drainage works required for the hereby approved development shall be undertaken in full in accordance with the following submitted details:

- 'Planning Conditions Support Conditions 7 and 8' received on 1 September 2021.

Reason: To ensure the drainage works are undertaken in accordance with the approved details.

12. Informatives

1 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Committee Update Report

Area Planning Committee (Thrapston) – 3rd May 2022

Index of Applications for Consideration

All plans and documents can be viewed using the link [here](#) using the Case Ref. No.

Case Ref. No. and Page No.	Location	Officers Rec.
<p>NE/22/01607/FUL</p> <p>Page 11</p>	<p>110 Wharf Road, Higham Ferrers</p> <p><u>Updates</u></p> <p>No updates.</p>	<p>GRANT</p>
<p>NE/21/01807/FUL</p> <p>Page 23</p>	<p>10 Burystead Rise, Raunds</p> <p><u>Updates</u></p> <p>Further objections from a neighbour which can be viewed in full using the link above. Material matters are summarised below and relate to the paragraph numbers in the report, as follows:</p> <ul style="list-style-type: none"> • 2.1 – Criticises the report for not identifying <u>all</u> the additional rooms (<i>bathroom, store and utility aren't mentioned</i>); <p><i>Officer Response</i> – The key elements of the proposal are identified and it is made clear there is to be an internal reconfiguration. The mention of one additional downstairs bedroom is highlighted as it could be material to parking requirements.</p> <ul style="list-style-type: none"> • 5.1 – Critical of Raunds Town Council's comments in respect of measurements, and the 	<p>GRANT</p>

UPDATE REPORT: Area Planning Committee (Thrapston) – 3rd May 2022

- suggestive use of language in respect of the height differences;
- 6.5 – Contends that the proposal conflicts with Policy R2 of the Raunds Neighbourhood Plan;
 - 7.1.1 – (Visual Impact)
 - Does not agree that the render finish is in keeping with the area
 - Contends that the 0.65m measurement relating to permitted development is incorrect, that it should be 0.35m (*both are incorrect, explained further below*)
 - States there is no side access between Nos 8 and 10; and
 - Trees on the objector's boundary (not on the application site) are not taken account of

Officer Response – 5.1 is the Town Council's comments and 6.5 is where the policies are listed, rather than explained in full. Section 7 is where the issues are discussed and Officers have reached a different conclusion to the neighbour.

In respect of the permitted development measurement dispute, both measurements (0.35m as in the report and 0.65m as contended by the neighbour) are incorrect. Permitted development for larger rear extensions is up to 6m on semi-detached and terraced properties, which would make the Officer's 0.35m measurement correct in other cases, but as this is a detached property, permitted development allows for up to 8m for a rear extension, so most of the proposal is in fact under what permitted development could allow for (The Officer does mention the 8m situation at 7.2.2). It is only the slight projection to the side (toward No.8) that means the proposal cannot qualify as permitted development.

It is also worth mentioning that an outbuilding, or outbuildings of up to 2.5m in height along either boundary would also be permitted development as long as there is still 50% of the curtilage (front and rear gardens) left over.

In terms of side access, the 1m gap to the boundary would allow for this, and in terms of trees on the neighbour's boundary, these are not protected or felt to materially affect the proposal in planning terms.

- 7.2.1 (Amenity) – Queries whether the 45 degree line should be used rather than the 60

	<p>degree line as shown on the plan, and in respect of the relationship between properties, states that it should say No.8 and No.10 and rather than No.12 and No.10</p> <p><i>Officer Response</i> – the neighbour is correct regarding the properties identified, it should say No.8 is set down instead of No.12 (No.12 is on higher ground, No.8 is on lower ground). In respect of the 45/60 degree angles, the 60 degree angle is the correct one to have been used. The wall closest to No.8 is to be 2.447m in height, which is less than the 3+ metres referred to in the SPD. It would rise to 3.462m at the ridge but at that point it would be further away from the property. It is appreciated that there is a levels difference between the sites of around 1m, but this wall would also be set in from the boundary of No.8 by a metre. Officers view remains that the amenity impact on both properties (8 and 12) is acceptable.</p> <ul style="list-style-type: none"> • 7.2.3 (Amenity) – Queries whether path of the sun has been considered in relation to No.8 and points out that the extension is 1m from the boundary of No.8, but the report says “more than” 1 metre <p><i>Officer Response</i> – Yes, the path of the sun has been considered in drawing the conclusion that the extension would not be oppressive or overbearing when viewed from No.8. In respect of the distance shown in the report, it should say 1m instead of more than 1m, as the distance is exactly 1m.</p> <p>Concerns have been raised that Planning Officers arranged for Committee members to visit neighbouring properties but this did not happen.</p> <p><i>Officer Response</i> – Officers arranged for a visit to the application site and no other property.</p> <p><u>Overall Officer Response</u> – Other than correcting inaccuracies relating to the permitted development situation at 7.1.1, property Nos at 7.2.1 and distance from boundary at 7.2.3 the material issues raised do not alter the recommendation to approve.</p>	
<p>NE/21/00783/FUL</p> <p>Page 33</p>	<p>Carinya, Main Street, Barnwell</p> <p><u>Updates</u></p>	<p>GRANT</p>

	No updates.	
NE/22/00134/LDP Page 53	20 New Road, Oundle <u>Updates</u> No updates.	GRANT
NE/22/00088/FUL Page 61 Page 46	110 Main Street, Aldwincle <u>Updates</u> Points of clarification/additional information: Confirmation was sought over the shared access and parking to the property. The access currently serves No. 110 Main Street. There is ample parking to the frontage and rear of No. 110 to serve the existing property. The access would also serve the proposed dwelling, which provides parking and turning to the rear of the site. Planning permission had been granted to the frontage of the site for the conversion and extension of garage to create detached dwelling with integral double garage, 16/00727/FUL. This property would have an integral double garage, with parking and turning provided to the frontage of the dwelling. It would appear from the site visit that this permission has not been implemented. As such, the access would serve the host property, No. 110, and the proposed dwelling to the rear of the site with adequate parking and turning provided. No updates to the report.	GRANT

<p>NE/21/00379/FUL</p> <p>Page 75</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 47</p>	<p>Land Opposite Elizabeth Close, Raunds</p> <p><u>Updates</u></p> <p>Points of clarification/additional information:</p> <ul style="list-style-type: none"> • The site is within Flood Zone 1 in its entirety; • The road on the eastern side of the site, understood to be known as 'Whiteman Lane', is unadopted. This is a reason why vehicular access could not be used to serve the site; • If considered necessary, the doors/windows of the dwellings can be conditioned to accord with the relevant Building Regulations criteria relating to safety, as referred to in the comments from the Police comments. This is not considered a necessity by Officers. Additionally, the Agent has indicated an acceptance of a condition, if deemed necessary, to add a habitable room window at ground floor level in the side elevation of Plot 1, to assist with 'natural' surveillance. <p>Education Contributions:</p> <p>Further justification has been received from the Senior Project Officer for Developer Contributions to demonstrate that the requested contributions towards education would be required to support the development to accommodate the extra school places required by future residents of the scheme. It is now requested that the education contribution forms one single sum rather than be apportioned to the different education stages (early years, primary, secondary) but that the sum is used within the Raunds area. This will enable the money to be used more flexibly and can be secured as part of the S106 negotiations.</p>	<p>GRANT</p>
<p>NE/21/01330/REM</p> <p>Page 127</p>	<p>Land At St Christopher's Drive, Oundle (Extra Care scheme)</p> <p><u>Updates</u></p> <p>One representation has been received since the publication of the Committee Report. The comments are from a person who has previously objected. A response to the matters not addressed in the report is summarised below:</p>	<p>Delegate to Officers upon receipt of LLFA advice</p>

Siting of the Extra Care facility

The siting of the Extra Care facility within the wider outline site is established under the Outline Permission at Condition 32 which refers to the 'Land Use Plan' The Masterplan for the site, included under the outline application, identifies the same south-western corner of the site for the Extra Care use as currently proposed.

Other matters, including parking and drainage, are addressed under the Report.

Further Updates:

A consultation response from the LLFA was received on 28.04.22 not objecting but requesting further advice. The comments are summarised as follows:

- The applicant is seeking to discharge the stipulations included in Conditions 7 (Surface water drainage scheme) and 8 (Flood Risk Assessment) of the original outline planning consent (19/01355/OUT) as part of this reserved matters application.
- Further clarification is needed on the size of manholes, chambers, catchpits and details required on permeable paving
- The proposed tree pits for attenuation need to be moved further away from buildings and trees.
- Drainage data needs to be based on FEH rainfall data, which provides better predictions, not FSR drainage data.
- Drawings need amending to show updated flow rate.
- Infiltration test results and soil condition details are required.
- Amended maintenance schedule is required showing details of porous paving and surface water storage tanks.

The applicant submitted the information requested above on 29.04.22 and this has been sent to the LLFA for further comment. Any comments from the LLFA will be reported to members verbally at committee. The recommendation need not be altered as a result of the comments received thus far.

Additional points of clarification:

- The submitted Transport Assessment and Design and Access Statement set out the evidence for the need for parking spaces associated with the use. This concluded there will be a need for 31-32 spaces, comprising 14 for residents, 13-14 for staff and 4 for visitors. The provision of 36 exceeds the need and the LHA are satisfied with the provision proposed;
- Fire Service Comments: Comments were received but not listed in the report. The comments are general and refer to the guidance document. The comments refer to a need for buildings with a floorspace greater than 2,000 sqm, to have an access that meets the requirements set out in the relevant Building Regulations document.

Recommended amendment to Condition 3 (landscaping):

Prior to the first occupation of the Extra Care Facility hereby approved, details, including a timetable for implementation, shall have been submitted to and approved in writing by the Local Planning Authority, of a full planting and landscaping scheme. The details are to include substantial natural boundary screening proposed, along the western boundary shared with adjacent residential properties. The landscaping/planting shall thereafter be undertaken in full and maintained in perpetuity with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to clarify the landscaping terms of this consent, the visual amenity of the site and the function of the external space around the extra care facility.

Proposed Recommendation Amendment

The applicant has submitted sufficient levels information for officers to be able to assess the impact of the proposal on neighbouring amenity, as covered in the Committee Report. However, condition 14 of 19/01355/OUT requests a full levels plan. This information has not

been included on one drawing and as such the recommendation has been amended to reflect this.

In addition to this, full comments from the Council's Senior Tree and Landscape Officer have not yet been received and as such the recommendation has been amended to reflect this also. This is not expected to be an objection given the distance to the nearest protected tree.

Paragraphs 1.1 and 10.1 should read as follows:

That planning permission is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application; and until full levels details have been submitted; and until comments from the Council's Senior Tree and Landscape Officer have been received that do not raise a substantive objection; and once the LLFA advice is received, the levels plan is received and the Council's Senior Tree and Landscape Officer has commented, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:

- If the LLFA recommends that planning permission be granted to the proposed development, grant planning permission subject to the conditions listed in the report or substantially similar conditions, or:*
- If the LLFA recommends that planning permission be refused, then refuse planning permission on the grounds of drainage, or:*
- If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager in consultation with the Chair and Vice Chair of the Area Planning Committee, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse planning permission on the grounds of surface water drainage.*

<p>NE/21/01309/REM</p> <p>Page 149</p> <p>Page 51</p>	<p>Land At St Christopher's Drive, Oundle (residential scheme)</p> <p><u>Updates</u></p> <p>Paragraphs 1.1 and 10.1 should read as follows:</p> <p>That planning permission is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:</p> <ul style="list-style-type: none"> • If the LLFA recommends that planning permission be granted to the proposed development, grant planning permission subject to the conditions listed in the report or substantially similar conditions, or: • If the LLFA recommends that planning permission be refused, then refuse planning permission on the grounds of drainage, or: • If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager <u>in consultation with the Chair and Vice Chair of the Area Planning Committee</u>, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse planning permission on the grounds of surface water drainage. <p>One representation has been received since the publication of the Committee Report. The comments are from a person who has previously objected. A response to the matters not addressed in the report is summarised below:</p> <p><i>The Outline Permission – reference to quotes from it</i></p> <p>It is necessary to note that where planning permissions are considered to be unlawful, the Judicial Review (JR) process exists. Planning permission was granted on 20 November 2020, after which there was a time window for a Judicial Review. No such JR was submitted</p>	<p>Delegate to Officers upon receipt of LLFA advice</p>
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Foul water drainage

Recent comments from Anglian Water address this matter.

Acoustic Fence siting and maintenance

The fence is to be within the application site and can be required to be maintained in perpetuity by condition.

Other Matters

Matters including access, parking, noise, street trees and access to the school are addressed within the report.

Other queries/points of clarification

The site is entirely within Flood Zone 1.

Bus Service

The Applicant has advised that the S106 secured a financial contribution towards a bus service. They advise that until a Reserved Matters consent is in place, it is unlikely that details on a future bus service will be known.

Extension of Time

An agreement for a decision by 10th May has been agreed with the Applicant.

Further Updates:

A consultation response from the LLFA was received on 28.04.22 not objecting but requesting further advice. The comments are summarised as follows:

- The applicant is seeking to discharge the stipulations included in Conditions 7 (Surface water drainage scheme) and 8 (Flood Risk Assessment) of the original outline planning consent (19/01355/OUT) as part of this reserved matters application.
- Further clarification is needed on the size of manholes, chambers, catchpits and details required on permeable paving

- Cross sections of control chambers and details of hydraulic curves required
- Drainage data needs to be based on FEH rainfall data, which provides better predictions, not FSR drainage data.
- Infiltration test results and soil condition details are required.
- Amended maintenance schedule is required showing details of porous paving, chambers/manholes/catchpits and surface water network.

The applicant submitted the information requested above on 29.04.22 and this has been sent to the LLFA for further comment. Any comments from the LLFA will be reported to members verbally at committee. The recommendation need not be altered as a result of the comments received thus far.

Further points of clarification:

- The pedestrian track which adjoins the ROW on the northern part of the site will not be available for a fire engine or other emergency service vehicle;
- The species mix was amended as part of the proposed landscaping, to address the October comments from the Ecologist. No subsequent comments from the Ecologist were received on the amendment but Officers are satisfied with the amendment including the inclusion of more native species;
- Fire Service and Rescue comments: To expand on the reference in the report, the submission from the Fire Service is a guidance document for developers, not specific to this site/application. There are no apparent issues with the proposed layout/development in relation to its contents.

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MATERIALS KEY

FACING BRICKS	ROOF TILES
BELGRAVIA GAULT BLEND	TLE ANTHRACITE
	TLE BROWN

PROPOSED ADOPTABLE STREET LIGHTING COLUMN

BOUNDARY TREATMENTS

- 1.8M BRICK WALL
- 1.8M CLOSEBOARD FENCE
- 1.8M CLOSEBOARD FENCE WITH 300MM OF TRELIS
- 2M ACOUSTIC FENCE
- 600MM PICKET FENCE
- 450MM KNEE RAIL FENCE
- POSTRAIL FENCE
- 1M GALVANISED BOWTOP FENCE
- 3M ACOUSTIC BARRIER
- 2.5M BRICK WALL

SURFACE MATERIALS

- SITE BOUNDARY
- EXTENT OF EXTRA CARE FACILITY BY OTHERS
- PRIVATE DRIVE - BLOCK PAVED
- SHARED SURFACE - BRINDLE
- FOOTWAY TO BE MAINTAINED BY MANAGEMENT CO.
- ADOPTABLE S38 VERGE
- POND - MANAGED BY MANCO
- ADOPTABLE - TARMAC ROAD SURFACE
- PAVING SLABS - BUFF RIVEN
- POS
- GRASSCRETE
- LANDSCAPING
- PERMEABLE PAVING
- V VISITOR PARKING ALLOCATION
- G1 GARAGE ALLOCATION
- BCP BIN COLLECTION POINT
- DROP BOLLARD

BIN COLLECTION POINT SCHEDULE

BCP - 1	BCP - 2	BCP - 3
7, 10-12	13-16	SBP A - C

GARAGES
No garages to have personnel doors. All garages to have lighting and power.

GARDENS
Rear gardens to be topsoiled and rotovated.

ROWELL WAY
DRIVE
Page 55

A605

EXTRA CARE FACILITY PROVIDED BY OTHERS

65 UNIT EXTRA CARE FACILITY

LEAP

TO BE SUBMITTED UNDER SEPARATE RM APPLICATION

POSTRAIL FENCE TO RESTRICT ACCESS

POTENTIAL CYCLE LINK

C	Sheds added as per planning comments, 1.8m closeboard with 300mm trellis added to Plots 6 & 51 - 62.	15.03.22	GS
B	Site layout amended to match latest planning comments.	28.02.22	GS
A	Layout amended to match latest landscaping drawings. Bricktypes changed to BELGRAVIA GAULT BLEND. Plots 7 & 39 changed to Charwood Cr Bay. Plot 29 gate & fence next to Plot 28 parking moved. Fence position between Plots 36 & 37 moved. Driveways changed to Permeable Paving.	10.12.21	GS
Rev		Date	By

Charles Church East Midlands
Persimmon House
19 Commerce Road
Peterborough Business Park
Lynch Wood
Peterborough PE2 6LR
Tel 01733 794200

Site Name:
ASHTON ROAD, OUNDLE

Drawing:
CHARTER PLAN

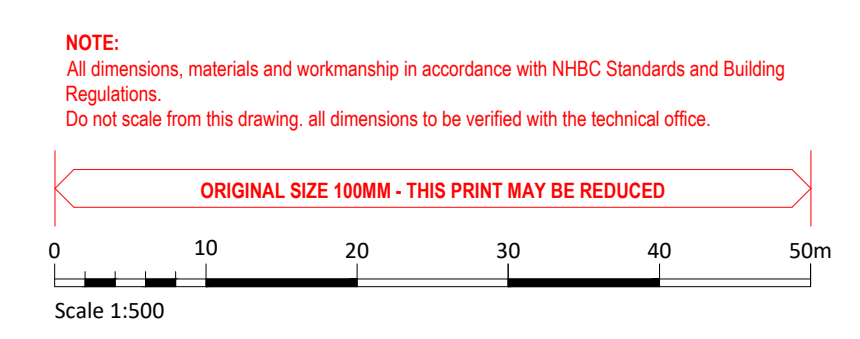
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Version:
R20

Drawn By:
GS

Date:
JULY 21

Rev:
C



Agenda Item 5

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**North Northamptonshire Area Planning Committee
(Thrapston)
30 June 2022**

Application Reference	NE/21/01309/REM
Case Officer	Patrick Reid
Location	Land Between St Christopher's Drive And A605 Oundle Bypass Oundle Northamptonshire
Development	Reserved Matters approval of Appearance, Landscaping, Layout and Scale pursuant to application number 19/01355/OUT - Outline planning permission for the erection of 65 dwellings and an extra-care facility of up to 65 units
Applicant	Persimmon Homes - Katie Dowling
Agent	Persimmon Homes - Katie Dowling
Ward	Oundle Ward
Overall Expiry Date	10 December 2021
Agreed Extension of Time	5 July 2022

Appendix A(1) – Committee Report dated 3 May 2022

Appendix B(1) – Committee Update Report dated 3 May 2022

At the Planning Management Committee meeting of 3 May 2022, the resolution for the application was:

RESOLUTION: DEFERRED to a later Area Planning Committee for Officers to report back on matters relating to:

- Sewerage capacity
- Drainage - A response from the Lead Local Flood Authority is required
- Trees – A response from the Senior Tree and Conservation Officer is required

Scheme of Delegation

This application is brought to committee because it was deferred at the meeting of the 3 May 2022.

1. Recommendation

- 1.1 That reserved matters approval is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:
- If the LLFA recommends that reserved matters approval be granted to the proposed development, grant reserved matters approval subject to the conditions listed in the report or substantially similar conditions, or:
 - If the LLFA recommends/seek minor amendments that are not material to the scheme, such amendments can be received from the Applicant, and if they address the requests, grant reserved matters approval subject to the conditions listed in the report or substantially similar conditions; or
 - If the LLFA recommends that reserved matters approval be refused, then refuse reserved matters approval on the grounds of drainage, or:
 - If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager in consultation with the Chair and Vice Chair of the Area Planning Committee, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse reserved matters approval on the grounds of surface water drainage.

2. The Proposal

- 2.1 The proposal is the same as presented at the 3 May meeting. However, in respect of the drainage details submitted to satisfy Conditions 7 and 8 of Outline Permission 19/01355/OUT, an amended drainage plan/strategy has been received to seek to address the LLFA comments of 9 June.
- 2.2 The landscaping scheme has been amended to address the comments received from the Senior Tree and Landscape Officer on 31 May 2022.

3. Site Description

- 3.1 As per 3 May report.

4. Relevant Planning History

4.1 As per 3 May report.

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Neighbours / Responses to Publicity

One representation has been received since 3 May committee meeting. The comments are from a representee who has previously commented. The comments are summarised below:

- When deferring the application at the meeting of 3 May the matters of visitor parking on private driveways; siting of self-build plots in relation to noise levels and a traffic study of East Road were not discussed;
- Concern that the acoustic fence is not within the application site;
- Claim that the Applicant does not have control over the pathway access to Prince William School;
- Suggestion that 'Policy 21 (iv)' requires evidence that discussion with the school have taken place. Concern that as the school has not responded, the condition is not satisfied.

5.2 Anglian Water

Comments received since 3 May meeting:

It is confirmed that there is capacity within the foul network to accommodate the flows from the development proposals without the need for mitigation.

The concerns raised by Members and local residents have been investigated and it is confirmed that there is an on-going historical issue related to flow backing up from the pumping station in heavy storm conditions.

We have undertaken a full serviceability on the pumping station which reported no issues, and the station is performing well in normal conditions. The wet well has regular cleans and has a relatively new pump impellers and wear plates.

As stated above the issues regarding flooding and overflow was a result of exceptional weather. We do not, and cannot, design our network to accommodate unattenuated flows caused by storm events. OFWAT, our regulator, recognises this and confirms that in such situations no breach of statutory duty has taken place.

We have installed 2 flow monitors in the following locations:
Manhole 7900 on Ashton Road
Manhole 5926 south of Stoke Hill

These monitors allow us to identify any restrictions within the network and we will share the data with the relevant flood organisations. It could be that we identify areas where surface water connections have been made or general maintenance is required. We are happy to share a highlight report of this data with you on a 6 monthly basis. Please note that to fully understand the data we need 12 months worth of monitoring information.

In summary the flooding is caused by extreme weather events and surface water entering the public system. Our pumping station and network are operating well and the proposed development can connect without the need for network improvements.

Legislation does not require new development to provide betterment, nor do our regulators expect our networks to manage and accommodate surface water in storm events. Flood management spans several organisations, such as the Lead Local Flood Authority, Highways and the Environment Agency. In situations such as this partnership working between the flood management organisations is key, it is not for a developer to manage or facilitate these discussions.

5.3 Lead Local Flood Authority (LLFA)

Following the meeting of 3 May, comments received in response to additional information submitted in May are summarised below:

- A detailed drawing (s) still outstanding. Although a drainage schedule is provided in the submission in 979 Drainage Drawings 16/05/2022, the applicant is required to provide a final detailed design enabling us to provide comment. The preliminary layout may be subject to further amendments; (Officer comment: following this a drawing has been submitted to the LLFA and comment is awaited. It is anticipated that a response will be received from the LLFA in advance of the Area Planning Committee meeting and as such this matter will be reported in the Committee Update Report)
- All other information has now been received.

5.4 Tree and Landscape Officer comments

Comments received since 3 May meeting and following receipt of amended plans:

Open Space Specification; Acceptable

Landscape and Ecological Management and Maintenance Plan, James Blake Associates July 2021 Ref JBA 17/110; Acceptable

They do appear to have responded to my comments and the proposals are acceptable. My only comment is to check the name of one of the tree species elected, the Tulip tree. The *Liriodendron tulipifera* 'Slender Silhouette'.

I've never heard of this variety before, it may be a new one to me. I have heard of *Liquidambar styraciflua* 'Slender Silhouette' an entirely different tree, but I am not aware of *Liriodendron tulipifera* 'Slender Silhouette'

The fastigate form of Tulip tree is Liriodendron tulipifera 'Fastigiatum' which is widely available in the UK. I would like to double check this species is the correct name to avoid any mix up at planting time.

Apart from that the proposals are acceptable.

6. Relevant Planning Policies and Considerations

6.1 As per 3 May report.

7. Evaluation

The key issues for consideration are:

- Reasons for deferral and additional information since committee meeting of 3 May 2022
 - Sewerage capacity;
 - Drainage – LLFA comments were awaited;
 - Trees – Tree Officer comments were awaited.

7.1 Sewerage Capacity

7.1.1 At the meeting of 3 May, foul water management was discussed in relation to the local network managed by Anglian Water. Ahead of that meeting and as set out in the 3 May report, Anglian Water had advised that the proposal would have an acceptable impact on the network. However, in order to provide further information on the matter Anglian Water were asked for further comment. Their advice is contained within the consultation section.

7.1.2 Anglian Water have provided detailed comments since the 3 May meeting, in which they establish that the foul network can accommodate the development. They also advise that the network is in good operational order and that no network improvements are required for the proposals. Based on the advice received, it is considered the proposed foul water impact is acceptable.

7.2 Drainage – LLFA comments

7.2.1 Since the meeting of 3 May, on the 9 June, the LLFA have commented and the Applicant has responded to these comments. In their response, it was advised that all information deemed necessary was received except for criteria 7 (i) of the outline permission, that requires a detailed design of the drainage layout. Following this, on the 10 June the Applicant submitted the details to address this request.

7.2.2 At the time of writing, confirmation is awaited from the LLFA as to whether all their requests are now satisfied. It is anticipated that a response should be received ahead of the committee meeting of 30 June. Whilst a response is awaited, it is considered appropriate that, as the majority of the information required has been confirmed as acceptable by the LLFA, the final outstanding matter can be delegated back to Officers to resolve

in the event that the LLFA has not commented by the Area Planning Committee. Should the LLFA respond, then the recommendation, as set out in Section 1 above, can be amended to reflect this. An update will be provided to the Area Planning Committee in the Committee Update Report regarding this matter.

7.3 **Trees – Tree Officer comments were awaited**

7.3.1 On the 31 May the consultation comments were received from the Tree Officer. Within these, much of the details are confirmed as acceptable whilst some further information has been requested, including changes to the species to be planted. This response was provided to the Applicant who has since advised that their landscape consultant is updating their proposal to address the comments.

7.3.2 On the 17 June the Applicant submitted amended landscaping plans to seek to address the comments received. The Tree and Landscape Officer has responded and has confirmed the landscaping scheme is now acceptable, with only a couple of queries on species types that he is not familiar with. These species queries have been put to the Applicant who has asked their landscape consultant for advice. Their response is awaited and expected ahead of the meeting on 30 June. The query is considered relatively minor and if a change of species is preferred by the Tree Officer, it is expected this can be secured quickly with the Applicant.

7.3.3 Once amended landscaping details are fully deemed acceptable, it is recommended these be conditioned to ensure the development is carried out in accordance with such details. Condition 6 and 7 of the recommended conditions from the 3 May report would be amended to refer to the latest received details.

8. **Other Matters**

8.1 Neighbour comments: One representation received since 3 May. The matters raised are summarised in section 5 of this report and taking each in turn, they are addressed below:

Deferral resolution not citing matters of visitor parking; siting of self-build plots in relation to noise and traffic study of East Road:

Members chose to defer the determination for the cited reasons. The matters cited above are addressed in the original committee report and formed part of the discussion on 3 May. The reasons for deferral and discussion around this was decided by the members of the Area Planning Committee.

Concern that the acoustic fence is not within the application site:

The proposed acoustic fence is within the site on its edge. Its location and the extent of the application site was established at the outline stage.

Claim that the Applicant does not have control over the pathway access to Prince William School:

The Applicant has advised they have control of the suggested access route to the school boundary. The route proposed is advised to be using

public footpaths. Condition 21 makes no reference to land ownership in relation to part (iv) and a pedestrian link.

Discussions with school and their lack of response:

The Connectivity Statement submitted with the application evidences the extent of the discussions with the school. The Applicant also advised no further progress was made during the application process since its submission in September 2021. There is no planning basis requiring the school to engage or respond further and this is addressed in the report.

9. Conclusion / Planning Balance

- 9.1 Since the 3 May committee meeting, comments have been received from the LLFA, Anglian Water and Tree Officer. This has resulted in amendments to additional drainage information being submitted as well as additional landscaping details expected imminently.
- 9.2 The LLFA response indicates the majority of information is acceptable. One matter is outstanding and the Applicant has submitted details with a response awaited from the LLFA. The sewerage capacity has been confirmed by Anglian Water as being capable of accommodating the development.
- 9.3 Comments from the Tree and Landscaping Officer were received on 31 May and the Applicant amended their proposals. These were then confirmed as acceptable by the Tree and Landscaping Officer with a query relating to species of plant. The Applicant is planning on responding to this ahead of the meeting, but in any event, it is considered a minor matter as the landscaping scheme has been advised as acceptable. As this matter is minor, the scheme in its current format may be deemed acceptable ahead of the committee meeting or can be delegated to officers to resolve, should Members be minded to approve the outstanding matters.

10. Recommendation

- 10.1 That reserved matters approval is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:
- If the LLFA recommends that reserved matters approval be granted to the proposed development, grant reserved matters approval subject to the conditions listed in the report or substantially similar conditions, or:
 - If the LLFA recommends/seek minor amendments that are not material to the scheme, such amendments can be received from the Applicant, and if they address the requests, grant reserved matters approval subject to the conditions listed in the report or substantially similar conditions; or

- If the LLFA recommends that planning permission be refused, then refuse reserved matters approval on the grounds of drainage, or:
- If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager in consultation with the Chair and Vice Chair of the Area Planning Committee, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse reserved matters approval on the grounds of surface water drainage.

11. Conditions

11.1 As per report of 3 May except for the following amendments:

Condition 6: to refer to amended landscaping/tree plans and details that are anticipated shortly.

Condition 7: to refer to amended landscaping/tree plans and details that are anticipated shortly.

Condition 12: to refer to latest drainage details once confirmed acceptable by LLFA.

12. Informatives

12.1 As per report of 3 May.



**North Northamptonshire Area Planning Committee
(Thrapston)
3 May 2022**

Application Reference	NE/21/01309/REM
Case Officer	Patrick Reid
Location	Land Between St Christopher's Drive And A605 Oundle Bypass Oundle Northamptonshire
Development	Reserved Matters approval of Appearance, Landscaping, Layout and Scale pursuant to application number 19/01355/OUT - Outline planning permission for the erection of 65 dwellings and an extra-care facility of up to 65 units
Applicant	Persimmon Homes - Katie Dowling
Agent	Persimmon Homes - Katie Dowling
Ward	Oundle Ward
Overall Expiry Date	10 December 2021
Agreed Extension of Time	TBC

List of Appendices

Appendix A – Decision Notice of Planning Permission 19/01355/OUT
Appendix B – 19/01355/OUT Committee Report and Appendices

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because Oundle Town Council has objected and there are in excess of five objections to the application.

1. Recommendation

- 1.1 That planning permission is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:
- If the LLFA recommends that planning permission be granted to the proposed development, grant planning permission subject to the conditions listed in the report or substantially similar conditions, or:
 - If the LLFA recommends that planning permission be refused, then refuse planning permission on the grounds of drainage, or:
 - If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse planning permission on the grounds of surface water drainage.

2. The Proposal

- 2.1 The application seeks reserved matters approval relating to outline planning permission ref. 19/01355/OUT for 65 dwellings and an extra care facility. The application covers the reserved matters of 62 of the 65 dwellings (it is likely that the remaining three will be custom build plots and a separate reserved matters approval application will be made for each plot as and when they come forward), and not the extra care facility, which is subject of a concurrent application NE/21/01330/REM. This application seeks consent for the layout, appearance, scale and landscaping of the development. Access and principle are established under the outline permission and need not be revisited as part of this reserved matters application. A copy of the outline planning permission can be found at Appendix A.
- 2.2 The application proposes the layout of the proposed dwellings, their private external amenity space, the internal roads, a SUDS facility and public open space. The eastern most part of the site will be free from housing due to noise factors from the adjacent A605 and is proposed to be used to accommodate the public open space, including play areas. The northern most part of the site will also be free from housing and would accommodate the Sustainable Urban Drainage System (SUDS) area.
- 2.3 The layout of the housing includes a row of houses backing onto the southern boundary of the site: the furthest east of which would be self-build plots (the details of which are not covered by this Reserved Matters application). The north western boundary would accommodate a row of houses also off a short cul-de-sac. Toward the centre of the site would be where the majority of the 62 dwellings would be located. The arrangement shows two areas encircled by access roads, with rear gardens backing onto

each other. The access road would loop around the southern housing group, whilst the northern 'group' would accommodate a short stretch of private accesses.

- 2.4 The 62 dwellings proposed would be in the following mix:
- 14 x 2 bedroom dwellings;
 - 26 x 3 bedroom dwellings
 - 22 x 4 bedroom dwellings
- 2.5 The design of the proposed dwellings has altered during the application process, particularly in terms of the materials. The dwellings as proposed are primarily of yellow brick, with added interest provided by different forms of cladding and light render. The houses vary across the site in terms of their scale and form albeit sharing the same pattern of materials. The dwellings would be a mixture of detached and semi-detached units.
- 2.6 The open space at the eastern part of the site is to include the play areas with various pieces of equipment. Outside of the play areas, the open space proposals include landscaped areas as well as a cycle route toward the south eastern corner.
- 2.7 The reserved matters scheme has progressed through pre-application discussions undertaken since the granting of outline planning permission. During the application process, amended plans have been received including improvements to the play equipment, the inclusion of trees in the streets and a change to the shape of the bend in the road in the south-western corner beside the extra care site.

3. Site Description

- 3.1 The application site comprises part of the land subject of planning permission 19/01355/OUT, which gives outline planning permission including access, for 65 dwellings and an extra care facility. The site excludes the site for the extra care facility which is toward the south-western corner of the field. The remainder of the site is irregular in footprint as it sits between the housing to the west, the A605 to the east, and commercial use beyond a ROW to the north. To the south is Prince William secondary school and its associated land.
- 3.2 The access into the site is to be taken via St Christopher's Drive on its western boundary. The stretch of St Christopher's Drive that leads to the site's boundary terminates before the fencing and hedging that defines much of the side boundary.
- 3.3 The site itself is largely grassland free from structure or trees except on its boundaries. The southern, eastern and northern boundaries are occupied by trees and hedging. The ground has some variation in levels across the site.
- 3.4 The site is within Flood Zone 1 (least likely to flood) and is not subject to any other landscape designation. There are no listed buildings or Conservation Areas within the near vicinity of the site also.

4. Relevant Planning History

- 4.1 19/01355/OUT – Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (All matters reserved except access) – Approved – 20.11.2020
- 4.2 NE/21/01031/MPO – S106 Deed of Variation to vary the Principal Agreement in so far as it relates to the affordable extra care site pursuant to application 19/01355/OUT - Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (All matters reserved except access). – Under consideration
- 4.3 13/01245/OUT - Outline: Residential development of up to 95 houses (all matters reserved) – Refused – 17.10.2013
- Concurrent application*
- 4.4 NE/21/01309/REM - Reserved Matters approval of Appearance, Landscaping, Layout and Scale pursuant to application number 19/01355/OUT - Outline planning permission for the erection of 65 dwellings and an extra-care facility of up to 65 units – Under consideration

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Oundle Town Council

Comments in objection summarised as follows:

- Concern at the adequacy of the entrance to the site via Ashton and East Road;
- Would like to see all the roads to be adopted and to such standards;
- Concern at the footpaths located between the site and the town centre widths;
- Not convinced by the noise mitigation measures from the A605 and its continued maintenance;
- Concern at the possibility of surface water being discharged onto adjoining land;
- Request a Highways and Water Management Officer attend a future committee meeting;
- Concerned by hours of construction proposed and other measures specified in the Construction Management Plan.

5.2 Neighbours / Responses to Publicity

Eight representations have been received, of which seven are in objection and one neutral. The issues raised are summarised below:

- Concern at height of Extra Care building (*Officer comment: subject of a different application*);
- Flooding concerns;
- Suitability of the roads leading to the site;
- Foul water management concerns;
- Concern at 3 metre fence and impact on tree line from Herne Road;
- Any extension to Ashton Road bridleway should not happen;
- Maintenance of the Right of Way is welcomed;
- Concern at the noise survey and mitigation measures;
- The bridleway is not included on the site plan.

5.3 Highways (LHA)

Comments received, summarised as follows (comments received prior to amendments including the addition of trees in the street and the shape of the road in the south-western corner):

- Require the applicant receive written confirmation from The Northamptonshire Fire and Rescue service stating that the proposed development would be accessible with a fire appliance;
- The turning stub to the end of the first road on the right upon entering from St Christopher's Drive should be reconfigured to form a corner with the correct 25 metre visibility as the LHA does not agree with the unnecessary adoptable sections of road;
- The applicant will be required to ensure that there are no trees or related landscaping within 2.5 metre of the highway
- Request for financial contribution to local bus service plus one voucher for 28s free bus travel per household.

Subsequent comments summarised:

- In relation to trees beside the proposed highways, reference made to Guidance document;
- Some land beside the south-western corner of the site will be required to be within the highway for visibility across the corner;
- Small stretch of grass near the proposed extra care building will need to be an asphalt footway as it would be too small to maintain.

5.4 Environmental Protection

Having looked through the revised Construction Management Plan (CMP) the applicant has addressed the majority of concerns raised in my earlier comments. The working hours have been revised, radios will be banned from site, dust control has been improved and an information board will be provided at the site entrance with contact details for the site manager. It is still intended that a sound level meter would be used to check noise levels but again no context. Notwithstanding this, noise control measures are reasonable.

Therefore, based on information received the CMP is acceptable as required by condition 19 of 19/01355/OUT. (all comments made prior to amended Construction Management Plan 'CMP')

Noise

Extensive pre-application discussions with the applicant and their acoustic consultant took place to arrive at a layout that achieves the best acoustic environment possible given the impact of traffic noise. The proposed site plan AR/OU/PPL/100 Rev: 1 dated 23.07.21 reflects the development of the site plan as agreed under pre-application discussions. As such there are no objections to agreeing that development can proceed based on the above layout plan.

5.6 Environment Agency

The Environment Agency does not wish to make any comments on this application.

5.7 Anglian Water

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the cited text be included within your Notice should permission be granted.

Foul Water

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Conditions of the outline planning application, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water

We have reviewed the applicant's submitted surface water drainage information and consider that the impacts on Anglian Water's public surface water sewerage network are acceptable and have been adequately addressed at this stage. We request that we are consulted on any forthcoming application to discharge Conditions of the outline planning application, to which this Reserved Matters application relates, that require the submission and approval of detailed surface water drainage information.

5.8 Archaeology

No specific comments to make on the Reserved Matters under consideration, but note that the applicants have submitted the archaeological Written Scheme of Investigation with the application. The archaeological work should be completed and signed off before any development takes place in the area to be investigated.

5.9 Natural England

No comments.

5.10 Ecology

The proposed soft landscaping plans (dwgs JBA 17/172-01 - 04 rev B) and the proposed 'native buffer planting mix A' could be changed to make it more representative and natural. The proposed alder buckthorn *Frangula alnus* is not actually native to this part of the county, and there are large percentages of privet, yew and holly but no hawthorn or blackthorn. I would prefer to have the hawthorn and blackthorn, plus perhaps crab apple to provide better food sources for wildlife.

The Landscape and Ecological Management and Maintenance Plan (ref JBA 17/110) has been reviewed and have no comments to make at this time.

5.11 NHS Cambridgeshire and Peterborough Clinical Commissioning Group

Comments summarised as follows:

Request for mitigating financial contribution towards the cost of additional primary healthcare services at Oundle Surgery.

5.12 Northamptonshire Police

Northamptonshire Police has no formal objection to the planning application in its present form other than to strongly suggest that the following observations/recommendations are considered, and which if implemented will reduce the likelihood of crime and anti-social behaviour occurring.

- This application submission supports the NPPF and Building for a Healthy Life policies with respect to promoting sustainable travel;
- Plots without garages must provide cycle parking that is covered, secure, overlooked and easy to use and should not involve having to pass through the dwelling to access it. Those plots without a garage, a shed or similar must be supplied and must meet the following specification:
 - Details needed to discharge condition 4 – lighting;
 - The applicant will have regard to Building Regulation Approved Document 'Q' Security of Dwellings;
 - Boundary treatments: Further details of the 'Stock Proof' fence to the southern perimeter of the site required - All plots fences which lack surveillance opportunities and border communal areas need to be 2.1m high. i.e. 1.8m CB fencing with 300mm trellis topping.1.

5.13 Waste Management

Comments summarised as follows:

- Bin storage and presentation arrangements acceptable.

5.14 Northants Fire and Rescue

At this stage your attention is drawn to the attached planning guidance relating to Fire Service access to the development.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 – Presumption in Favour of Sustainable Development
Policy 2 – Historic Environment
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 8 – North Northamptonshire Place Shaping Principles
Policy 9 – Sustainable Buildings and Allowable Solutions
Policy 11 – The Network of Urban and Rural Areas
Policy 28 - Housing Requirements
Policy 29 – Distribution of New Homes
Policy 30 – Housing Mix and Tenure

6.4 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)

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

6.5 Emerging East Northamptonshire Local Plan Part 2 2011-2031 (LPP2) (Submission version March 2021)

EN1: Spatial development strategy
EN2: Settlement boundary criteria – urban areas
EN3: Settlement boundary criteria – freestanding villages
EN5: Development on the periphery of settlements and rural exceptions housing
EN10: Enhancement and provision of open space
EN12: Health and wellbeing
EN13: Design of Buildings/Extensions
EN24: Oundle housing allocations
EN27: St Christopher's Drive, Oundle
EN30: Housing mix and tenure to meet local need
EN31: Older people's housing provision
EN32: Self and custom build housing

6.6 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)

Northamptonshire County Council - Local Highway Authority Parking Standards (2016)

East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)

East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)

7. Evaluation

The key issues for consideration are:

- Visual Impact: Layout, Appearance, Scale, Landscaping
- Requirements of Outline Permission 19/01355/OUT
- Private Amenity
- Highway Matters
- Environmental Matters
- Flood Risk and Drainage
- Ecology
- Archaeology
- Waste Management
- Planning Obligations

7.1 Visual Impact – Layout, Appearance, Scale and Landscaping

Layout

- 7.1.1 The site has a number of surrounding constraints that provide limitations. The most significant of which is the noise emissions from the A605 and ensuring the housing is provided in an arrangement and location that ensures acceptable levels of noise for the future occupiers. The eastern part of the site is therefore unable to accommodate dwellings which are by necessity required to be positioned toward the central and western part of the site. The internal arrangement has been designed to accommodate the noise impact requirements.
- 7.1.2 The proposed layout is led by two groups of housing which have their gardens backing onto each other. The remainder of the dwellings would be positioned alongside the western and southern boundaries. The layout requirement also includes that the access be located off St Christopher's Drive, as approved in the outline consent, and that the extra care development would be in the south-western corner. The required distance from the road for noise mitigation, the site of the extra care and the access requirements and the broad locations of the dwellings is considered logical and acceptable.
- 7.1.3 The proposed layout shows two dwellings addressing the entrance to the site, which is considered a positive feature in visual terms. The cul-de-sac that is accessed to the left after leaving St Christopher's Drive would serve

houses both on the western side and some of those on its east, including a short row off a private driveway. The road layout in this area includes a turning head. The use of a private driveway serving three dwellings is a logical arrangement in this context.

- 7.1.4 The road layout of the site also includes a turning head at the eastern end of this area of housing. The appearance from the street would allow for some variety in the appearance of the dwellings as the layout mixes the type of houses in this area. The houses are set back from the road and the use of some tandem bays ensures that cars do not dominate the street-scene. The layout of 22 houses that occupy the rectangular footprint of land, is considered acceptable in visual terms.
- 7.1.5 The northern part of the site accommodates the SuDS pond. This is considered a positive and logical location which provides a good use of the necessary separation between the A605 and the housing.
- 7.1.6 In design and visual impact terms, the layout is considered to accommodate the varying special and environmental requirements of the site and the outline planning permission. The siting of the housing and its relationship with the open space and adjacent housing and extra care facility are considered to represent an optimum use and arrangement of the space available. The internal access arrangements would ensure the development has a logical and functional layout for residents and visitors to use. The layout is considered acceptable.

Open Space

- 7.1.7 The layout accommodates 0.67 ha of useable open space, excluding the attenuation pond and structural boundaries. The total open space, including the attenuation pond and the boundary hedging/trees is 1.81 ha.
- 7.1.8 The design of the open space includes a Local Area for Play (LAP) and a Local Equipped Area for Play (LEAP) to be positioned to the east of an internal access road. The equipment to be included has been amended during the application process to suit the requests of the Local Planning Authority (LPA). The equipment to be included are considered good choices that will provide a variety of play options for children. The LAP would be separated from the LEAP but would also be in the area that would benefit from natural surveillance from the houses to the immediate west and south.
- 7.1.9 The emerging LPP2 includes a calculation built on an evidence base for establishing open space requirements for new developments. Whilst the LPP2 is not adopted, it has progressed to examination stage. The Council's adopted SPD on open space was adopted in 2011 and its evidence base is relatively old and, based on information that is much less up to date than that of the LPP2. It is therefore considered more reasonable to use the LPP2 calculation to measure open space requirements. The siting, extent and form of the play areas are considered to be compliant with the requirements of the outline permission including the S106 and the LPP2. The inclusion of amenity green space and semi-

natural planted areas is also considered to reflect the requirements of the development.

- 7.1.10 A Maintenance Plan of the Public Open Space is included with the application which identifies the areas to be maintained and the operations involved. A Private Management Company will undertake the maintenance. It is considered the proposed arrangements will ensure the public open space areas are maintained to a good standard in perpetuity.

Appearance

- 7.1.10 The appearance of the proposed dwellings would be generally modern with elements of traditional form and materials used. The various house types which vary in form, all share a combination of the same materials, being the same buff brick, with cladding, black window frames and light render. The variety of house forms proposed is considered to add visual interest to the site and would provide a positive aesthetic for people when moving around. The materials and design are considered to be sympathetic to the more modern context of Oundle. The proposed materials changed during the application process and are considered to be a significant improvement and represent a high quality finish.

- 7.1.11 The appearance of the dwellings is considered to represent high quality design and the development is therefore acceptable in this regard.

Landscaping

- 7.1.12 The landscaping proposed for the site includes various different elements throughout the site, coinciding with the different uses of each area including the housing, open space and SuDS area. The site would also accommodate acoustic fencing which is required as part of the mitigation measures required due to the proximity of the adjacent road.

- 7.1.13 The scheme shows differentiation between the public and private spaces and the access routes are shown of material to be clearly distinguished. The approach taken to the inclusion of the SuDS area with low fencing is considered appropriate as are the pathways and landscaping in this area. In the south-eastern corner, the landscaping includes a cycle route with planting/landscaping around. The tree and flower planting in this area is considered appropriate and would provide visual amenity as well as useable open space for residents.

- 7.1.14 The part of the site to be located near to the proposed extra care facility is considered to be managed well. The landscaping to the space between the two toward plot 51 and around this part if the site is considered appropriate.

- 7.1.15 The space off the main access route is to include planted trees within the street and this inclusion is considered positive. Whilst the LHA expressed concern at trees being planted close to the highway, it is considered reasonable that suitable trees be planted in these locations that does not affect the road surface. Trees of an appropriate species can be required by condition to ensure that they do not harm the adjacent road surface.

- 7.1.16 The landscaping plans overall are considered appropriate and represent a high quality approach to the site that would achieve good character whilst still being functional.

Scale

- 7.1.17 The two storey dwellings proposed will be the most dominant of the dwellings, with only 10 of the 62 being 2.5 storey in height. The houses closest to those on the west would be two storey and which would be in character with the neighbouring development. The inclusion of 10 2.5 storey houses would be acceptable as the prevailing character would be of two storeys. The adjacent extra care building will be three-storey in height and in that context, the scale of the buildings will be less.

- 7.1.18 The scale of the proposed housing is considered appropriate and acceptable.

7.2 Private Amenity

Impact on Neighbouring Amenity

- 7.2.1 Plots one to six would bear close relationship to the east of the properties off Rowell Way and 11 St Christopher's Drive. The orientation of the neighbouring properties varies but those off Rowell Way broadly back onto the site, whilst no. 11 sits with its side boundary next to that of plot one. These properties are the closest to the proposed development.

- 7.2.2 The side of plot one would have one window which would be at first floor and serve a bathroom. Despite the close proximity between the two properties, there would be no material impact on privacy of no. 11. Plot one would also benefit from acceptable levels of privacy in relation to no. 11.

- 7.2.3 Plots three to six would have their rear gardens backing directly onto the western boundary which would be shared. The separation between the proposed houses to the boundary would be around 8.8m at the closest (plot three) whilst the closest building would be to no. 14 Rowell Way at 14.2m, from plot six. The orientation of no. 14 means there would not be direct window to window views and the privacy relationship would be acceptable.

- 7.2.4 The distances between plots three and four and 10 and 12 Rowell Way would be approximately 20 metres which is considered an acceptable relationship in terms of window to window relationships.

- 7.2.5 In terms of the relationship between the proposed houses around the site, it is necessary every house has adequate levels of privacy and other amenities. The houses to the western corner (plots one to six) are oriented so as to not have windows directly facing other. The relationship between the houses allows for views over each other's gardens, but this is a standard and acceptable relationship in planning terms.

- 7.2.6 Plots seven to 28 form the 'northern' group of houses are arranged so that the closest of the rear wall to rear wall distances is around 18.7m between plots 15 to 20. The separation distances otherwise are 20m or more and would have levels of privacy that are acceptable in planning terms. The 18.7m distance is relatively limited but is considered just sufficient to ensure that privacy between opposing windows is acceptable. The extent of garden / external amenity space that each property would have varies between the plots and is considered to be at acceptable levels.
- 7.2.7 Plots 29 to 50 share a similar arrangement to seven to 28 with the rears of the properties facing toward a central area. The arrangement is considered to ensure each property has acceptable levels of privacy and outlook. The arrangement allows for each plot to have gardens to their rears, some of which would be irregular in shape. The garden spaces are sufficient to ensure each property would have a functional and private outside space.
- 7.2.8 Plots 51 to 62 at the south of the site would all be oriented in a side by side arrangement and their levels of privacy and outside space are considered acceptable. The relationship between the proposed extra care facility and the proposed housing has also been considered and it would be around 23m at its closest. The building would be three storeys in height and include bedroom windows facing the fronts of the houses. The separation between the two is considered sufficient to ensure the housing would have acceptable levels of privacy.
- 7.2.9 It is a requirement that all dwellings meet the National Space Standards, set out in Policy 30 of the JCS. All of the 62 dwellings proposed meet the various requirements.
- 7.2.10 The scheme is considered to demonstrate that all dwellings, existing and proposed, would have acceptable levels of private amenity.

7.3 **Highway Matters**

- 7.3.1 Whilst access into the site is already approved by the associated outline consent, determination is required of the internal access arrangement. The LHA has commented and raised points including that the south-western corner need not be a turning head and that no trees be within 2.5m of the highway. The turning head was removed by the applicant in the form of amended plans, and it has been requested that a suitable type of tree can be planted that would not affect the highway. These points have therefore been overcome.
- 7.3.2 The LHA did request a contribution towards a town bus service. However, as this is a reserved matters application, such matters are already concluded under the associated outline permission and the S106. The same principle applies to the request for short term bus passes, as this is a matter for the outline application.

- 7.3.3 The LHA has provided their Guidance Note which covers the topic of suitable species of trees to be planted within the highway. It is considered appropriate that the species of tree and a plan for their maintenance be required to be approved by condition, to ensure appropriate trees are planted in the highway area that do not adversely impact the surfaces, and provide visual amenity.
- 7.3.4 The parking arrangement has been prepared following advice given through the pre-application process. The layout provided shows each dwelling with two off-road parking spaces allocated to it, save for plots 37 and 38 which would have three spaces. Therefore, twenty of the twenty-two four-bedroom properties would have two parking spaces rather than the three which the LHA Parking Standards set out. The layout does incorporate eleven visitor spaces also.
- 7.3.5 During the application, to seek to achieve the highest quality of design possible, tree-lined streets were requested that are now reflected in the layout. This has placed an additional space demand on the site which now incorporates external planting areas around the site, to its visual benefit. There is a level of understanding that incorporating three spaces for every four bedroom house would place significant space demands on the scheme and it this needs to be considered in a balancing exercise.
- 7.3.6 Twenty of the four-bedroom houses not having a third parking space does indicate a space shortage. It is noted that the LHA have not raised concern on this matter and that there is on-street space for some parking. For any houses that happen to have three vehicles, some on-street parking would be possible albeit not desirable from a character perspective. It is noted that potential occupants would be aware of the parking provision of each dwelling that potentially may affect whether residents of any particular property would have three vehicles.
- 7.3.7 The shortage of parking spaces for the four-bedroom properties weighs against the layout of the scheme as it is less than ideal. However, the benefits of increased levels of street planting and trees are recognised, as are the other special constraints on the site. On balance, this matter is not considered sufficiently harmful from either a highway safety or visual amenity perspective to a level that the proposed layout is not acceptable. As such, in this instance, the parking arrangement is deemed acceptable. Each property would still be provided with off-street parking, albeit just under the highways' guidance, which is not an adopted policy.
- 7.3.8 In terms of highway adoption, the submission details the extent of road to be built to adoptable standards and that it be proposed to be adopted. A modest extent is proposed to be private to serve some of the dwellings. The inclusion of adoptable roads to the relevant standards is considered appropriate and the LHA has raised no concern on this.

Tandem parking

- 7.3.9 An informative on the Outline permission advises that tandem parking should be avoided. The proposed layout avoids tandem parking for the

large majority of the 62 dwellings although 29 of the houses will have a tandem parking arrangement. In considering this, it is necessary to consider whether there is, and to what extent, there is a material impact and relevance of a tandem parking arrangement on the use of the highway. The comments of the LHA are a consideration, and in addition, recent appeal decisions that the former East Northamptonshire Council received are of relevance.

7.3.9 Firstly, it is necessary to note that the LHA do not object to the proposal and raise no concerns about the inclusion of tandem parking. Secondly, this matter has been directly addressed by Inspectors in Appeal Decisions where tandem has been cited as a reason for refusing a residential development. One of the Appeal Decisions, ref 3230419 dated 13 March 2020 relates to a full application for 80 dwellings at land south of Northampton Road, Rushden. At paragraphs 27 to 33, the Inspector notes that there is no evidence to demonstrate that tandem parking is prejudicial to highway safety. The matter was reviewed in detail by the Inspector and it is notable that the appeal was determined by Hearing, which allowed for questions and answers on the topic, allowing it to be analysed thoroughly.

7.3.10 Other recent appeal decisions the LPA has received on the topic include 3259241 relating to 10 dwellings in Raunds, (dated 25 January 2021) and 3277115 relating to a development of 3 dwellings (dated 2 February 2022). In both cases the Inspectors found that there was no evidence to substantiate refusing a development on this basis as there is no reason to indicate such arrangements do not function well. Therefore, whilst the Informative indicates a preference for tandem parking to be avoided, based on the cited reason appeal decisions and the comments of the LHA as well as the absence of evidence to suggest it would be materially detrimental on the highway use, the inclusion of tandem parking is acceptable.

7.4 **Environmental Matters**

7.5.1 The Environmental Protection Team has confirmed that the proposed layout is acceptable in terms of mitigating the levels of noise that occupiers would experience from the A605. The Environmental Protection Officer noted the pre-application discussions that took place to reach the current arrangement and confirmed that the proposal is acceptable.

7.5.2 The submitted Reserved Matters Noise Impact Assessment details the noise levels and the proposed mitigation measures. The report details acoustic limiting measures including the acoustic fence to run on the eastern boundary edge beside the A605. The layout of the site, including separating the housing from the A605 as far as is practical, and orientating the housing in a manner than provides further acoustic barriers, is an integral method in managing the acoustics of the site.

7.5.3 The submitted report addresses the matter of noise/dB levels in the interiors of the dwellings, including those closest to the A605, namely Plots 17, 18, 35 to 39. At 5.7 it states that internal ambient noise levels are predicted to be below noise level limits in the most noise-exposed properties, where façade elements are installed as recommended. The

façade recommendations include a specification of double glazing and ventilation system. The advice of the Council's Environmental Protection Officer is that they are in agreement with the submitted assessment and it is therefore considered appropriate that the works be undertaken in accordance with the proposed acoustic measures.

- 7.5.4 Internal spaces of the dwellings are of prior importance in terms of noise levels. Noise levels to the external amenity spaces/gardens are detailed to be below the lower World Health Organisation (WH) guideline levels albeit except for those closest to the A605. It is detailed however that for these properties, the dB levels will be below the upper WHO guideline level for gardens. Based on these levels, it is considered that the proposal, including acoustic limiting measures, achieves an acceptable arrangement to both the internal and external amenity areas.
- 7.5.5 In reference to the Construction Management Plan (CMP), Environmental Protection has advised that the proposed measures are acceptable.
- 7.5.6 Based on the received response, the CMP is agreed and the details required for Condition 19 of the Outline permission are accepted.

7.6 **Flood Risk and Drainage**

- 7.6.1 Condition 8 of the outline permission relates to the matters of drainage and required that reserved matters applications make reference to the original Flood Risk Assessment (FRA). Details have been submitted with this application but at the time of writing no response has been received from the Lead Local Flood Authority.
- 7.6.2 The recommendation reflects the current position of no LLFA response. If the LLFA confirm the drainage arrangements are acceptable then the details can be secured by condition. If the LLFA advise the proposed arrangement is unacceptable and cannot practically be made acceptable with reasonable amendments, then this may represent unacceptable details in this regard. If the LLFA recommend amendments, then it is reasonable that the Applicant have the opportunity to undertake these changes to be submitted and reviewed by the LLFA. If they then are deemed acceptable, then this matter would be resolved. Should the application be considered acceptable in other regards, the recommendation can take account of the possible responses from the LLFA. It is also noted that Anglian Water has advised that the proposal would have an acceptable impact on Anglian Water's public surface water sewerage network.
- 7.6.3 Comments from the LLFA are expected prior to the Committee meeting and will be reported in the Committee Update Report. The proposed recommendation allows a decision to be delegated back to Officers in the event that comments aren't received prior to Committee. This would enable a decision to be expedited upon receipt of any comments. The recommendation also allows for the application to be reported back to the Committee in the event that the LLFA request amendments to the scheme subject to consultation with the Chair and Vice Chair.

Foul Water

- 7.6.4 Anglian Water has commented on the application that the proposal has an acceptable impact on the public foul sewerage network. The proposal is therefore acceptable in this regard. It is also noted that the nearest dwelling meets the separation distance of 15 metres from the water pumping station.

7.7 **Ecology**

- 7.7.1 Condition 6 of the outline permission requires details of a landscape and ecological management plan (LEMP). The submitted details have been reviewed by the Council's Ecologist who requested that some of the landscaping be altered to be more representative and natural, such as hawthorn and blackthorn. No objection was raised to the management plan.

- 7.7.2 Amended landscaping details were received, particularly relating to the eastern part of the site including the play areas.

7.8 **Archaeology**

- 7.8.1 Condition 10 of the outline planning permission requires a programme of archaeological work to be undertaken. The consulted Archaeologist has commented that the Written Scheme of Investigation has been submitted and the works have not taken place. As a matter dealt with by condition 10 and its requirements for this work to take place, this matter has no direct influence on this reserved matters application.

7.9 **Waste Management**

- 7.9.1 Every dwelling would have space externally for the storage of waste bins. The Waste Manager has queried where plots 10 to 16 would present their bins as the Council collectors will not enter private driveways. An amended plan subsequently shows a hard-standing area to be used for bin presentations for these properties. This has been confirmed as acceptable by the Council's Waste Management Team.

7.10 **Planning Obligations**

- 7.10.1 Representations / consultation comments have made reference to requests for planning obligations associated with the housing. However, as this is the reserved matters application where only layout, appearance, scale and landscaping are for approval, this is not part of the consideration. The earlier outline planning permission dealt with such matters and there is an associated S106 agreement securing planning obligations.

7.11 **Requirements of Outline Permission 19/01355/OUT**

- 7.11.1 The outline planning permission ref. 19/01355/OUT included several conditions which set out requirements of details to be included in a

reserved matters application. A summary of these conditions is set out below:

Condition 4 – scheme of lighting
Condition 12 – external roofing and facing materials;
Condition 13 – boundary treatments;
Condition 14 – slab and finished floor levels, ground levels
Condition 15 – details of bus stop;
Condition 17 – landscaping;
Condition 21 – provision for cyclists, connection to ROW, improvements to ROW, pedestrian link to school;
Condition 25 – noise assessment;
Condition 31 – phasing;
Condition 32 – plans that should be reflected including building heights parameter plan

Scheme of lighting (4)

- 7.11.2 Condition 4 of the outline planning permission requires a lighting scheme be submitted. The details submitted show the location and types of lighting to be improved. The arrangement is considered to provide an appropriate level of lighting around the streets and adjacent land.

External roofing and facing materials (12) & Levels (14)

- 7.11.3 The materials proposed are addressed earlier in this report and are acceptable. The level plans provided are also considered acceptable.

Boundary screening (13)

- 7.11.4 A comprehensive landscaping plan has been provided that includes the boundary treatments to be used around the site. The outline permission confirmed the siting of 3m tall acoustic fencing at condition 24. The proposed boundary treatment plan is considered appropriate.

Bus stop details (15)

- 7.11.5 Details of a timber bus shelter and its location are included. The style is noted to be used locally and is considered of a suitable scale and design.

Sustainability measures (16)

- 7.11.6 The details required by Condition 16, including the measures of electric vehicle charging provision and water use limitation measures, are not required as part of the Reserved Matters application. The Condition requires details to be approved in writing under a condition application. This condition has not been subject of an application to seek approval these details and as such the requirement remains.

Landscaping (17)

- 7.11.6 Condition 17's landscaping details requirements are addressed earlier in this report and found acceptable.

Rights of Way (ROW) and cycle way (21)

- 7.11.7 The scheme includes a cycleway toward the south-eastern corner of the site that is understood to have been part of a long-term vision for the site and surroundings. The plan also makes two links to the ROW UF6.
- 7.11.8 The pedestrian route to Prince William School is proposed via St Christopher's Drive to the north part of the school site. The Applicant has confirmed they have control over the land to extend the pathway to reach the school boundary. A possible alternative directly off the site to its south has been found to be impractical due to the change in levels across the land at the southern boundary. The Applicant has sought discussions with the school. The school has been consulted as part of this application, but has not provided any comments.
- 7.11.9 Whilst a response has not been received from the school, the Applicant has met the requirements of Policy 21 in respect of school connection. The route appears logical and would utilise existing paths for its majority.
- 7.11.10 The proposal is to clear and tidy the footpath to the north of the site at UF6 and would be maintained by an appointment Management Company. It is understood the proposal reflects the aims of this part of condition 21.

Noise measures (25)

- 7.11.11 As addressed earlier in this report, the acoustic proposals have been deemed acceptable by the Environmental Health Team.

Phasing (31)

- 7.11.12 The phasing plan differentiates the stages of the development and are considered acceptable.

Approved Drawings (32)

- 7.11.13 The reserved matters details reflect the five drawings referenced under the outline planning permission.

8. Other Matters

- 8.1 Neighbour comments: a number of matters have been raised in representations. Matters of drainage are addressed under conditions 7, 8 and 9 of the outline permission and a formal response is being sought from the LLFA which will be provided as an update to the members of the Area Planning Committee.

Boundary Fencing: Concern was raised about the impact of boundary fencing on adjacent trees. The submitted Arboricultural Assessment concludes that there would be no harm from the fence. The development on the southern boundary would be set away from the trees and there is no reason to indicate there would be harm on the trees around the site, from the acoustic fencing.

Right of Way: One concern raised was that the ROW should not be extended. The proposal does not seek to extend it, only to provide a link to it. A representation noted that the ROW is not included on the Location Plan. As no direct physical works are proposed in this area beyond tidying, this is acceptable.

Noise Mitigation: In terms of concern at noise mitigation measures, it is appropriate that significant weight be attributed to the advice of the Council's Environmental Protection Team who are qualified specialists in such matters. As they have assessed the proposal and undertaken significant work through the outline and pre-application process, their level of understanding of the situation is high. As they find the measures ensure the dwellings to have acceptable levels of noise impact, then this is sufficient to be deemed acceptable in planning terms.

- 8.2 Town Council comments: A number of matters have been raised. Concerns relating to the roads outside of the site serving as its access are not material to this application as the access was approved under the outline application. Access and connectivity, including footpaths outside of the site to the town centre, are matters that are not direct considerations for the layout, scale, appearance and landscaping.

The Town Council has objected to the inclusion of any private roads within the site. The LHA does not object to the inclusions proposed and there is no material harm identified.

Matters of drainage are subject of control by conditions on the outline planning permission and are addressed above.

Concerns relating to the Construction Management Plan are subject of comments from the Environmental Health Team and their response is awaited on the amended arrangement.

- 8.3 Police Comments: In response to the comments from the Police, the Applicant has confirmed the following points:
- Sheds in the plots that do not have garages can be used for covered bicycle storage;
 - All dwellings will be compliant with Part Q of Building Regulations;
 - Plots facing communal areas are to have 2.1m tall fencing.

The responses from the Applicant to the matters raised are considered to address the majority of them. An elevation plan of the stock proof fencing is mentioned to be submitted shortly, but at the time of writing it has not been received. If received prior to the meeting, this can be addressed on the update sheet and reference be made to it on potential conditions. If not, as it is a relatively minor matter, this can be required by condition.

- 8.4 Equality: the application raises no matters of equality concern.

- 8.5 Health Impact Assessment: Paragraph 92 of the NFFP states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable and

support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds.

9. Conclusion / Planning Balance

- 9.1 The matters of layout, appearance, scale and landscaping of 62 of the 65 dwellings are considered to create a development that aesthetically and functionally is considered acceptable. The scheme would provide the dwellings in a manner that would allow suitable connectivity, private and public amenity space and would complement the character of the local area.

10. Recommendation

- 10.1 That planning permission is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:

- If the LLFA recommends that planning permission be granted to the proposed development, grant planning permission subject to the conditions listed in the report or substantially similar conditions, or:
- If the LLFA recommends that planning permission be refused, then refuse planning permission on the grounds of drainage, or:
- If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse planning permission on the grounds of surface water drainage.

11. Conditions

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with following plans received by the Local Planning Authority:

- Location Plan ref. AR/OUT/LP-100.
- Proposed Planning Layout ref. AR/OU/PPL/100 rev. O;
- LAP Plan ref. Q6915_D;
- LEAP Plan ref. Q6915 D;
- Site Proposal ref. Q6915_d dated 14/02/22;

- Construction Method Statement dated 2 February 2022;
- S38 Street Lighting Layout ref. 8400-2332;
- House Types Pack including garage plans and elevations, received 14 January 2022;
- Charter Plan ref. OUND-CP-01 Rev. C;
- Bus Stop Details;
- 3m Acoustic Fence ref. SD-EXTW-05 rev. A;
- Levels Strategy ref. 979-05-00 rev. A.

Reason: In order to clarify the terms of this consent.

- 3 The development hereby approved shall be carried out using the materials set out on the approved elevation drawings and as specified in the Design and Access Statement. These are to include buff brick, cladding and black uPVC or aluminium framed windows, and roof tiles to reflect the elevations. Samples of which shall be provided to and approved in writing by the LPA prior to any development above Damp Proof Course level.

Reason: To enhance the appearance of the development in the interests of visual and residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

- 4 The development hereby permitted shall be constructed in accordance with the levels details as specified on approved plan references: Levels Strategy ref. 979-05-00 rev. A, submitted as part of this application for reserved matters consent.

Reason: In the interests of residential and visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

- 5 The development hereby permitted shall be implemented in accordance with the proposals, implementation and monitoring measures set out in the submitted Landscape and Ecological Management and Maintenance Plan received by the Local Planning Authority on 26 August 2021. The works and maintenance shall follow the timetable as set out in part 5 of the cited report. These biodiversity measures shall be retained in perpetuity.

Reason: To safeguard ecology and biodiversity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2016.

- 6 The development hereby permitted shall be undertaken in accordance with the approved details relating to tree works. These shall include following the timescales set out in part 6 of the Arboricultural Impact Assessment:

- Tree Protection Plan – Residential Development ref. JBA21/185TP01;
- Tree Removal Plan – Residential Development ref. JBA21/185TR01;
- Arboricultural Impact Assessment ref. JBA21/185 AR01 dated 29 June 2021.

Reason: To ensure the landscaping and tree works are undertaken as approved.

7 The landscaping works shall be carried out prior to the first occupation of the development hereby approved, in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation. The hard and soft landscaping for the development hereby permitted shall be carried out strictly in accordance with following plans received by the Local Planning Authority:

- Detailed hard and soft landscape proposals for plots and POS ref. JBA 17/172-01 rev. C;
- Detailed hard and soft landscape proposals for plots and POS JBA 17/172-02 rev. C;
- Detailed hard and soft landscape proposals for plots and POS JBA 17/172-03 rev. C;
- Detailed hard and soft landscape proposals for plots and POS JBA 17/172-04 rev. D

Reason: To ensure the landscaping is undertaken and maintained in suitable time relating to the occupation of the care home. It also is required in order to clarify the landscaping terms of this consent.

8 The parking spaces to be constructed as shown on Proposed Planning Layout ref. AR/OU/PPL/100 Rev. O shall be made available prior to the respective dwelling to be occupied. The parking spaces shall be used only and permanently retained for the parking of private motor vehicles and shall not be used for any other purpose. The visitor spaces shall be constructed and made available prior to the occupation of the first dwelling. The visitor spaces shall remain available for visitor parking in perpetuity.

Reason: In the interest in ensuring the dwellings have sufficient parking and there is not an unacceptable demand for on-street parking.

9 The acoustic mitigation measures set out in the Reserved Matters Noise Impact Assessment ref. MM1353/17180/Rev. 1 shall be implemented prior to the occupation of any of the dwellings hereby permitted. The measures shall be retained in perpetuity and maintained in full working order in perpetuity.

For clarity, these measures include that all dwellings shall be fitted within the façade acoustic specification set out in section 6 of the Reserved Matters Noise Impact Assessment MM1353/17180/Rev. 1. The cited ventilation system specification and acoustic barrier recommendations shall also be undertaken in full.

Reason: To ensure the dwellings are within an environment with acceptable noise levels.

10 Prior to the first occupation of the development hereby permitted, the acoustic boundary fencing as detailed on the plan '3m Acoustic fencing ref.

SD-EXTW-05A' shall be installed in totality along the eastern boundary of the site in the approved location. The fencing shall then be maintained in full working standard in perpetuity and repairs undertaken as and when necessary

Reason: In the interests of ensuring the occupants of the site incur acceptable levels of noise from the A605.

- 11 The development shall be undertaken in accordance with the Construction Method Statement dated 2 February 2022. The development shall also be undertaken in accordance with the Site Waste Management Plan dated 12th August 2021.

Reason: To ensure the amenity of the area is maintained at suitable levels during the construction process.

- 12 The drainage works of the hereby approved development shall be undertaken in accordance with the following submitted details prior to the occupation of the first dwelling and shall thereafter be maintained and retained in perpetuity:

- Planning Conditions Support Conditions 7 and 8 ref. 979-00-001;
- Management of Sustainable Urban Drainage Systems dated August 2021.

Reason: To ensure the drainage works are undertaken in accordance with the approved details.

- 13 Prior to the commencement of works above slab level, details of the trees/planting to be planted within the pavement/adjacent the highway, as indicated on Charter Plan ref. OUND-CP-01C, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the species to be planted. These should reflect the species and guidance contained within the document 'Guidance Notes – Highways Cultivation, dated October 2021'. It is recommended that confirmation from the Local highway Authority be included that they are to undertake the ongoing maintenance of the planting once the highways are adopted.

A timetable for the implementation and maintenance of the planting is to be provided for the approval of the Local Planning Authority. This should include a maintenance plan for any time prior to the adoption of the highway whereby the planting is expected to be maintained.

Reason: In the interests of ensuring appropriate planting is planted and maintained in perpetuity.

- 14 Prior to commencement of development above slab level, a timetable for the completion of the works to the roads within the site, including the parts to be built to adoptable standards and those to be private, shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be undertaken in accordance with the approved timetable.

The roads/highways within the site shall be built to the specifications and standards specified on the submitted details, including 'Charter Plan. Ref OUND-CP-01c. The road surfacing works shall be undertaken in full and where specified shall be to adoptable standards.

Reason: To ensure the highways element of the works are undertaken to the specifications required to ensure the development has appropriate vehicular and pedestrian access provision within the site.

- 15 Prior to the occupation of any of the dwellings hereby approved, details of the stock proof fencing to be located at the southern part of the site within the area covered by trees/vegetation, shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall then be installed prior to the occupation of the first dwelling, as per the approved details and maintained in perpetuity.

Reason: To ensure the southern part of the site benefits from appropriate security measures.

- 16 Prior to the occupation of any of the dwellings hereby permitted, the detailed improvements to Right of Way UF6 and the pedestrian link works to the boundary of Prince William School, as well as the links to Right of Way UF6, shall have been constructed as per the Proposed Planning Layout ref. AR/OU/PPL/100 rev. O and the Connectivity Statement. The links shall be retained and maintained for the lifetime of the development hereby permitted.

Reason: To ensure the development accords with Policy 21 of the outline planning permission 19/01355/OUT.

12. Informatives

- 12.1 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15

metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

12.2 Condition 19 of outline permission 19/01355/OUT, relating to the Construction Management Plan, is satisfied and discharged. Other conditions that are discharged based on the details submitted include:

- 4 – lighting.



EAST NORTHAMPTONSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

19/01355/OUT

Location

Land Between St Christophers Drive And A605 Oundle Bypass Oundle Northamptonshire

Proposal

Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (All matters reserved except access).

Applicant

Mr Matthew Harmsworth - Persimmon Homes

Persimmon House 19 Commerce Road Lynch Road Peterborough

Date received

6 August 2019

Date valid

20 August 2019

Under the provisions of the Town and Country Planning Act 1990 the Local Planning Authority hereby **GRANT OUTLINE PLANNING PERMISSION** for the above development in accordance with the application and plans submitted, **subject to the following conditions** which are imposed for the reasons noted thereafter:

1. Approval of the details of the siting, scale and appearance of the dwellings / Extra Care facility and the landscaping of the development (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the development is commenced.

Reason: The application is in outline only and the reserved matters referred to will require full consideration by the Local Planning Authority.

2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: Statutory requirement under section 91 of the Town and Country Planning Act 1990.

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

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

4. The details required to be submitted by condition 1 above shall include the provision of a scheme for lighting the public and private areas of the development hereby permitted together with an implementation plan. The development shall thereafter be carried out in accordance with these approved details. Details shall include location, design, height and lux, uniformity level and a management and maintenance schedule to be adhered to perpetuity.

Reason: In the interests of amenity, crime prevention and biodiversity.

5. No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure, for each phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable prior to the occupation of the associated phase of the development.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

6. A landscape and ecological management plan (LEMP) for each phase of the development shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development of each phase. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

7. Before any above ground works commence in any phase a detailed design of surface water drainage scheme for that phase based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures.
- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
- iv) BRE 365 infiltration test results.
- v) Detailed scheme for the ownership and scheduled maintenance for every element of the surface water drainage system.
- vi) Confirmation of site specific soil conditions.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Joint Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

8. All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment ref AMA752 rev A dated October 2019 prepared by Infrastructure Design Ltd and shall be accompanied by a compliance statement with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.

Reason: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

9. No occupation shall take place until the Verification Report for that phase of the development for the installed surface water drainage system for the site based on the approved Flood Risk Assessment ref AMA752 rev A dated October 2019 prepared by Infrastructure Design Ltd has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority. The report shall include:
 - a) Any departure from the agreed design is keeping with the approved principles;
 - b) Any As-Built Drawings and accompanying photos;
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary);
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.;
 - e) Confirmation that the system is free from defects, damage and foreign objects;
 - f) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

10. No development shall take place within the area of archaeological interest 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. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
 - (i) Approval of a Written Scheme of Investigation;
 - (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;

(iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;

(iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

11. There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

12. The details required to be submitted by condition No.1 above shall include, details and samples of the external roofing and facing materials to be used for the construction of the buildings hereby approved. The development shall thereafter be implemented in accordance with the approved details and retained in perpetuity.

Reason: To achieve a satisfactory appearance for the development.

13. The details required to be submitted by condition No. 1 above shall include the provision of boundary screening to the site. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary screening shall then be provided in accordance with the details so approved before each respective dwelling / building is occupied and shall be retained and maintained thereafter in perpetuity.

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

14. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above, shall include drawings showing the slab levels and finished floor levels of the buildings in relation to the existing and proposed ground levels of the site, the ground levels of the surrounding land and the slab and finished floor levels of the surrounding properties as well as identifying the proposed ridge height levels and the ridge heights of all neighbouring properties. The development shall thereafter be constructed in accordance with the details so approved in writing by the Local Planning Authority.

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

15. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above shall include full details of one bus stop to be located within the site and associated raised boarder and shelter. The details shall include the timing of the provision. The bus stop, raised boarder and shelter shall thereafter be erected in accordance with the approved details and be retained and maintained in perpetuity.

Reason: In the interests of connectivity, sustainability, air quality management and highway safety.

16. Notwithstanding the submitted details, no occupation of buildings shall take place until details have been submitted to and approved in writing by the Local Planning Authority which demonstrates the following sustainability measures for the new buildings:

- a) Electric vehicle charging provision for each dwelling;
 - b) Measures to limit water use to no more than 105 litres / person / day / and external water use of no more than 5 litres / person / day;
 - c) Minimum standards for gas fired boilers;
 - d) Sustainability measures (including, but not limited to, the sustainable use of energy, electric vehicle charging provision, bicycle parking, the use of responsibly sourced materials and measures to limit water use) to be implemented for the Extra Care accommodation in the event that the Extra Care accommodation is provided.
- Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of each respective property.

Reason: In the interests of sustainability and to mitigate the impacts upon air quality in the vicinity.

17. The details to be submitted for approval in writing by the Local Planning Authority relating to condition 1 above shall include a comprehensive landscaping scheme for each phase of the development, including an implementation schedule, all hard and soft landscaping, existing and proposed contours of the land, use of materials, street furniture and details of any additional natural boundary screening to be planted. Landscaping shall thereafter be provided in accordance with the details so approved. It is expected native species, traditionally found in the locality shall be used.

Reason: To ensure a reasonable standard of development and visual amenity for the area.

18. Any trees or plants which within a period of 15 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

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

19. Notwithstanding the details submitted and prior to the commencement of each phase of the development a Construction Management Plan (CMP) for that phase shall be submitted to, and approved in writing by the Local Planning Authority. The CMP shall include and specify the provision to be made for site procedures to be adopted during the course of construction, including:

- a. overall strategy for managing environmental impacts which arise;
- b. measures to control the emission of dust and dirt;
- c. control of noise emanating from the site;
- d. hours of construction work;
- e. construction traffic daily timetable, confirming no construction traffic will arrive on site before 7.30am and after 6.00pm Monday to Friday, before 7.30am and after 1.00pm on a Saturday and with no construction vehicles to attend the site on a Sunday or Bank Holiday;
- f. contractors compounds, material storage and other storage arrangements, cranes, and plant, equipment and related temporary infrastructure;
- g. designation, layout and design of construction access and egress points to minimise disruption or access for existing residents and new residents of the development;
- h. internal site circulation routes;
- i. directional signage (on and off site);
- j. provision for emergency vehicles;

- k. provision for all site operatives, visitors and construction vehicles loading and unloading plant and material;
- l. provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- m. details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- n. routing agreement for construction traffic;
- o. storage of plant and materials used in construction;
- p. enclosure of phase or development parcel sites and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- q. waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
- r. soil stockpiling and material crushing and sorting, control of dust and other emissions, construction noise and vibration from the development.

The provisions of the CMP shall cause minimum disturbance in the surrounding area. Construction of development shall only proceed in accordance with the CMP and the approved measures shall be retained for the duration of the construction works.

Reason: To maintain the amenities of the area in accordance with the NPPF.

20. No drainage works shall commence until a foul water management strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the agreed details.

Reason: To prevent environmental and amenity problems arising from flooding.

21. The details required to be submitted for approval in writing in connection with condition 1 (above) shall include:

- i) Details of provision for cyclists;
- ii) Connections to the right of way network;
- iii) Improvements to the right of way UF6; and
- iv) A pedestrian link to Prince William School. The details of the school link shall include appropriate safety measures with evidence that these have been informed by discussions with the school.

Reason: In the interests of connectivity and encouraging sustainable modes of travel.

22. Full engineering and construction details of the continuation of St Christopher's Drive into the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling or prior to the commencement of works above slab level for the extra care facility whichever is the earliest. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwelling / Extra Care unit hereby approved.

Reason: In the interests of highway safety.

23. In the event that the Extra Care Facility does not come forward, then the following details shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development hereby permitted:

- i) Details of the proposed treatment of the 'Extra Care land' in the event that the Extra Care facility does not come forward;
 - ii) Details of the timescale / triggers in relation to i) above.
- Thereafter the agreed details shall be implemented and maintained / retained.

Reason: In the interests of visual amenity and safety.

24. Prior to the first occupation of any dwelling / Extra Care unit hereby permitted, a noise barrier shall be installed as detailed in the Spectrum Acoustics report Ref: MM588/17180/Rev.5 dated 10.03.2020. No changes shall be made to the hereby approved noise barrier without the written permission of the Local Planning Authority. The approved noise barrier shall be retained thereafter in perpetuity and maintained in a satisfactory state of repair to ensure efficient operation.

Reason: In the interest of residential amenity.

25. Any future reserved matters application for buildings hereby permitted shall include a noise assessment together with mitigation measures which shall be implemented in accordance with an agreed programme.

Reason: In the interest of residential amenity.

26. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure potential risks arising from previous site uses have been fully assessed.

27. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure the proposed remediation plan is appropriate.

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

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

29. On completion of any remediation (where identified under condition 27 of this permission), two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

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

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

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

31. The first application for 'reserved matters' (in connection with condition 1, above) shall include details of the phasing of the development. The development shall thereafter be carried out in accordance with the agreed details of phasing.

Reason: To ensure the development is delivered in a coordinated manner.

32. The details to be submitted under condition 1, above, shall be carried out in accordance with drawing reference numbers:

OUND/ASHR/BHP/100 Building Heights Parameter Plan received on 16.01.2020

OUND/ASHR/LS/100 A Landscape Strategy received on 16.01.2020

OUND/ASHR/LU/100 Land Use Plan received on 16.01.2020

OUND/ASHR/MBT/100 Mini Bus Tracking received on 16.01.2020

OUND/ASHR/PPL/100 Proposed Planning Layout received on 16.01.2020

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

Your attention is drawn to the following notes:

1. The Lead Local Flood Authority advises (with respect to condition 7):

Details will be required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space, play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The maintenance scheme shall include:

- A maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used;
- A site plan including access points, maintenance access easements and outfalls;
- Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site;

Details of expected design life of all assets with a schedule of when replacement assets may be required.

2. The applicant's attention is drawn to the comments received 10.09.2019 from Northamptonshire Police (please refer to the Council's website) regarding detailed layout requirements.
3. Anglian Water advises:
 - i. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 6066087.
 - ii. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
 - iii. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

4. With respect to conditions 4 (Lighting) 6 (Landscape and Environmental Management Plan) and 17 (Landscaping), the applicant is advised that the details submitted will be expected to include (but not be limited) to the following (as may be relevant to the condition):
 - The development should incorporate native tree and shrub planting, including fruit and nut bearing species within areas of public open space or perimeter vegetation;
 - New hedgerow planting should be incorporated where possible;
 - Any grassland areas should consider native seed mixes;
 - The creation of a continuous buffer of 10-15 metres wide along the retained woodland on the eastern and southern boundaries, to comprise native species shrub and tree planting;
 - Ivy clearance from mature sycamore trees;
 - Provision of a range of bat boxes;
 - Implementation of controlled lighting to maintain dark corridors.
5. Early registration of development sites is key to making sure the people moving into your developments get a fibre based broadband service when they move in. More information can be found in the links below:

BT Openreach: <https://www.ournetwork.openreach.co.uk/property-development.aspx>

Virgin Media: <http://www.virginmedia.com/lightning/network-expansion/property-developers>

There are also other providers may also be able to connect your development:
<http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx>.

It is advised that ducting works are carried out in co-operation with the installations of standard utility works. Any works carried out should be compliant with the Manual of Contract Documents for Highway Works- specifically Volume 1 Specification Series 500 Drainage and Ducts, and Volume 3 Highway Construction Details Section 1 - I Series Underground Cable Ducts (found at <http://www.dft.gov.uk/ha/standards/mchw/index.htm>).

For further information on the project please visit www.superfastnorthamptonshire.net or contact: bigidea@northamptonshire.gov.uk

6. Please note that any future application that seeks approval of the proposed layout, should include sufficient parking spaces for both residents and visitors to the site, in accordance with Northamptonshire Highways Parking Standards document, or any such document which replaces it. It is also advised that tandem parking should be avoided as this is unlikely to be supported.
7. Please note that any future application that seeks approval of the proposed layout shall demonstrate how the development complies with the National Space Standards as required by Policy 30 of the North Northamptonshire Joint Core Strategy.

Decision Date
20 November 2020

Signed:



Paul Bland
Head of Planning Services

NOTES:

In reaching this decision the Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38.

A full report is available at www.east-northamptonshire.gov.uk.

Please note that a formal application is required to discharge conditions (where applicable). Discharge of condition applications have a target determination period of 8 weeks and require a fee. Please programme in adequate time to avoid delay to your development. Details of how to apply can be obtained from the Council's website:

<https://www.east-northamptonshire.gov.uk/planning>

This notice relates only to planning permission and does not include or imply consent under the Building Regulations or any other legislation for which a separate application may be required.

For advice and guidance about the Building Regulations, including the need for consent, please contact the Council's Building Control helpline on 01832 742139. Further information can also be obtained from the Council's website:

<https://www.east-northamptonshire.gov.uk/buildingcontrol>

APPEALS TO THE SECRETARY OF STATE:

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application, if you want to appeal against the local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against the local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against the local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- In all other circumstances if you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at:

<https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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Case Officer **Carolyn Tait****19/01355/OUT**

Date received	Date valid	Overall Expiry	Ward	Parish
06 August 2019	20 August 2019	19 June 2020	Oundle	Oundle

Applicant **Mr Matthew Harmsworth – Persimmon Homes**Agent **NA**Location **Land Between St Christopher's Drive and A605 Oundle Bypass, Oundle, Northamptonshire**Proposal **Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (all matters reserved except access).**

The application is brought before the Planning Management Committee because it is a "major" residential development as defined in legislation and falls outside of the Scheme of Delegation in Part 3.2 of the Council's Constitution (2019).

1 Summary of Recommendation

- 1.1 Recommendation 1: If a satisfactory S106 legal agreement which secures obligations as set out in the original committee report (as amended by this report and that on 23rd March 2020) is completed by 1st July 2020 (or other date agreed in writing with the Local Planning Authority): GRANT planning permission subject to conditions.
- 1.2 Recommendation 2: If a satisfactory S106 legal agreement to secure obligations as set out in the original committee report (as amended by this report and that on 23rd March 2020) is not completed by 1st July 2020 (or other date agreed in writing with the Local Planning Authority): Delegate to Head of Planning Services to REFUSE planning permission.

2 Introduction

- 2.1 This application was on the agenda at the Planning Management Committee that was held on 23rd March 2020. However, due to the current Covid-19 pandemic, a decision was made to defer the determination of the application to allow interested parties the opportunity to be make representations on the application at a future meeting.
- 2.2 A report was prepared for the March Planning Management Committee and this should be read in conjunction with the 'original committee report' (13th November 2019) as well as this committee report. All relevant documents are appended to this report. The purpose of this committee report is to provide Members with a response / update in relation to any relevant considerations that have arisen since the publication of the 23rd March 2020 committee report. Any updates between the original committee report and the 23rd March committee report can be found at Appendix 1.

3 Extra Care Facility / S106 Requirements (update since 23rd March 2020)

- 3.1 The situation regarding the extra care facility remains unchanged from the 23rd March 2020 committee report at paragraphs 3.1 – 3.7. Work is continuing on the draft Section 106 Agreement to secure the relevant and necessary obligations.

4 Five Year Housing Land Supply (update since 23rd March 2020)

- 4.1 The Planning Policy Committee met on 17 December 2019 to consider the 2019 Annual Monitoring Report (AMR) and resolved to note the five year housing land supply calculation of 6.03 years.
- 4.2 Subsequent to this, an appeal decision relating to The Willows, Thrapston was received on 24.01.2020. Based on the evidence presented at the appeal, the Inspector concluded that East Northamptonshire Council was only able to demonstrate a 4.28 year housing land supply. Central to that decision was the question of whether sites not listed in the definition of 'deliverable' in the Glossary to the National Planning Policy Framework (NPPF) could, in principle, be considered. The Inspector ruled that he could not and discounted a large number of units from the supply.
- 4.3 Following the decision of the Inspector, East Northamptonshire Council lodged a S.288 Statutory Appeal. Having considered the grounds of the Appeal the Secretary of State conceded that the Planning Inspector had erred in his interpretation of the definition of deliverable within the glossary of the NPPF as a 'closed list'. It is not. The proper interpretation of the definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition.
- 4.4 As such, and on the basis that the 2019 AMR concludes that there is sufficient evidence to show those sites do meet the definition of deliverable, it is considered that East Northamptonshire Council can demonstrate a 5 year supply of deliverable housing sites. As such, policies related to the supply of housing can be considered up to date.
- 4.5 This recent decision does not alter the recommendation of this application as this was not a determining factor in the recommendation to approve planning permission. For clarification, Policy 11d of the NPPF is no longer relevant to this proposal as the relevant planning policies are not considered to be out of date as the Council can demonstrate a five year supply of deliverable housing sites. However, the proposal was not originally recommended for approval on the triggering of paragraph 11d so this does not change the recommendation to approve.

5 Principle of Development – Policy Background – Emerging Plans Progress and Status (update since 23rd March 2020)

- 5.1 The adopted Development Plan has not changed since the planning application was considered at the 13th November 2019 Planning Management Committee. However, significant changes have taken place which impact on emerging Plans relating to Oundle. The situation is set out in detail in the 23rd March 2020 committee report. However, a summary is provided below:
- 5.2 The Oundle Neighbourhood Plan Examiner concluded that the Oundle Neighbourhood Plan should not proceed to referendum and as such now carries no weight in the determination of applications.
- 5.3 Policy 29 / Table 5 of the JCS requires the allocation of further housing land at Oundle to deliver the current requirement (645 dwellings, 2011-2031). The Council appointed DLP to prepare a detailed sustainability assessment of potential development sites in Oundle (July 2019), which identified the St Christopher's Drive site as an appropriate location for

additional housing.

5.4 Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

The Draft Local Plan is currently being prepared for pre-submission, which will represent the Council's Plan. The application site was endorsed as a proposed allocation by the Planning Policy Committee on 20th January 2020, some weight, although limited, can therefore be applied to the policy position in respect of this planning application.

6 Additional Representations / Consultation Responses

Public Comments

6.1 The below is a summary of any comments that have been received since the committee report for the 23rd March 2020 was finalised:

6.2 Eleven further representations have been received (five objecting / raising concerns and six in support) which can be summarised as:

Concerns / Objections (It should be noted that many of these issues are already covered in the previous committee reports and update sheets)

- Over 282 homes proposed with one narrow access road for emergency services. What happens if this road (Ashton Rd) is blocked?
- Prospect of more than 150 cars and lots of delivery vehicles to the care facility using Ashton Road which is already heavily congested.
- A 4 storey Extra Care Facility (I have not been able to find a description of what this actually is) with an unreliable or non-existent bus service, overlooking existing residential homes.
- More cars parking along current roads. Staff, residents, and visitor parking provision at the facility is minimal.
- The risk of repeating original sewage problems on the estate with the need for a large storage tank to hold foul water.
- The need for a large drainage pond to retain surface water. A safety risk for children and possible health risk from pests.
- Persimmon's public record of unfinished roads, drainage and green areas in Newport, Pyle, Aberdare etc.
- It is a large estate tacked to the edge of Oundle.
- There are no affordable homes proposed.
- No increase in public transport.
- Not close to health services.
- Elderly will be affected by pollution from A605.
- Oundle has poor infrastructure.

- Increase in traffic / pollution.
- Risk to pedestrians / vehicles mounting kerbs / close to the school.
- Will create a rat run.
- The utilities will not cope with the increased demand.
- Persimmon leaves roads unfinished.
- The original application did not include a care home and as such the whole application should be re-submitted.
- Lack of parking across the site.
- Excavations for sewerage will cause disruption.
- Surrounding roads are congested.
- Access should be off the A605.
- No construction traffic should go by Sutton Road.
- Noise.
- Loss of property value.

6.3 Officer response:

- The application is for up to 130 units (65 dwellings and 65 Extra Care units). The Local Highway Authority has assessed the access to the site as being suitable for the proposed level of development as set out in the Appendices to this report.
- The design of the Extra Care facility is not for consideration at this outline stage and any future reserved matters application seeking approval for the Extra Care Facility will need to take in to account the impact on neighbouring amenity when designing the building. Public transport matters are addressed at paragraph 4.1 – 4.3 of the 23rd March 2020 committee report.
- The parking layout is not a matter for consideration at this stage. Any future reserved matters application would have to demonstrate a layout which can accommodate an appropriate level of parking for the number of units.
- The Lead Local Flood Authority, Anglian Water and the Environment Agency do not raise any concerns with regards to foul water or surface water drainage subject to the use of the recommended conditions.
- Detailed plans of the drainage pond would be submitted at a later stage. Any concerns with regards to pests could be reported to the Council, but SuDS use is common in modern developments and not typically associated with pest nuisance. In addition, the use of SuDS is covered by the recommended conditions.
- Developer's intentions / previous track records are not material considerations. Suitable conditions ensure that a development is carried out appropriately and the Council can enforce against non-compliance if necessary. Details of all internal roads are to be submitted for later consideration at the reserved matters stage, but they will have to be constructed to an adoptable standard.
- The suitability of the location of the site is addressed throughout the committee reports.
- The proposed extra care facility would accommodate affordable extra care units, providing affordable housing. Should this not be provided then a legal agreement is being secured for affordable housing to be provided as an alternative.
- A developer contribution has been requested towards public transport.
- Oundle has health facilities including a doctors' surgery.
- An Air Quality Assessment has been submitted as part of the application and the Council's Environmental Protection team has been consulted. Neither raise any

- concerns and a condition is recommended to include air quality measures.
- It is not clear what is meant by the term 'infrastructure' in the comment received, but Oundle has a number of services including schools and a doctors' surgery. In addition the Local Highway Authority has not objected to the application on the basis of highway safety.
 - There would be an increase in traffic associated with the proposal, but the Local Highway Authority do not object to this as it would not result in any detrimental harm on highway safety.
 - Many housing sites are close to schools. This enables children to walk rather than being taken in a car. It is possible for a car to mount a pavement in any location, so this is not seen as a reason for justifying refusal of this application.
 - The proposal would not create a rat run as there is only one vehicular access to the site.
-
- The impact on existing utilities is not a planning matter.
 - Relevant conditions and technical approvals will ensure that the roads are constructed to an adoptable standard, where this is required. Where the developer does not comply with such requirements then it is possible for necessary action to take place to ensure that they are complied with.
 - There was a previous application on this site that did not include a care facility. However, this does not mean that the current application should be re-submitted as the applicant is now applying for a different proposal, which they are entitled to do.
 - The layout of the site is not up for consideration and therefore the level of parking cannot be confirmed at this stage. An indicative layout has been submitted to demonstrate how the site *could* look, but this is not confirmed. Members should be aware that this is an outline application with all matters reserved except for access. The level of parking can be assessed at the later reserved matters stage.
 - Excavation works for building are not covered by planning, however, a condition has been recommended for a Construction Management Plan to ensure that any construction work causes minimal disruption.
-
- The Local Highway Authority has not identified the surrounding roads as being congested. This does not raise any concerns.
 - The access to the site has been considered as acceptable off St Christopher's Drive and as such it is unreasonable to request that the applicant amends this to be off the A605. IN addition there may be concerns with having an access off an A road which haven't been considered as they have not been relevant to this application.
 - It has been requested that no traffic should go by Sutton Road. A condition is recommended for a Construction Management Plan that will detail the routing of all construction traffic. However, it may not be possible to rule out Sutton Road, but the detail will be considered when discharging the relevant condition.
 - The matter of noise is addressed within the committee reports and raises no concerns subject to the use of the recommended conditions.
 - Loss of property value is not a material planning consideration.

6.4 Letters in Support

- All outstanding issues have been addressed in the officer's reports.
- The extra care facility is urgently needed.
- There is no local extra care available.
- The application for the extra care facility is supported.
- Officers have recognised the need for older people's housing in Oundle.
- Local objectors should understand that not everyone can afford to buy their own

home.

- This is a proposed allocated site as endorsed by the Planning Policy Committee and as such development should go ahead.
- There is a lack of extra care housing in the town.
- It is a quiet and peaceful area for elderly people who cannot live totally independently.
- The scheme has the support of the Local Highway Authority.
- There will be a subsidised mini-bus service which nearby residents could use to cut down on car usage and pollution.

6.5 A further letter has been received from a landowner within Oundle and is set out as follows:

“At the 20th January 2020 Policy Committee, Members endorsed the preferred site allocations for Oundle to be included within the Submission Draft Local Plan. This included the application site at St Christopher’s Drive as one of the three preferred sites.

This site has unresolved objections from the non-statutory eLP consultation held between November 2018 - February 2019. There has not yet been a statutory public consultation into the selected sites. We understand this may occur during Summer 2020 at the Regulation 19 consultation stage.

To inform the preferred site selection at Oundle, Officers commissioned additional evidence in the form of the Oundle Site Assessment Report, dated July 2019 undertaken by DLP. This 2019 DLP Report sought to re-assess the Oundle site options to support the results of the Interim Oundle Sustainability Appraisal dated December 2018 by Aecom on behalf of East Northamptonshire Council (ENC).

As the 2019 DLP Report has not been publicly consulted upon, there has been no opportunity to formally comment on its content. The eLP has not yet reached its Regulation 19 consultation stage, has not been submitted or examined by an Independent Inspector and accordingly it cannot be afforded any change in weight in decision-making at the current time. The fact that Planning Policy Committee Members have now endorsed the Oundle site options for inclusion within the Regulation 19 submission draft consultation does not alter the weight to be afforded to it at the Planning Management Committee. The Officer report for 19/01355/OUT suggests an increased weight can now be attributed to the eLP (paragraph 7.7 of the officer report to committee). However, there has been no material change for decision-making purposes at the current time.

It continues to be relevant that there are clear factual errors within the 2019 DLP Report that may have a direct impact upon the three sites selected as the preferred options for allocation within the future submission draft eLP. The 2019 DLP Report extract is reproduced below, for completeness. It shows the 3 highest performing sites ranked on their comparative performance against the chosen criteria, concluding that they should go forward for allocation.

It has apparent that there is an inherent mistake within two of the assessed criteria, namely the availability and achievability criteria 9 & 10 for three of the sites for development, one of which is our clients site at Herne Road, Oundle -Site 221b. This site was known to ENC to be available for development through the earlier work on the Oundle Neighbourhood Plan, with Herne Road being re-affirmed through a pre-application enquiry submitted to ENC by the landowner on 5 July 2019. Despite landowner support for development, this site scored negatively against the availability and achievability criteria by DLP, marked down as being unavailable for development on the basis that the landowner had not responded to a June 2019 questionnaire. For Herne Road, it has come to light that neither the landowner nor

their agent was contacted during this site re-assessment process. The evidence base relied upon by Policy Committee Members when considering the Oundle options was flawed. This factual mistake seeks to highlight the concerns with the eLP site selection process for Oundle which includes reliance upon the 2019 DLP Report that has not yet been subject to any public or independent scrutiny.

The impact of this single change is significant, in that it has the effect that it alters the site score of some Oundle sites by 16 points, including Herne Road, changing its relative sustainability ranking from 5th to 2nd with a total of 24 points. The consequential change to the St Christopher's Drive site's relative performance on this point alone is that it effectively moves to 3rd position after the other sites have also been corrected.

Surprisingly, the committee report does not acknowledge the recent resolution to approve the Cotterstock Road application (19/01327/OUT) at the February Planning Management committee or the Secretary of State call in request that is under consideration. We would have expected this resolution to be listed as material to the consideration of this application within section 7 and paragraph 9.2 of the officer report on the basis that once committed, the potential site requirement within the eLP would be reduced and St Christopher's Drive would no longer fall within the top two best performing sites for accommodating further growth at Oundle.

We consider it important that Planning Management Committee Members have the correct information and are made fully aware of these issues and deficiencies with the eLP work before taking any decisions on the St Christopher's Drive application in order to make an informed decision on the planning balance and judgement.

Specifically, in light of the Cotterstock Road application Call-in request, and the similarity of the issues, we recommend that a decision on this application at St Christopher's Drive is deferred until the outcome of the Secretary of State Call-in request for 19/01327/OUT is known".

Planning Policy Manager response:

- 6.6 "The Council received many representations of objection and support in relation to the Local Plan Part 2 consultation undertaken between November 2018 and February 2019.

All representations were subsequently reported to meetings of the Planning Policy Committee held throughout 2019. A meeting of the Planning Policy Committee held on 20 January 2020 further considered the approach to future housing allocations for Oundle following the published outcome of a public hearing into the Oundle Neighbourhood Plan, which had taken place in October 2019.

The report to the Planning Policy Committee set out detailed evidence supporting an approach to future development in Oundle, which led to three proposed housing site allocations being recommended at Cotterstock Road, Stoke Doyle Road and St Christopher's Drive.

Members of the Committee resolved to agree the report's recommendations, which led to the endorsement of the proposed housing allocation sites referred to above. In effect this provides a response to those representations made during the draft Local Plan consultation.

Following the response to the draft consultation a pre- submission Local Plan Part 2 is now being prepared, which the Local Development Scheme sets out consultation to take place in summer 2020. The Council's approach to the pre-Submission Plan in respect of housing

allocations proposed for Oundle has been clarified following the resolution of the 20 January 2020 meeting.

The Council supports the St Christopher's Drive housing allocation, which is proposed to form a significant part of the response to meeting the outstanding housing requirements for Oundle as set out in the Joint Core Strategy. The proposal will also provide policy direction through the Council's statutory pre-submission Local Plan as an allocation. Consequently weight should therefore be attributed to the proposed housing allocation at St Christopher's Drive, Oundle.

The 2019 DLP Oundle Site Assessment report has been accepted as part of the evidence base to support the emerging Local Plan as part of the Council's resolution to agree the proposed housing site allocations for Oundle. The document forms part of a comprehensive set of evidence base documents that support the policy direction of the Local Plan. Evidence based documents will be submitted to the Planning Inspectorate as required by the statutory Local Plan Regulation 19 legislation, to enable representations to come forward that can be considered at examination.

Specifically, at the time of consulting land owners and site promoters on those sites contained within the DLP Oundle Assessment Report, the Council did not hold any contact details regarding the land south of Herne Road. Consultation emails were sent out on 11 April 2019. The pre-application enquiry for land south of Herne Road was not received until 5 July 2019, by which time the DLP Report was already published".

- 6.7 Members of the Planning Management Committee are also advised that application 19/01327/OUT for Cotterstock Road, Oundle, was not called in by the Secretary of State and that the above land owner letter was received prior to the 23rd March 2020 so is therefore not referenced in any other document. It has therefore been addressed as part of this latest report to ensure that the comments raised have been addressed.
- 6.8 Councillor Rupert Reichhold has also submitted a representation to the application, which can be summarised as:
- The application should not be considered until the High Court have decided on The Willows appeal decision.
 - Ashton Road could not accommodate the considerable additional traffic.
 - Bus and emergency access for firefighting and ambulance vehicles would be required and it is not at all clear where these would be put.
- 6.9 Officer response: These matters are addressed throughout the committee reports and update sheets. An update on The Willows is provided above. The level of traffic entering and exiting the site has not been raised as a concern by the Local Highway Authority based on the submitted Transport Assessment. Northamptonshire Fire and Rescue have not commented on the application and as such have not raised any concerns with regards to a fire appliance reaching the site.

7 Other Matters

- 7.1 Discussions have taken place with the applicant, following the publication of the 23rd March 2020 committee report, regarding the wording of the recommended conditions. These have now been agreed, between the applicant and officers. A complete list of conditions is set out below.

8 Conclusion / Planning Balance

- 8.1 The updates / changes that are reported do not alter the previous recommendation made to the Planning Management Committee on 23rd March 2020.

9 Recommendation

- 9.1 Recommendation 1: If a satisfactory S106 legal agreement which secures obligations as set out in the original committee report (as amended by this report and that on 23rd March 2020) is completed by 1st July 2020 (or other date agreed in writing with the Local Planning Authority): GRANT planning permission subject to conditions.
- 9.2 Recommendation 2: If a satisfactory S106 legal agreement to secure obligations as set out in the original committee report (as amended by this report and that on 23rd March 2020) is not completed by 1st July 2020 (or other date agreed in writing with the Local Planning Authority): Delegate to Head of Planning Services to REFUSE planning permission.

10 Conditions (Revised List since 23rd March 2020)

- 1 Approval of the details of the siting, scale and appearance of the dwellings / Extra Care facility and the landscaping of the development (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the development is commenced.

Reason: The application is in outline only and the reserved matters referred to will require full consideration by the Local Planning Authority.

- 2 Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: Statutory requirement under section 91 of the Town and Country Planning Act 1990.

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

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

- 4 The details required to be submitted by condition 1 above shall include the provision of a scheme for lighting the public and private areas of the development hereby permitted together with an implementation plan. The development shall thereafter be carried out in accordance with these approved details. Details shall include location, design, height and lux, uniformity level and a management and maintenance schedule to be adhered to perpetuity.

Reason: In the interests of amenity, crime prevention and biodiversity.

- 5 No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure, for each phase of the development, has been submitted to and approved in writing by the Local

Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable prior to the occupation of the associated phase of the development.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

- 6 A landscape and ecological management plan (LEMP) for each phase of the development shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development of each phase. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

- 7 Before any above ground works commence in any phase a detailed design of surface water drainage scheme for that phase based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures.
 - ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
 - iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
 - iv) BRE 365 infiltration test results.
 - v) Detailed scheme for the ownership and scheduled maintenance for every element of the surface water drainage system.
 - vi) Confirmation of site specific soil conditions.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Joint Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

- 8 All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment ref AMA752 rev A dated October 2019 prepared by Infrastructure Design Ltd and shall be accompanied by a compliance statement with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.

Reason: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

- 9 No occupation shall take place until the Verification Report for that phase of the development for the installed surface water drainage system for the site based on the approved Flood Risk Assessment ref AMA752 rev A dated October 2019 prepared by Infrastructure Design Ltd has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority. The report shall include:
- a) Any departure from the agreed design is keeping with the approved principles;
 - b) Any As-Built Drawings and accompanying photos;
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary);
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.;
 - e) Confirmation that the system is free from defects, damage and foreign objects;
 - f) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

- 10 No development shall take place within the area of archaeological interest 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. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
- (i) Approval of a Written Scheme of Investigation;
 - (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
 - (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

- 11 There shall be no burning of any material during construction, demolition or site

preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

- 12 The details required to be submitted by condition No.1 above shall include, details and samples of the external roofing and facing materials to be used for the construction of the buildings hereby approved. The development shall thereafter be implemented in accordance with the approved details and retained in perpetuity.

Reason: To achieve a satisfactory appearance for the development.

- 13 The details required to be submitted by condition No. 1 above shall include the provision of boundary screening to the site. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary screening shall then be provided in accordance with the details so approved before each respective dwelling / building is occupied and shall be retained and maintained thereafter in perpetuity.

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

- 14 The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above, shall include drawings showing the slab levels and finished floor levels of the buildings in relation to the existing and proposed ground levels of the site, the ground levels of the surrounding land and the slab and finished floor levels of the surrounding properties as well as identifying the proposed ridge height levels and the ridge heights of all neighbouring properties. The development shall thereafter be constructed in accordance with the details so approved in writing by the Local Planning Authority.

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

- 15 The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above shall include full details of one bus stop to be located within the site and associated raised boarder and shelter. The details shall include the timing of the provision. The bus stop, raised boarder and shelter shall thereafter be erected in accordance with the approved details and be retained and maintained in perpetuity.

Reason: In the interests of connectivity, sustainability, air quality management and highway safety.

- 16 Notwithstanding the submitted details, no occupation of buildings shall take place until details have been submitted to and approved in writing by the Local Planning Authority which demonstrate the following sustainability measures for the new buildings:
- Electric vehicle charging provision for each dwelling;
 - Measures to limit water use to no more than 105 litres / person / day / and external water use of no more than 5 litres / person / day;
 - Minimum standards for gas fired boilers;
 - Sustainability measures (including, but not limited to, the sustainable use of energy, electric vehicle charging provision, bicycle parking, the use of responsibly sourced materials and measures to limit water use) to be implemented for the Extra Care accommodation in the event that the Extra Care accommodation is provided.
- Development shall only take place in accordance with the approved details and all

measures shall be available for use upon first occupation of each respective property.

Reason: In the interests of sustainability and to mitigate the impacts upon air quality in the vicinity.

- 17 The details to be submitted for approval in writing by the Local Planning Authority relating to condition 1 above shall include a comprehensive landscaping scheme for the each phase of the development, including an implementation schedule, all hard and soft landscaping, existing and proposed contours of the land, use of materials, street furniture and details of any additional natural boundary screening to be planted. Landscaping shall thereafter be provided in accordance with the details so approved. It is expected native species, traditionally found in the locality shall be used.

Reason: To ensure a reasonable standard of development and visual amenity for the area.

- 18 Any trees or plants which within a period of 15 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

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

- 19 Notwithstanding the details submitted and prior to the commencement of each phase of the development a Construction Management Plan (CMP) for that phase shall be submitted to, and approved in writing by the Local Planning Authority. EachThe CMP shall include and specify the provision to be made for site procedures to be adopted during the course of construction, including:

- a. overall strategy for managing environmental impacts which arise;
- b. measures to control the emission of dust and dirt;
- c. control of noise emanating from the site;
- d. hours of construction work;
- e. construction traffic daily timetable, confirming no construction traffic will arrive on site before 7.30am and after 6.00pm Monday to Friday, before 7.30am and after 1.00pm on a Saturday and with no construction vehicles to attend the site on a Sunday or Bank Holiday;
- f. contractors compounds, material storage and other storage arrangements, cranes, and plant, equipment and related temporary infrastructure;
- g. designation, layout and design of construction access and egress points to minimise disruption or access for existing residents and new residents of the development;
- h. internal site circulation routes;
- i. directional signage (on and off site);
- j. provision for emergency vehicles;
- k. provision for all site operatives, visitors and construction vehicles loading and unloading plant and material;
- l. provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- m. details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- n. routeing agreement for construction traffic;
- o. storage of plant and materials used in construction;
- p. enclosure of phase or development parcel sites and the erection and maintenance of security hoarding including decorative displays and facilities for public

viewing, where appropriate;

- q. waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
- r. soil stockpiling and material crushing and sorting, control of dust and other emissions, construction noise and vibration from the development.

The provisions of the CMP shall cause minimum disturbance in the surrounding area. Construction of development shall only proceed in accordance with the CMP and the approved measures shall be retained for the duration of the construction works.

Reason: To maintain the amenities of the area in accordance with the NPPF.

- 20 No drainage works shall commence until a foul water management strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the agreed details.

Reason: To prevent environmental and amenity problems arising from flooding.

- 21 The details required to be submitted for approval in writing in connection with condition 1 (above) shall include:
- i) Details of provision for cyclists;
 - ii) Connections to the right of way network;
 - iii) Improvements to the right of way UF6; and
 - iv) A pedestrian link to Prince William School. The details of the school link shall include appropriate safety measures with evidence that these have been informed by discussions with the school.

Reason: In the interests of connectivity and encouraging sustainable modes of travel.

- 22 Full engineering and construction details of the continuation of St Christopher's Drive into the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling or prior to the commencement of works above slab level for the extra care facility whichever is the earliest. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwelling / Extra Care unit hereby approved.

Reason: In the interests of highway safety.

- 23 In the event that the Extra Care Facility does not come forward, then the following details shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development hereby permitted:
- i) Details of the proposed treatment of the 'Extra Care land' in the event that the Extra Care facility does not come forward;
 - ii) Details of the timescale / triggers in relation to i) above.
- Thereafter the agreed details shall be implemented and maintained / retained.

Reason: In the interests of visual amenity and safety.

- 24 Prior to the first occupation of any dwelling / Extra Care unit hereby permitted, a noise barrier shall be installed as detailed in the Spectrum Acoustics report Ref: MM588/17180/Rev.5 dated 10.03.2020. No changes shall be made to the hereby approved noise barrier without the written permission of the Local Planning Authority. The approved noise barrier shall be retained thereafter in perpetuity and maintained in a satisfactory state of repair to ensure efficient operation.

Reason: In the interest of residential amenity.

- 25 Any future reserved matters application for buildings hereby permitted shall include a noise assessment together with mitigation measures which shall be implemented in accordance with an agreed programme.

Reason: In the interest of residential amenity.

- 26 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure potential risks arising from previous site uses have been fully assessed.

- 27 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure the proposed remediation plan is appropriate.

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

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

- 29 On completion of any remediation (where identified under condition 27 of this permission), two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

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

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

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

- 31 The first application for 'reserved matters' (in connection with condition 1, above) shall include details of the phasing of the development. The development shall thereafter be carried out in accordance with the agreed details of phasing.

Reason: To ensure the development is delivered in a coordinated manner.

- 32 The details to be submitted under condition 1, above, shall be carried out in accordance with drawing reference numbers:
 OUND/ASHR/3HP/100 Building Heights Parameter Plan received on 16.01.2020
 OUND/ASHR/LS/100 A Landscape Strategy received on 16.01.2020
 OUND/ASHR/LU/100 Land Use Plan received on 16.01.2020
 OUND/ASHR/MBT/100 Mini Bus Tracking received on 16.01.2020
 OUND/ASHR/PPL/100 Proposed Planning Layout received on 16.01.2020

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

11 Informatives

- 1 The Lead Local Flood Authority advises (with respect to condition 7):

Details will be required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space, play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The maintenance scheme shall include:

- A maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used;
- A site plan including access points, maintenance access easements and outfalls;
- Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site;

Details of expected design life of all assets with a schedule of when replacement assets may be required.

- 2 The applicant's attention is drawn to the comments received 10.09.2019 from Northamptonshire Police (please refer to the Council's website) regarding detailed layout requirements.

- 3 Anglian Water advises:

- i. Notification of intention to connect to the public sewer under S106 of the

Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 6066087.

- ii. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- iii. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

- 4 With respect to conditions 4 (Lighting) 6 (Landscape and Environmental Management Plan) and 17 (Landscaping), the applicant is advised that the details submitted will be expected to include (but not be limited) to the following (as may be relevant to the condition):

- The development should incorporate native tree and shrub planting, including fruit and nut bearing species within areas of public open space or perimeter vegetation;
- New hedgerow planting should be incorporated where possible;
- Any grassland areas should consider native seed mixes;
- The creation of a continuous buffer of 10-15 metres wide along the retained woodland on the eastern and southern boundaries, to comprise native species shrub and tree planting;
- Ivy clearance from mature sycamore trees;
- Provision of a range of bat boxes;
- Implementation of controlled lighting to maintain dark corridors.

19/01355/OUT – List of Appendices for 10th June 2020 Committee Report

Appendix	Content
1	23 rd March 2020 Report to Planning Management Committee
2	13 th November 2019 Report to Planning Management Committee
3	13 th November 2019 Update Report to Planning Management Committee
4	Persimmon Homes – Extra Care Explanatory Note (Received 05.03.2020)
5	Persimmon Homes – Timeline for Delivery of St Christopher's Drive, Oundle (Received 05.03.2020)
6	Letter (dated 02.03.2020) and Brochure from Housing 21 – The Identified Extra Care Provider

Appendix

Case Officer **Carolyn Tait / Roz Johnson**

19/01355/OUT

Date received	Date valid	Overall Expiry	Ward	Parish
06 August 2019	20 August 2019	27 March 2019	Oundle	Oundle

Applicant **Mr Matthew Harmsworth – Persimmon Homes**

Agent **NA**

Location Land Between St Christopher's Drive and A605 Oundle Bypass, Oundle, Northamptonshire

Proposal **Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (all matters reserved except access).**

The application is brought before the Planning Management Committee because it is a 'major' residential development as defined in legislation and falls outside of the Scheme of Delegation in Part 3.2 of the Council's Constitution (2019).

1 Introduction

1.1 This outline planning application was considered by East Northamptonshire Council Planning Management Committee (PMC) at its meeting on 13th November 2019. At the meeting the Committee resolved to defer the application in order to allow officers time to consider additional information received following the publication of the committee report, about securing the provision of the Extra Care facility, as well as information to address public transport matters.

1.2 Information received prior to the PMC and subsequent to the publication of the 13th November 2019 committee report included:

- A file note from the applicant setting out their case regarding compliance of the scheme with the relevant planning policy (Appendix 5 of the PMC update report on 13th November 2019).
- A letter from the applicant's solicitor setting out how the proposal would be fully policy compliant (Appendix 6 of the PMC update report on 13th November 2019).
- A file note setting out the key principles for affordable housing delivery (Appendix 7 of the PMC update report on 13th November 2019).
- Comments from the Local Highway Authority (as summarised on the 13th November 2019 update report).

1.3 Since the submission of this information, discussions have taken place between the applicant, their representatives and the Local Planning Authority and further clarification has been sought about how a policy compliant scheme will be achieved. The following additional documents have been received from the applicant and considered since the PMC meeting:

- Extra Care Explanatory Note (received 05.03.2020);
- Timeline for Delivery of St Christopher's Drive, Oundle (flowchart received 05.03.2020);
- Letter (dated 02.03.2020) and brochure from Housing 21 – the Extra Care provider;
- Response to ENC Environmental Protection (Noise) comments (email received 27.02.2020);

- Affordable Housing Delivery (document received 24.01.2020);
- Revised drawings / documents received 16.01.2020, which address comments from the Local Highway Authority:
 - Landscape Strategy Plan OUND/ASHR/LS/100 Rev A;
 - Building Heights Parameters Plan OUND/ASHR/BHP/100 Rev A;
 - Land Use Plan OUND/ASHR/LU/100;
 - Proposed Planning Layout OUND/ASHR/PPL/100;
 - Mini Bus Tracking OUND/ASHR/MBT/100;
 - Design and Access Statement – January 2019;
- Letter from Howes Percival (applicant's solicitor) dated 18th December 2019 responding to request by ENC for applicant to provide viability information;
- Draft S106 Agreement received 05.12.2019;
- Outline Noise Impact Assessment (Spectrum Acoustic Consultants) – Revision 5, 10.03.2020.

1.4 The purpose of this report is to provide Members with a response / update in relation to the above matters and other relevant considerations which have arisen since the 13th November 2019.

1.5 This report should be read in conjunction with the 13th November 2019 committee report (the 'original committee report') and the 13th November 2019 'update report', both of which are appended in full to this report (Appendix 1 and 2 respectively).

1.6 Relevant matters are considered in this report under the following headings:

- Extra Care Facility / S106 Requirements;
- Public Transport / Highways;
- Environmental Considerations – Noise and Contamination
- Five Year Housing Land Supply;
- Principle of Development – Policy Background – Emerging Plans Progress and Status;
- Additional Representations / Consultation Responses;
- Conclusion;
- Recommendation;
- Conditions.

2 Summary of Recommendation

2.1 Recommendation 1: If a satisfactory S.106 Planning Agreement which secures obligations as set out in the original committee report (as amended by this report) is completed by 27th March 2020 (or other date agreed in writing with the Local Planning Authority): GRANT planning permission subject to conditions.

2.2 Recommendation 2: If a satisfactory S.106 Planning Agreement to secure obligations as set out in the original committee report (as amended by this report) is not completed by 27th March 2020 (or other date agreed in writing with the Local Planning Authority): Delegate to Head of Planning Services to REFUSE planning permission.

3 Extra Care Facility / S106 Requirements

3.1 The original committee report referred to a lack of information having been received from the applicant to demonstrate that the proposed Extra Care provision would be a suitable alternative to the provision of affordable housing on the site and that it would be delivered (paragraphs 7.90 and 7.91). The applicant has since provided additional information in respect of these matters in the documents listed at paragraph 1.3 (above).

In particular, the Extra Care Explanatory Note, Timeline for Delivery of St Christopher's Drive, Oundle (flowchart), and the letter from Housing 21 (the identified registered provider of the Extra Care scheme) set out the proposals (Appendix 3 – 5), which now differ in terms of the mechanism from that described in the original committee report.

- 3.2 In summary, it is proposed that Persimmon Homes will gift serviced land on the site to the Extra Care provider, who will subsequently submit a reserved matters application for the (up to) 65 unit 100% affordable Extra Care scheme and thereafter provide it. In the event that the registered provider cannot proceed for whatever reason, there will be provision in the S.106 agreement to ensure that instead of providing the Extra Care, 40% of the (up to) 65 dwellings proposed in the planning application will be affordable, thus still providing a policy compliant development with respect to affordable housing provision.
- 3.3 A planning condition is recommended to agree the treatment of the Extra Care land (which would revert to Persimmon Homes) in the event that the Extra Care provision does not come forward. In reality, the applicant may submit a revised planning application for the comprehensive development of the whole site for housing in that event, as an alternative to leaving the Extra Care land vacant, or submitting an alternative proposal for developing the Extra Care land. Nevertheless, the proposed condition (condition 23) would deal satisfactorily with matters should that not be the case.
- 3.4 A draft S.106 agreement has been submitted and the Council's solicitor has initially reviewed the clauses relating to Extra Care / affordable housing provision. Subject to further negotiation about the detailed wording of the agreement, there is sufficient comfort that the provision of the Extra Care facility or the affordable housing can be secured. The recommendations at 2.1 and 2.2 (and repeated at 10.1 and 10.2) allow for this.
- 3.5 There is also now added comfort that an Extra Care provider has been identified and has provided some written assurance regarding their intent to deliver the scheme. Officers consider that previous concerns regarding lack of information about how the Extra Care provision would be secured, have now been satisfactorily addressed.
- 3.6 In terms of the other matter for consideration – whether or not the Extra Care provision is a suitable alternative to standard, policy compliant affordable housing – officers initially sought to compare the cost to Persimmon Homes of gifting the serviced land vs the cost of providing standard 40% affordable housing. Nevertheless, the applicant has made the case – and it is agreed – that this is an overly simplistic approach. This is because:
 - The Extra Care housing and standard affordable housing cannot be compared like for like, as they are inherently different proposals in terms of delivery and financial considerations;
 - A 65 unit affordable Extra Care provision equates to 50% affordable provision as opposed to a 40% requirement for standard affordable dwellings;
 - A developer would expect a return from selling affordable housing units to a registered provider, whereas a return will not be generated from the gifting of the land;
 - The relevant planning policies are not explicit regarding the party that is to provide the affordable provision and the application would satisfactorily enable and secure it;
 - The relative need for Extra Care and standard affordable housing cannot be directly compared as they cater for different needs.
- 3.7 Having regard to all of the above, officers consider that a balanced judgement needs to

be made with regard to whether the proposal for affordable Extra Care provision is a suitable alternative to standard 40% affordable housing provision. Officers consider that it is and that the proposal is policy compliant in this respect.

4 Public Transport / Highways

- 4.1 Various correspondence was received from the Local Highway Authority (LHA) in the lead up to the PMC on 13th November 2019 and this has been further reviewed by officers to ensure the proposals are satisfactory in highway terms. The LHA comments reported on the update report remain valid and confirm that the development could be served by public transport (town mini-bus service), subject to securing the provision of a bus stop with raised boarder and shelter, a contribution of £1,000 per dwelling / Extra Care unit, and funding (by the applicant) of 28 day travel vouchers. These contributions are agreed and are to be secured by condition / S.106 agreement.
- 4.2 A number of detailed points relating to layout were raised by the LHA in their comments reported on 13th November 2019 update report. Whilst officers consider that they are matters for consideration as part of future reserved matters applications, the applicant has nevertheless submitted revised indicative drawings and amended their design and access statement in response to the comments. The changes include:
- Amendments to replace a 'shared surface' on the internal loop road with standard carriageway and footways;
 - Omission of a turning stub;
 - Footpath width increased from 1.8m to 2m.
- 4.3 The amendments provide additional comfort that a suitable, safe layout can be achieved at reserved matters stage and furthermore, officers are satisfied that the proposal is acceptable in terms of it being in a sustainable location, which is serviceable by public transport.

5 Environmental Considerations – Noise and Contamination

Noise

- 5.1 The applicant submitted a response on 27th February 2020 to ENC's Environmental Protection Officer (EPO) challenging certain aspects of their consultation response (detailed on the 13th November 2019 update report) regarding noise. Following that, further discussions have taken place between the EPO and the applicant's noise consultant; some further noise mitigation testing has been carried out by the applicant; and a revised Outline Noise Impact Assessment - Revision 5 (Spectrum, Acoustic Consultants) has been submitted.
- 5.2 The revised Outline Noise Impact Assessment has been considered by the Council's EPO and her revised / additional comments are detailed at paragraphs 8.2 and 8.4 of this report. In summary, the EPO is satisfied the planning application is acceptable in relation to the issue of noise. Two planning conditions are recommended, to secure an acoustic fence and require that reserved matters applications for buildings are accompanied by a noise assessment / noise mitigation. With these conditions imposed (conditions 24 and 25 at section 11 of this report), it is considered that there is sufficient control to ensure future residents of the development have acceptable living conditions with respect to traffic noise.

Contamination

5.3 The Council's EPO has considered the application with regard to whether the site may be contaminated land. She recommends a number of planning conditions (see paragraph 8.3 of this report), which officers agree are necessary and they are therefore included in the list of recommended conditions (26-30) at section 11 of this report below. With the recommended conditions imposed, land contamination is satisfactorily addressed.

6 Five Year Housing Land Supply

6.1 The Planning Policy Committee met on 17th December 2019 to consider the 2019 Annual Monitoring Report and resolved to note the five year housing land supply calculation of 6.03 years.

6.2 Subsequent to this, an appeal decision relating to The Willows, Thrapston has been received (24.01.2020). Based on the evidence presented at the appeal, the Inspector concluded that East Northamptonshire Council was only able to demonstrate a 4.28 year housing land supply.

6.3 Where a 5 year housing land supply cannot be demonstrated, paragraph 11d of the NPPF is invoked and requires that planning permission be granted unless:

'i. the application of policies in this Framework [The NPPF] that protect areas or assets of particular importance [those policies are defined at Footnote 6 of the NPPF] provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

6.4 NPPF Footnote 6 states:

'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.'

6.5 East Northamptonshire Council has lodged a S.288 appeal to the High Court challenging the appeal decision. Nevertheless, pending the outcome of the S.288 appeal, The Willows appeal decision currently remains an important material consideration and the application has therefore been considered against the possibility that the district does not have a 5 year supply of deliverable housing sites. It is concluded that the development proposal is acceptable, even without the raised bar for measuring harm as detailed in NPPF paragraph 11d (the 'tilted balance').

6.6 Should Members be minded to refuse planning permission however, they are advised to assess the proposal in relation to NPPF paragraph 11d and justify any reasons for refusal in accordance with that criteria. Appropriate weight should be afforded in Members decision to the contribution that the proposal would make towards housing supply (up to 65 dwellings and up to 65 unit Extra Care housing facility).

7 Principle of Development – Policy Background – Emerging Plans Progress and

Status

- 7.1 The adopted Development Plan has not changed since the planning application was considered at the 13th November 2019 PMC. However, there have been significant changes that have taken place which impact on emerging plans relating to Oundle. The implications of more recent events in respect of emerging policy guidance since this planning application was last considered are set out below.

Oundle Neighbourhood Plan

- 7.2 The Oundle Neighbourhood Plan (ONP) has been in progression for a number of years, which concluded with a public hearing in October 2019. Following the hearing, the examiner's report was published on 21st December 2019. The report concluded that the ONP did not meet the 'Basic Conditions' which constitute the legislative requirements to enable a neighbourhood plan to proceed to referendum. Effectively this rendered the plan unlawful in the determination of the examiner and therefore unable to progress in its current state.
- 7.3 In respect of the unlawfulness of the ONP, the examiner identified two major areas of concern, relating to consultation procedures, and, more relevant to this application, the approach to site selection and appraisal. In respect of the latter issue the examiner's report identifies a disregard of national policy and guidance in the identification of sites. In particular, he stated that the process of site selection and rejection of alternatives was not clearly evidenced.
- 7.4 In concluding that the making of the ONP will not meet the Basic Conditions, the examiner reports that the plan should not proceed to Referendum. In effect this leaves the plan with two options; either being withdrawn, or reverting back to an early stage of consultation (Regulation 14), and addressing the unlawful elements of the plan raised in the examiner's report.
- 7.5 Officers consider that the outcome of the report means that the ONP now carries no weight in the determination of applications.

East Northamptonshire Local Plan Part 2 (LP2)

- 7.6 At the meeting of the Planning Policy Committee held on 20th January 2020, the Committee considered the proposed housing allocations for Oundle, as set out in draft policies EN24-27 of the LP2. Draft Policy EN24 seeks to allocate development at St Christopher's Drive, and this allocation, along with proposed allocations at Cotterstock Road and Stoke Doyle Road, was endorsed by the Committee as a draft local plan allocation.
- 7.7 The decision of the Committee to approve the draft housing allocations for Oundle increases the weight that can be applied to planning applications relating to the proposed sites (although the weight is still only limited). In respect of St Christopher's Drive, the LP2 can now be seen as the most advanced emerging plan, which is proposed to be submitted to the Secretary of State in summer of 2020 as the Council's plan.

8 Additional Representations / Consultation Responses

Public Comments

8.1 Three letters of representation have been received since the PMC on 13th November 2019. The letters are supportive of the proposal to provide Extra Care accommodation. Comments include:

- There is a need for affordable Extra Care provision;
- The Extra Care element of the application has support of many in Oundle;
- Too often, people in Oundle were placed in nursing homes due to the shortage of Extra Care (example provided);
- Riverside Maltings complex has a resident warden and offers independent, but supported living, however this is a private scheme, which people in need cannot afford;
- Whilst Oundle has a good deal of bungalows for older people, eventually those residents will need Extra Care;
- One reason for there being a lot of older people requiring affordable housing in East Northamptonshire is because many workers live in tied cottages and so may be without a home after retirement or loss of a spouse.

East Northamptonshire Council – Environmental Protection Officer

8.2 *Comments received 03rd March 2020:*

Further to the meeting of the 2nd of March I can confirm that we have managed to agree a way forward with respect to noise. The acoustic consultant produced some additional modelling outputs inputting alternative fence arrangements. This did not result in any significant reduction in noise levels to the most affected dwellings. Those in the southern corner of the site alongside the A605. It was agreed the majority of houses will have gardens that meet noise guideline criteria with the exception of those mentioned above and a single plot further north.

Further discussion took place about trying to ensure the living conditions of future residents is uppermost and noise levels should be as low as it is reasonably practicable given the local environment. The applicant agreed they will look again at the layout to see if changes could be made to improve the situation notwithstanding other constraints. Including using good acoustic design of the internal layout of the dwellings to reduce internal noise levels.

It was agreed that conditions should be placed on the planning permission as follows to mitigate against traffic noise and agree any layout submitted under reserved matters. I suggest the following.

Noise barriers

Prior to the first occupation of any dwelling hereby permitted a noise barrier shall be installed as detailed in the Spectrum Acoustics report Ref: MM588/17180/Rev.4 dated 16.10.19. No changes shall be made to the hereby approved noise barrier without the written permission of the Local Planning Authority. The approved noise barrier shall be retained thereafter in perpetuity and maintained in a satisfactory state of repair to ensure efficient operation.

Reason: In the interest of residential amenity

Noise assessment for reserved matters application

Any future reserved matters application for buildings hereby permitted shall include a noise assessment together with mitigation measures which shall be implemented in accordance with an agreed programme.

Reason: In the interest of residential amenity

8.3 *Comments received 10.03.2020:*

The applicant has submitted a Phase I contamination assessment which suggests further investigation in particular with relation to ground gas from historic infilled land (possible landfill). This can be dealt with by the following conditions.

Planning Conditions for Potentially Contaminated Sites

1. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure potential risks arising from previous site uses have been fully assessed

2. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure the proposed remediation plan is appropriate.

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

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

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

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

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

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

8.4 *Comments received 12.03.2020 following receipt of revised noise assessment (version 5):*

Thank you for the revised assessment which concurs with our discussions and agreements.

9 Conclusion / Planning Balance

9.1 Submission of further detailed information regarding the proposed Extra Care provision, (with alternative 40% affordable housing) has addressed previous concerns and now leads officers to conclude that the proposal is acceptable, subject to securing obligations in the S.106 agreement and subject to conditions as recommended in section 11 below.

9.2 Other material changes which have arisen since the application was considered on 13th November 2019, in particular:

- The contents of the Oundle Neighbourhood Plan examiner's report;
- Progress with the emerging East Northamptonshire Local Plan Part 2; and
- The receipt of an appeal decision in which the Planning Inspector concluded ENC cannot demonstrate a 5 year supply of deliverable housing sites;

add weight in favour of granting consent.

10 Recommendation

10.1 Recommendation 1: If a satisfactory S.106 Planning Agreement which secures obligations as set out in the original committee report (as amended by this report) is completed by 27th March 2020 (or other date agreed in writing with the Local Planning Authority): GRANT planning permission subject to conditions.

10.2 Recommendation 2: If a satisfactory S.106 Planning Agreement to secure obligations as set out in the original committee report (as amended by this report) is not completed by 27th March 2020 (or other date agreed in writing with the Local Planning Authority): Delegate to Head of Planning Services to REFUSE planning permission.

11 Conditions

1 Approval of the details of the siting, scale and appearance of the dwellings / Extra Care facility and the landscaping of the development (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the development is commenced.

Reason: The application is in outline only and the reserved matters referred to will require full consideration by the Local Planning Authority.

2 Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: Statutory requirement under section 91 of the Town and Country Planning Act 1990.

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

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

- 4 The details required to be submitted by condition 1 above shall include the provision of a scheme for lighting the public and private areas of the development hereby permitted. The development shall thereafter be carried out in accordance with these approved details in accordance with an implementation plan to be agreed. Details shall include location, design, height and lux, uniformity level and a management and maintenance schedule to be retained in perpetuity.

Reason: In the interests of amenity, crime prevention and biodiversity.

- 5 No development shall take place until a scheme and timetable detailing the provision of four fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

- 6 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

- 7 Before any above ground works commence a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures.

- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
- iv) BRE 365 infiltration test results.
- v) Detailed scheme for the ownership and scheduled maintenance for every element of the surface water drainage system.
- vi) Confirmation of site specific soil conditions.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Joint Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

- 8 All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment ref AMA752 rev A dated October 2019 prepared by Infrastructure Design Ltd and shall be accompanied by a compliance statement with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.

Reason: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

- 9 No occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment ref AMA752 rev A dated October 2019 prepared by Infrastructure Design Ltd has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles;
- b) Any As-Built Drawings and accompanying photos;
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary);
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.;
- e) Confirmation that the system is free from defects, damage and foreign objects;
- f) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

- 10 No development shall take place within the area of archaeological interest 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. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

- 11 There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

- 12 The details required to be submitted by condition No.1 above shall include, details and samples of the external roofing and facing materials to be used for the construction of the buildings hereby approved. The development shall thereafter be implemented in accordance with the approved details and retained in perpetuity.

Reason: To achieve a satisfactory appearance for the development.

- 13 The details required to be submitted by condition No. 1 above shall include the provision of boundary screening to the site. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary screening shall then be provided in accordance with the details so approved before each respective dwelling / building is occupied and shall be retained and maintained thereafter in perpetuity.

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

- 14 The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above, shall include drawings showing the slab levels and finished floor levels of the buildings in relation to the existing and proposed ground levels of the site, the ground levels of the surrounding land and the slab and finished floor levels of the surrounding properties as well as identifying the proposed ridge height levels and the ridge heights of all neighbouring properties. The development shall thereafter be constructed in accordance with the details so approved in writing by the Local Planning Authority.

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

- 15 The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above shall include full details of one bus stop to be located within the site and associated raised boarder and shelter. The details shall include the timing of the provision. The bus stop, raised boarder and shelter shall thereafter be erected in accordance with the approved details and be retained and maintained in perpetuity.

Reason: In the interests of connectivity, sustainability, air quality management and highway safety.

- 16 Notwithstanding the submitted details, no occupation of buildings shall take place until details have been submitted to and approved in writing by the Local Planning Authority which demonstrate the following sustainability measures for the new buildings:

- a) Electric vehicle charging points (at least one per dwelling);
- b) Measures to limit water use to no more than 105 litres / person / day / and external water use of no more than 5 litres / person / day;
- c) Minimum standards for gas fired boilers;
- d) Sustainability measures to be implemented for the Extra Care accommodation.

Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of each respective property.

Reason: In the interests of sustainability and to mitigate the impacts upon air quality in the vicinity.

- 17 The details to be submitted for approval in writing by the Local Planning Authority relating to condition 1 above shall include a comprehensive landscaping scheme for the site, including an implementation schedule, all hard and soft landscaping, existing and proposed contours of the land, use of materials, street furniture and details of any additional natural boundary screening to be planted. Landscaping shall thereafter be provided in accordance with the details so approved. It is expected native species, traditionally found in the locality shall be used.

Reason: To ensure a reasonable standard of development and visual amenity for the area.

- 18 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

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

- 19 Notwithstanding the details submitted and prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to, and approved in writing by the Local Planning Authority. The CMP shall include and specify the provision to be made for site procedures to be adopted during the course of construction, including:

- a. overall strategy for managing environmental impacts which arise;
- b. measures to control the emission of dust and dirt;
- c. control of noise emanating from the site;
- d. hours of construction work;
- e. construction traffic daily timetable, confirming no construction traffic will arrive on site before 8.00am and after 6.00pm Monday to Friday, before 8.00am and after 1.00pm on a Saturday and with no construction vehicles to attend the site on a Sunday or Bank Holiday;
- f. contractors compounds, material storage and other storage arrangements, cranes, and plant, equipment and related temporary infrastructure;
- g. designation, layout and design of construction access and egress points to

minimise disruption or access for existing residents and new residents of the development;

- h. internal site circulation routes;
- i. directional signage (on and off site);
- j. provision for emergency vehicles;
- k. provision for all site operatives, visitors and construction vehicles loading and unloading plant and material;
- l. provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- m. details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- n. routing agreement for construction traffic;
- o. storage of plant and materials used in construction;
- p. enclosure of phase or development parcel sites and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- q. waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
- r. soil stockpiling and material crushing and sorting, control of dust and other emissions, construction noise and vibration from the development.

The provisions of the CMP shall cause minimum disturbance in the surrounding area. Construction of development shall only proceed in accordance with the CMP and the approved measures shall be retained for the duration of the construction works.

Reason: To maintain the amenities of the area in accordance with the NPPF.

- 20 No drainage works shall commence until a foul water management strategy has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the agreed details.

Reason: To prevent environmental and amenity problems arising from flooding.

- 21 The details required to be submitted for approval in writing in connection with condition 1 (above) shall include:
- i) Details of provision for cyclists;
 - ii) Connections to the right of way network;
 - iii) Improvements to the right of way UF6; and
 - iv) A pedestrian link to Prince William School. The details of the school link shall include appropriate safety measures with evidence that these have been informed by discussions with the school.

Reason: In the interests of connectivity and encouraging sustainable modes of travel.

- 22 No development shall commence until full engineering and construction details of the continuation of St Christopher's Drive into the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwelling / Extra Care unit hereby approved.

Reason: In the interests of highway safety.

- 23 Prior to the commencement of the development hereby permitted, the following details shall be submitted to the Local Planning Authority for approval in writing:

- i) Details of the proposed treatment of the 'Extra Care land' in the event that

the Extra Care facility does not come forward;

ii) Details of the timescale / triggers in relation to i) above.

Thereafter the agreed details shall be implemented and maintained / retained.

Reason: In the interests of visual amenity and safety.

- 24 Prior to the first occupation of any dwelling / Extra Care unit hereby permitted, a noise barrier shall be installed as detailed in the Spectrum Acoustics report Ref: MM588/17180/Rev.5 dated 10.03.2020. No changes shall be made to the hereby approved noise barrier without the written permission of the Local Planning Authority. The approved noise barrier shall be retained thereafter in perpetuity and maintained in a satisfactory state of repair to ensure efficient operation.

Reason: In the interest of residential amenity.

- 25 Any future reserved matters application for buildings hereby permitted shall include a noise assessment together with mitigation measures which shall be implemented in accordance with an agreed programme.

Reason: In the interest of residential amenity.

- 26 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure potential risks arising from previous site uses have been fully assessed.

- 27 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure the proposed remediation plan is appropriate.

- 28 Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.
Reason: To ensure site remediation is carried out to the agreed protocol.
- 29 On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.
Reason: To provide verification that the required remediation has been carried out to the required standards.
- 30 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.
Reason: To ensure all contamination within the site is dealt with.

12 Informatives

1 The Lead Local Flood Authority advises (with respect to condition 7):

Details will be required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space, play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The maintenance scheme shall include:

- A maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used;
- A site plan including access points, maintenance access easements and outfalls;
- Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site;
- Details of expected design life of all assets with a schedule of when replacement assets may be required.

2 The applicant's attention is drawn to the comments received 10.09.2019 from Northamptonshire Police (please refer to the Council's website) regarding detailed layout requirements.

3 Anglian Water advises:

- i. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 6066087.
- ii. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

- iii. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
 - iv. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
- 4 With respect to conditions 4 (Lighting) 6 (Landscape and Environmental Management Plan) and 17 (Landscaping), the applicant is advised that the details submitted will be expected to include (but not be limited) to the following (as may be relevant to the condition):
- The development should incorporate native tree and shrub planting, including fruit and nut bearing species within areas of public open space or perimeter vegetation;
 - New hedgerow planting should be incorporated where possible;
 - Any grassland areas should consider native seed mixes;
 - The creation of a continuous buffer of 10-15 metres wide along the retained woodland on the eastern and southern boundaries, to comprise native species shrub and tree planting;
 - Ivy clearance from mature sycamore trees;
 - Provision of a range of bat boxes;
 - Implementation of controlled lighting to maintain dark corridors.

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Case Officer **Carolyn Tait****19/01355/OUT**

Date received	Date valid	Overall Expiry	Ward	Parish
6th August 2019	20th August 2019	15th Nov 2019	Oundle	Oundle

Applicant **Mr Matthew Harmsworth - Persimmon Homes**Agent **NA**

Location Land Between St Christophers Drive And A605 Oundle Bypass, Oundle, Northamptonshire

Proposal **Outline planning application for the erection of up to 65 dwellings and an extra care facility of up to 65 units on land at St Christopher's Drive, Oundle, (All matters reserved except access).**

The application is brought before the Planning Management Committee because it is a “major” residential development as defined in legislation and falls outside of the Scheme of Delegation in Part 3.2 of the Council’s Constitution (2019).

Please note: At the time of writing this report, consultations are ongoing with an expiry date of 4th November 2019. This followed the receipt of revised plans and associated documents received on the 18th and 25th October 2019. Therefore any comments received between the completion of the report and the Planning Management Committee will be reported and addressed on the update sheet.

1 Summary of Recommendation

1.1 Recommendation: That planning permission be refused for the following reason(s):

The applicant has failed to demonstrate that the proposed extra care provision would be a suitable alternative to the provision of affordable housing across the site and as such the proposal fails to comply with the requirements of the National Planning Policy Framework and Policy 30 d) and e) of the North Northamptonshire Joint Core Strategy.

2 The Proposal

2.1 This is an outline application for up to 65 market dwellings with an extra care facility to provide up to 65 units. All matters are reserved except for the proposed access to the site.

2.2 A vehicular access is proposed off St Christopher’s Drive. This would be the only vehicular access to the site. A pedestrian access is proposed to the school.

2.3 The following documents and plans have been submitted as part of the application:

- Landscape and Visual Impact Assessment;
- Design and Access Statement;
- Air Quality Assessment;
- Travel Plan;

- Sustainability Assessment;
- Statement of Community Involvement;
- Housing Statement;
- Planning Statement;
- Flood Risk Assessment;
- Noise Assessment;
- Transport Assessment;
- Building Heights Parameters Plan;
- Landscape Strategy;
- Land Use Plan;
- Mini Bus Tracking;
- Proposed Planning Layout;
- Open Space Assessment;
- Tree Protection Survey;
- Contaminated Land Assessment;
- Archaeological Report;
- Utility Assessment.

3 The Site and Surroundings

- 3.1 The site is located on the south eastern edge of Oundle and is approximately 4.9 hectares in area. The north of the site is bounded by Ashton Road, a public Bridleway (UF6) and beyond that is the Nene Valley Business Park. To the east is the A605. To the south is Prince William School and playing fields and to the west is existing residential development.
- 3.2 The site is relatively flat although there are small level changes within the centre of the site and the south eastern parts.
- 3.3 The site is located within the Nene Valley Nature Improvement Area (NIA). There is a row of protected trees to the north west of the site and a cluster to the south west corner. The Conservation Area is approximately 270 metres to the west.

4 Policy Considerations

- 4.1 National Policy and Guidance
 National Planning Policy Framework (NPPF) (2019)
 National Planning Practice Guidance (NPPG)
 National Design Guide (2019)
- 4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
 Policy 1 - Presumption in Favour of Sustainable Development
 Policy 2 - Historic Environment
 Policy 3 - Landscape Character
 Policy 4 - Biodiversity and Geodiversity
 Policy 5 - Water Environment, Resources and Flood Risk Management
 Policy 6 - Development on Brownfield Land and Land Affected by Contamination
 Policy 7 - Community Services and Facilities
 Policy 8 - North Northamptonshire Place Shaping Principles
 Policy 9 - Sustainable Buildings
 Policy 10 - Provision of Infrastructure
 Policy 11 - The Network of Urban and Rural Areas
 Policy 13 - Rural Exceptions
 Policy 19 - The Delivery of Green Infrastructure

- Policy 20 - Nene and Ise Valleys
 - Policy 22 - Delivering Economic Prosperity
 - Policy 23 - Distribution of New Jobs
 - Policy 28 - Housing Requirements
 - Policy 29 - Distribution of New Homes
 - Policy 30 - Housing Mix and Tenure
- 4.3 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)
- Policy 2 - Windfall Development in Settlements
 - Policy 4 - Green Infrastructure
 - Policy 5 - Transport Network
- 4.4 Oundle Neighbourhood Plan (ONP) (Examination Version, May 2019)
- Policy O1 - The Settlement Boundary
 - Supporting Action 1 - The Settlement Boundary
 - Policy O2 - Local Green Space
 - Policy O5 - The Provision and Enhancement of Open Space
 - Policy O6 - Achieving High Quality Design
 - Policy O7 - Protecting Important Views
 - Policy O14 - Circular Cycle / Pedestrian Network
 - Policy O15 - Housing Site Allocations
 - Policy O16 - Housing Mix
 - Policy O23 - Developer Contributions
- 4.5 East Northamptonshire Draft Local Plan (LP2) (currently deferred pending the outcome of the Oundle Neighbourhood Plan Examination)
- Policy EN1 - Spatial Development Strategy
 - Policy EN2 - Settlement Boundaries – Urban Areas
 - Policy EN7 - Green Infrastructure Corridors
 - Policy EN10 - Enhancement and Provision of Open Space
 - Policy EN11 - Enhancement and Provision of Sport and Recreation Facilities
 - Policy EN12 - Design of Buildings
 - Policy EN24 - Oundle Housing Allocations
 - Policy EN27 - St Christopher's Drive, Oundle
 - Policy EN28 - Housing Mix and Tenure
 - Policy EN32 - Self and Custom Build Housing
- 4.6 Other Documents
- Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
 - Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
 - East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
 - East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
 - East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)
 - Developer Contributions Supplementary Planning Document (2006)
 - Open Space Supplementary Planning Document (2011)
 - Trees and Landscape Supplementary Planning Document (2013)
 - Northamptonshire County Council Planning Obligations Framework and Guidance Document (January 2015)
 - East Northamptonshire Council - Open Space and Playing Pitch Strategy (2017)
 - Northamptonshire County Council - Minerals and Waste Local Plan (2017)

5 Relevant Planning History

- 5.1 13/00216/SCR Request for Screening Opinion for proposed residential development. Answered 26.06.2013.
- 5.2 13/01245/OUT Outline: Residential development of up to 95 houses (all matters reserved). Refused 17.10.2013.

6 Consultations and Representations

6.1 Neighbours

23 letters of objection received, points raised are summarised as follows:

- Why build houses next to a main road?
- The Council has already made its mind up.
- Ashton Road is not easy to negotiate.
- Flooding / foul waste issues.
- The sewerage system can't cope.
- Would ruin the historic town.
- This site has previously been turned down at appeal.
- This site has constraints that other sites do not.
- The Oundle Neighbourhood Plan is at an advanced stage.
- The site is not in the Oundle Neighbourhood Plan.
- The site would be better for another use such as an extension to the school.
- Noise and air pollution.
- Piling would cause disruption during construction.
- Concerns regarding the use of SuDS.
- Access is not suitable for emergency vehicles.
- Increase congestion and traffic accidents.
- No local bus stop.
- Insufficient parking.
- There are better sites for extra care provision.
- The developer is not offering anything to benefit the residents, other sites have better offers.
- The developer is profit focussed.
- Inaccuracies within the Flood Risk Assessment.
- Would be premature to determine.
- Why does the proposal include extra care provision when it is not viable?
- There are insufficient facilities within the town.
- Green spaces belong to Oundle School and land for leisure is limited.
- This application should be deferred until the Neighbourhood Plan is 'Made'.
- Direct access should be off the A605.
- The previous refusal reasons remain valid.
- Questions regarding the consultation process.
- The primary school is too far away for walking.
- Not well related to existing services or facilities.
- Appeal cases have been provided which are considered to give prematurity arguments.
- Loss of agricultural land.
- Noise during construction.

A letter has also been received from the three Ward Members for Oundle, which is summarised as follows:

- Support for the Oundle Neighbourhood Plan.
- The proposal conflicts with policies 1 and 2 of the Rural North Oundle and Thrapston Plan.
- The Inspector referred to the site as not being “sustainable development”.
- The entrance to the site could not accommodate the traffic.
- Roads must be suitable and bus access should be provided.
- Emergency access is required.
- Overlooking.
- Four storey building would block views.
- Insufficient parking.
- The developer has refused to provide assets for the Town.

6.2 Oundle Town Council

Comments received 18.09.2019: Object for the following reasons:

“We write today regarding the Outline Planning Application above, and to confirm that during consideration of it, East Northants Council will give due weight and consideration to the progress of the Oundle Neighbourhood Plan. For the sake of completeness, we would remind you that our amended Neighbourhood Plan was submitted to ENC on May 24th 2019; you commented on it on July 9th that it was “in general conformity with relevant national and local strategic policy”, and it underwent Regulation 16 Consultation July 12th-August 27th 2019. As we write, we await the plan being sent to the Examiner in the next few days.

As you will know, the site referred to in Outline Planning Application 19/01355/OUT is not in the Oundle Neighbourhood Plan, and we believe that this in effect places it in conflict with the current National Planning Policy Framework, in particular Paragraphs 48-50 – which can be found at <https://www.gov.uk/guidance/determining-a-planning-application>.

This section of NPPF explicitly raises the question in what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity. Paragraphs 48-50 specifically explain how weight may be given to policies in emerging plans, and the limited circumstances in which it may be justified to refuse an application on the basis that it is premature.

In particular, it notes “Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);” (para 48) which suggests that given the very advanced state of the Oundle Neighbourhood Plan, greater weight should be attached to its relevant policies.

We would further note that the two circumstances mentioned in NPPF para 49 that permit a premature application to be refused planning permission are both absolutely in play in 19/01355/OUT, in that –

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan;

and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Given that 19/01355/OUT might take nearly a quarter of Oundle's required housing allocation by 2031, it is certainly so "substantial" as to skew the emerging Neighbourhood Plan – and the emerging Neighbourhood Plan is certainly far enough advanced (particularly in terms of public acceptance and engagement) to shape the development plan of Oundle.

The view that Outline Planning Application 19/01355/OUT is absolutely in contradiction to NPPF Paragraphs 48 and 49 is backed up by the findings of examiners and the Secretary of State in both Rendlesham (February 2015 App C/12/2408) and Sedlescombe (March 2015 APP/U1430/A/14/2219706); and on this basis, we request ENC at the very least defer their decision on Outline Planning Application 19/01327/OUT until after the Oundle Neighbourhood plan has had a chance to progress fully through Examination and referendum. However, given the issues raised by Oundle Town Council about access, noise, and surface flooding and drainage infrastructure, we would assume that ENC would in fact follow Oundle Town Council's Planning Committee's example and reject Outline Planning Application 19/01355/OUT".

A 10 page letter has also been received from Oundle Town Council's Planning Committee which can be summarised as:

- The site is not allocated in the current Local Plan;
- The Council has a five year supply of houses;
- The Neighbourhood Plan does not allocate this site and the Local Plan policies are not supported by Oundle;
- Without this site, Oundle's housing need can be met through alternative sites;
- The previous reason for refusing this site remains valid;
- The site has numerous constraints such as noise;
- The site is outside of the settlement boundary;
- There is no substantive case for changing the settlement boundary;
- The site could be used for other potential uses;
- A second point of access should be provided;
- Increased traffic congestion and safety of vulnerable road users;
- Loss of trees;
- Residents would be isolated and would be car dependent;
- Concerns with noise, even after proposed mitigation;
- There are other sites available that have a lower risk of flooding;
- Levels of the site would need to be amended to accommodate the proposed drainage;
- The site is at risk of surface water flooding;
- Foul drainage issues;
- Proposed nuisance from the pumping station;
- There is a moderate risk of ground gases being present at the site;
- Very limited S106 contributions to Oundle;
- The proposal does not demonstrate sufficient parking;
- The proposed extra care facility is not sited appropriately;
- Concerns with issues arising during construction.

6.3 Northamptonshire County Council – Local Highway Authority (LHA)

Comments received 13.09.2019:

“Thank you for sending us the application plans on the above proposal as the Local Highway Authority (LHA) and I would like to confirm the following observations:

The LHA requires any carriageway serving a bus route to be a minimum of 6.5 metres wide however the existing carriageways (Ashton Road, Sutton Road & St Christopher's Drive) leading to the proposed Development site are 5.5 metres wide. The applicant shall need to seek written confirmation for the bus operator that this route is acceptable otherwise the LHA would have to object to the proposals given the walking distances to the nearest alternative bus stop.

Whilst the internal layout of the site does not form part of this application please note that all private drives shall serve no more than 5 dwellings and that all carriageways serving up to 20 dwellings shall comprise a minimum 4.8m wide carriageway width with 1.5m service margins either side of the carriageway (40mm upstand to form a channel line) as per our emerging standards.

The LHA is against the dependency of tandem parking where there is the possibility of parallel parking spaces or driveways. This is because of the difficulty with exiting tandem spaces and it often leading to on street parking for easier accessibility to the resident's vehicles.

The application site is not affected by a Public Right of Way.

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way. I trust this assists”

The following request has been made regarding transport and bus services:

- A contribution of £1,000 per dwelling which would be used to develop a town bus service within Oundle. As the Transport Assessment states, bus service X4 operates half-hourly from the centre of Oundle to Peterborough, Corby, Kettering, Wellingborough and Northampton. A town bus service would provide connections into this service in addition to catering for journeys within Oundle.
- The Transport Assessment refers to providing funding for the CallConnect demand responsive service. However this ceased serving Oundle at the beginning of September and therefore the bus service contribution would be for a fixed-route minibus town service.
- The Transport Assessment refers to there being one access point to the Site from St. Christopher's Drive. This access would need to be suitable for minibus operation, as would the rectangular loop road shown on the Proposed Planning Layout.
- Provision would be required for one bus stop pole with a raised boarder and shelter, at the location shown on the Proposed Planning Layout.
- One voucher per household providing free travel on a town bus service for a period of 28 days. Similar provision would be required for all staff working at the on-site care home when it opens.

6.4 Northamptonshire County Council – Education and Libraries

Comments received on 23.10.2019: Can be summarised as:

- A development of this size is likely to generate approximately 20 Early Years pupils, 15 Primary School pupils and 11 Secondary and Sixth-form age pupils.
- An Early Years contribution is necessary.
- Oundle C of E Primary School is operating at 97% capacity and as such Primary Education contribution will be required.
- A Secondary Education contribution is required due to all of the proposed development that is planned in Oundle and the cumulative impact that it will have.
- Four fire hydrants are required, which can be secured by condition.
- A contribution towards libraries is required.
- The developer should consider registering the scheme early for broadband provision.

(Refer to Appendix 1 for further details)

6.5 Northamptonshire County Council – Ecology

Comments received on 18.09.2019:

"I'm writing in response to your consultation on the above application for up to 65 dwellings plus a care home on land at St Christopher's Drive, Oundle. The site appears to have quite low ecological value, although the sycamore trees along the northern boundary do have low bat roost potential. The outline plans indicate that this entire tree belt would be retained, however if any works to the trees need to be undertaken they will need to be carefully stripped of ivy and checked first to ensure they are not being used by bats.

Given the proposed extent of public open space a Landscape and Ecological Management Plan (LEMP) should be conditioned to ensure appropriate landscaping management for biodiversity. The recommended condition wording from BS42020 is:

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior [... to the commencement or occupation ...] of the development [or specified phase of development]. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still

delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details”.

6.6 Northamptonshire County Council – Rights of Way

No comments received.

6.7 Northamptonshire County Council – Lead Local Flood Authority

Comments received on 30.08.2019:

“Thank you for consulting us on the above planning application.

Having reviewed the submitted surface water drainage information located within:

1) Flood Risk Assessment ref AMA752 rev 0 dated 26th July 2019 prepared by Infrastructure Design Ltd.

We consider that if the following planning conditions are included as set out below, the impacts of surface water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of flooding.

Condition

Before any above ground works commence a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures;
- ii) Details of the drainage system are to be accompanied by full and appropriately cross referenced supporting calculations;
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices;
- iv) BRE 365 infiltration test results;
- v) detailed scheme for the ownership and maintenance for every element of the surface water drainage system.

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

Condition

All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment ref AMA752 rev 0 dated 26th July 2019 prepared by Infrastructure Design Ltd and shall be accompanied by a compliance statement with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the

Local Planning Authority pursuant to that application.

Reason: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

Condition

No Occupation shall take place until the Verification Report for the installed surface water

drainage system for the site based on the approved Flood Risk Assessment ref AMA752 rev 0 dated 26th July 2019 prepared by Infrastructure Design Ltd has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles;
- b) Any As-Built Drawings and accompanying photos;
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary);
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc;
- e) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

Informative

Details will be required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The maintenance scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

Details of expected design life of all assets with a schedule of when replacement assets may be required.

Please note that our comments only cover the surface water drainage implications of the proposed development”.

6.8 Northamptonshire County Council – Archaeology

Comments received on 23.09.2019:

“The site is located at the south eastern edge of Oundle, bounded to the east by the A605. It has been evaluated previously in connection with an earlier application; the applicant has provided the evaluation reports.

The evaluation confirmed that while the western part of the site has been subject to quarrying, the north eastern part contains evidence for Iron Age activity. On the opposite side of the A605 are extensive cropmarks indicative of Iron Age settlement remains and the results of the evaluation would suggest that this site forms part of that settlement.

On this basis a programme of mitigation in the form of a small open area excavation is required to address the impact of the proposals on the archaeological remains present. This should be secured by condition on any consent given and should be carried out in advance of any development works within the area of interest.

The proposed development will have a detrimental impact on the archaeological remains present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this, please attach a condition for an archaeological programme of works as per NPPF paragraph 199 to any permission granted in respect of this application.

Please note that our standard archaeological condition has been updated and now reads:

Condition:

No development shall take place within the area of archaeological interest 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. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason:

To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

I will be happy to provide a brief for the programme of work”.

6.9 Northamptonshire County Council – Minerals and Waste

Comments received on 23.10.2019:

“In relation to the above planning application the County Council, as the Minerals Planning Authority (MPA), has the following comments:

The proposed site is located within a sand and gravel Minerals Safeguarding Area (MSA). Therefore prior to any development taking place, the applicant should demonstrate how it meets Policy 28 of the Northamptonshire Minerals and Waste Local Plan (MWLP). Policy 28 relates specifically to the MSAs and ensuring that they

are protected from sterilisation by incompatible non-mineral development. The applicant should demonstrate, in the form of a Minerals Resource Assessment (MRA), that significant sterilisation of proven mineral resources will not occur as a result of the development. If this cannot be demonstrated, prior extraction will be sought where practicable”.

6.10 East Northamptonshire Council – Environmental Protection (Contamination)

No comments received at the time of writing this report. This matter will be reported on the update sheet.

6.11 East Northamptonshire Council – Environmental Protection (Noise)

No comments received at the time of writing this report. However, verbal advice has been given requesting that the extra care provision was re-located as it would not be suitable to have a four storey building adjacent to the A605. As a result of this, an amended indicative layout has been submitted. Comments from the Council's Senior Environmental Protection Officer relating to noise will be reported on the update sheet.

6.12 East Northamptonshire Council – Environmental Protection (Air Quality)

Comments received on 10.09.2019:

“I have been consulted on this application in respect to air quality. I have read through the submitted air quality assessment produced by Mewies Engineering Consultants Ltd, dated July 2019, REPORT REF: 25130_04_AQA_01 REV B.

Based on the information submitted I have no objections to this application.

Due to the location of the site [close – word missing] to existing properties a dust management plan will be required to manage dust soiling and health impacts.

I recommend including these conditions:

Vehicles, including delivery vehicles, must not park outside the development site at any time of the day or night unless specifically agreed in writing with the Local Planning Authority.

Vehicles must enter the site immediately and must leave the site in a safe and controlled manner. The public highway shall not be used as a holding area for deliveries. There shall be no contractor parking on the public highway at any time.

Reason: To ensure the protection of the local amenity throughout construction works

Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

Reason: In the interests of residential amenity, highway safety and visual amenity.

No burning

There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity”.

6.13 East Northamptonshire Council – Senior Tree and Landscape Officer

Comments received on 28.10.2019:

"I have reviewed the submitted plans and have no objections following the rearrangement of the site as per Design Surgery responses. The plans show tree lined street and LEAP's and LAPs and SuDS located in suitable positions throughout the site. The tree report provides reasonable measures to be set in place to protect the retained trees. I would still like to request that footpath improvement works are undertaken, to ensure the footpath to the north of the site creates a strong link through to the wider countryside, and other footpath links identified on the plans should be explored to ensure the site is accessible as possible (Bike and foot). A full landscaping plan will be required at reserved matters stage and I would like some further detail on what the 'SuDS' features are going to be, to determine whether they can be included in the open space or not, it would be beneficial if they are multi-functioning".

6.14 East Northamptonshire Council – Waste Management

Comments received on 02.09.2019:

"With regards to the above application I cannot comment in detail until the full application is submitted.

However, we would expect to see the following on the full application:

- Swept path analysis for the collection vehicles (using the correct data) for the whole site
- Appropriately sized collection points for properties on shared private driveways to present their waste containers at the adoptable highway as we do not collect from private shared driveways
- Sufficiently sized bin compounds for any communal properties
- The extent of the adoptable highway".

6.15 East Northamptonshire Council – Housing

Comments received on 30.08.2019:

"Thank you for the opportunity to comment on this application. The proposal, as set out in the Housing statement accompanying the application, is for a 65 bed extra care facility in lieu of the 40% affordable housing requirements (Page 9) and up to 65 market dwellings.

The tenure proposed for the extra care scheme is split 50/50 between affordable rent and shared ownership. Given the proven need for an extra care scheme in the north of the district and the suitability of this site, we believe the extra care facility can be provided in lieu of the normal policy requirement to provide affordable housing. However, as it is likely to be advantageous to the developer to deliver the extra care scheme in lieu of the affordable housing, we would expect that a viability assessment be undertaken to ascertain whether there would be scope for the developer to provide a capital receipt towards the development, in addition to the land.

We have engaged in discussions with Persimmons and planning officers during the pre-application process. Proposals for an extra care scheme at one of the strategic sites in Oundle have been put forward as part of the representations on the emerging

Local Plan. We have also been engaging with colleagues at Northamptonshire County Council, Adult Social Care, about potential sites and understand this site would be a suitable location for an extra care scheme. We are now keen to continue to work with Persimmons and Registered Providers to progress the way forward in order to enable the scheme to go ahead in a viable and achievable way.

Housing Strategy therefore supports the proposal. However, social rent instead of affordable rent may be required in order to meet the County Council's commissioning requirements. It may also be necessary should the extra care scheme be dependant on Homes England funding. The tenure would need to be confirmed therefore. It may be that the proportions of rent and shared ownership will need to be adjusted, or even for some outright sale to be included in the mix, and it is therefore advised that this should remain flexible, to be agreed between the parties. Similarly, numbers of one and two bedroom units will need to be agreed in conjunction with Adult Social Care and the Registered Provider.

As an outline application, we would expect a section 106 to be agreed which confirms the process by which the extra care scheme will be provided, prior to the submission of any reserved matters application.

It is pleasing to see a high number of smaller homes proposed within the market housing mix as this will enable access for new and emerging households. The scheme could also provide some market bungalows to meet a greater range of demand needs. In regard to Category 3 housing it is not sufficient to say in paragraph 3.4 that these are not necessary within the market housing because of the extra care scheme. The proposed extra care scheme is being provided in lieu of affordable housing. The requirement for some category 3 units extends also to the market housing. The provision therefore of some market bungalows would also meet this requirement".

6.16 East Northamptonshire Council – Planning Policy

The comments from the Planning Policy Team are incorporated into the main body of the report under the Principle of Development and Prematurity sections.

6.17 Ramblers Association

Comments received on 04.09.2019:

"I write on behalf of the Northamptonshire Footpath Committee RAMBLERS. Bridleway UF6 is within the area of the proposed development at its northern end. This is an ancient and well established bridleway which creates a circular route using Ashton, East and Hearne roads. It is well used to access land on the east side of the A605 for recreational purposes, dog walking, hiking as well as being accessible to horse riders and cyclists. It is welcomed therefore that no proposals are outlined to close it but to add other access for pedestrians and cyclists. We would ask that these be sufficiently wide to prevent risk from cyclists coming into contact with pedestrians. We would object to its use or closure for building access and note this will be from St Christopher's road. As no obvious alternative route exists. UF6 should be left in its natural condition and not Tarmacadamed or similar. No objection however to UF6 being generally tidied and trimmed back to improve access and use".

6.18 Natural England

Comments received on 30.08.2019:

“Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>”

6.19 British Horse Society

No comments received.

6.20 Cambridge and Peterborough CCG / NHS

Comments received on 20.09.2019:

- The proposed development is likely to have an impact on the services of 1 main GP practice operating within the vicinity of the application site. On reviewing the current footprint of the practice, it would appear that they do not have capacity for the additional growth resulting from this development.
- CAPCCG acknowledge that the planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.
- A Healthcare Impact Assessment (HIA) has been prepared by CAPCCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.
- The development would have an impact on the primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the

'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

- A developer contribution will be required to mitigate the impacts of this proposal. CAPCCG calculates the level of contribution required, in this instance to be £49,207 Payment should be made before the development commences.
- Assuming the above is considered in conjunction with the current application process, CAPCCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

6.21 Northamptonshire Police

Comments received on 10.09.2019:

"Northamptonshire police has no objection to this proposed development. However, at this stage it is important to make certain recommendations/observations at the outset of the design process. To help ensure compliance with the NPPF 2019 contained under paragraphs 91 (a-c) and 127 (f), the NPPG guidance Design Section and policy 8 (e iv) of the local North Northamptonshire Joint Core Strategy (2016) the applicant/developer should follow the agreed guidance within 'Secured by Design' principles. This proposed addition to Oundle is not huge compared to some schemes, which are planned for the northern sector of the county but is just as important as those larger schemes to the success of the area and the community that live there.

The future success of this development can be critically influenced by crime, and Northamptonshire Police need to be consulted on certain design issues, I appreciate that this cannot be overstated within this outline application. It is important however, that certain parameters are highlighted and that it is clear that architects and developers should consult with the Police Crime Prevention Design Advisor at the earliest opportunity.

I appreciate that this application is for outline approval only, any further submission should clearly demonstrate the following criteria; I comment as follows with regards to the proposed master plan and include some observations which may arise as this project progresses:

- Detailed layout, private lighting and full boundary treatment detailed drawings should be supplied and approved by the LPA after prior consultation with the Police Crime Prevention Design Adviser and with adherence to the principles of secured by design.
- Pedestrian routes should, wherever possible, be well overlooked and designed with good sight lines.
- Residents parking should be in curtilage. Tandem parking should be avoided particularly where on street parking would cause safety or neighbour disputes as inconvenient parking facilities can lead to irresponsible parking and make access routes for emergency vehicles impossible.
- Any communal rear access alley ways should be avoided, these make properties more vulnerable to crime. Terraced housing blocks make it difficult to maintain convenient refuge storage with long rear access alleyways required. Ginnell type house design could be an alternative.
- Refuge Bin storage must be safe, secure and allow easy transportation to the collection points.

- Boundaries of public open space should have clearly defined features to prevent unwanted access.
- Footpath links to the extra care facility need to be assessed so as not to put parked vehicles at risk.
- All dwellings without garages should be supplied with cycle storage facilities.
- Guidance should be taken from the Northamptonshire Fire and Rescue pre planning guide. Particularly in terms of access and bin storage.

I look forward to any further consultation if this project progresses. I recommend that the applicant consult with myself in terms of designing out crime prior to any subsequent submission”.

6.22 Northamptonshire Fire and Rescue

No comments received.

6.23 Anglian Water

Comments received on 24.10.2019:

“ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Oundle Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. Anglian Water notes that the submitted information does not align with the approach agreed in the Pre Planning report.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(3) INFORMATIVE – Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(4) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable subject to the following condition: Sufficient surface water hierarchy evidence is provided at section 106 application stage, and the minimum discharge rate to be maintained at 5 l/s to provide the required selfcleansing velocity. We request that the agreed strategy is reflected in the planning approval.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

CONDITION No drainage works shall commence until a foul water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON To prevent environmental and amenity problems arising from flooding.

Surface Water Disposal (Section 4)

CONDITION No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON To prevent environmental and amenity problems arising from flooding”.

6.24 Environment Agency

Comments received on 30.08.2019:

“The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist”.

7 Evaluation

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

Principle of Development - Policy Background

- 7.2 The adopted Development Plan for the site is the JCS and the RNOTP. Emerging policy is provided through LP2 which is due to be considered through the Examination process. The emerging ONP is currently being examined (hearing held on 29th October 2019), but it is not known when the Examiner’s findings will be published. This report will therefore set out all of the relevant policies within these plans for consideration.
- 7.3 In addition to the above, the Government’s objectives for planning policy at a national level are set out in the National Planning Policy Framework (NPPF) – which is a material consideration. The NPPF outlines requirements for housing delivery, and it aims to significantly boost the supply of homes by requiring local planning authorities to identify a sufficient amount and variety of land that can come forward where it is needed.

- 7.4 Paragraph 47 of the NPPF clarifies that: *“Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

North Northamptonshire Joint Core Strategy (JCS)

- 7.5 Policy 28 of the JCS identifies a need for 8,400 homes in the district of East Northamptonshire within the Plan period (2011 – 2031). It states that Local Planning Authorities will work proactively with applicants to bring forward sites to meet these identified housing requirements in line with the spatial strategy set out in Policy 11.
- 7.6 Policy 29 of the JCS states that *“New housing will be accommodated in line with the Spatial Strategy (Table 1) with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. Provision will be made for new housing as set out in Table 5”.*
- 7.7 Table 1 of the JCS identifies Oundle as a Market Town and its role is to provide a strong service role for the local community and the wider rural hinterland. Policy 11 adds to this stating that *“The Market Towns will provide a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town”.*
- 7.8 Table 5 of the JCS sets out that there is a requirement for 645 homes in Oundle within the Plan period. The LP2, which includes the most up to date housing figures, identifies that there were 384 completions of new dwellings between 2011 and 2018 (59.5%). There were 19 further new dwelling commitments as of April 2018.
- 7.9 The updated 2019 housing land supply position will be published in December 2019. Therefore based on the latest published figures, this leaves a shortfall of 172 dwellings.
- 7.10 This figure takes account of the allocations within the RNOTP for Herne Road Phase 2 (50 dwellings) and Dairy Farm (20 dwellings). If these sites are not brought forward, the residual requirement would be for 242 dwellings, as a minimum.
- 7.11 There is some evidence since the adoption of the RNOTP in 2011 to suggest that the Herne Road and Dairy Farm sites (70 dwellings in total) may not be deliverable (no planning applications have been submitted to date, there are flood risk issues, and piecemeal land ownerships). The current St Christopher’s Drive proposal for up to 65 dwellings and an extra care facility of up to 65 units would go some way to addressing this housing need.
- 7.12 Table 1 below illustrates the housing requirements explained in paragraphs 7.8-7.10.

Table 1 – Housing Requirements

JCS Housing Requirement for Oundle	Minimum 645 dwellings
LP2 Housing Requirement for Oundle	Minimum 300 dwellings
Completions up to April 2018	384 dwellings
Outstanding Allocations	70 dwellings
Commitments as of April 2018	19 dwellings
Shortfall	172 dwellings
Shortfall If Extant RNOTP Allocations not Built	242 dwellings

- 7.13 The site is outside of the settlement boundary (as identified in the RNOTP inset 1) so therefore arguably falls within the rural area. However, as will be explained further in paragraph 7.15 (below), there is an expectation that the required housing will have to be provided outside of the currently identified settlement boundary of the town. Therefore Policy 11 of the JCS is relevant and not Policy 13 which relates to rural exceptions housing.

The Rural North Oundle and Thrapston Plan (RNOTP)

- 7.14 In addition to the JCS, the RNOTP provides more detailed policy guidance for Oundle. The RNOTP remains extant, covering the period up to 2021, and whilst it will be superseded by the future adoption of the LP2, and locally through neighbourhood plans on a parish basis, a number of plan policies remain in force.
- 7.15 The St Christopher's Drive proposal is located adjacent to the Oundle settlement boundary as identified in the RNOTP inset 1. However, as stated, the adoption of the JCS requires additional development to be allocated to Oundle in order to meet the strategic housing requirement up to 2031. There is no opportunity to provide the quantum of housing required within the existing settlement boundary. Both the proposed LP2 and ONP clearly recognise this by proposing new housing allocations beyond the RNOTP settlement boundary.
- 7.16 At the time of the adoption of the RNOTP, the Government's PPS3 applied, which only required the identification of specific deliverable or developable sites for 10 years from the date of adoption. PPS3 also required the RNOTP to indicate possible locations for housing development from 11-15 years from the date of adoption, i.e. from 2018/19 till after 2021. This was addressed through a longer term approach to housing strategy, set out in paragraphs 8.16 to 8.18 of the RNOTP.
- 7.17 Paragraph 8.18 states:

"PPS3 requires the Plan to indicate possible locations for housing development from 11-15 years from the date of adoption, i.e. from 2018/19 till after 2021. The Sustainability Assessment³ work has identified two particular sites which stand out as possible longer term site allocations. These sites, which could come forward following reviews of the Core Strategy and this Plan, are:

- *Land to the rear of the Cemetery, Stoke Doyle Road (230 dwellings capacity);*
- *Land off Cotterstock Road/ St Peter's Road (200 dwellings capacity)."*

Paragraph 8.18 is regarded as a strategic policy by this Council, as it identifies possible development sites that could come forward in order to deliver the strategic local plan housing requirement for Oundle beyond 2021. Therefore extant strategic policy provides a clear steer for the future development potential of the town.

- 7.18 The Council can currently demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer) and therefore in accordance with NPPF paragraph 11, the relevant policies of the Development Plan can be considered up-to-date. Full weight must therefore be given to the adopted Development Plan policies unless material considerations indicate otherwise. Relevant material considerations will be addressed later in this report, but also include any emerging new and revised elements of the Development Plan. In this case, this includes the LP2 and ONP.

³ 'Assessment of Potential Housing Sites in Oundle and Thrapston' (published in February 2009)

East Northamptonshire Draft Local Plan Part 2 (LP2)

- 7.19 The LP2 sets out how it intends to deliver the outstanding strategic housing need for Oundle. Draft Policy EN24 of the LP2 identifies the application site for the development of around 100 dwellings provided that key considerations, amongst other things, relating to the impact on transport and the surrounding landscape and street scene are taken in to account.
- 7.20 Policy EN27 sets out the site specific requirements for future development proposals. These are:
- It will be expected to provide a housing mix which includes provision for older persons, on site affordable housing provision and 5% of plots should be made available as serviced building plots, in line with other policy requirements.
 - Connections will be provided to the adjacent Public Rights of Way network.
 - Structural landscaping will be provided for the site boundary, to mitigate the impacts of noise or other pollution from the A605.
 - A contribution towards the proposed cemetery extension should be provided (this is no longer a requirement as it is proposed that this land will be gifted by the relevant development at Stoke Doyle Road should an application come forward).
- 7.21 The proposed LP2 housing site allocations at Oundle have been subject to both internal and external, independent, site assessments and have been subject to public consultation (2nd November 2018 – 18th February 2019). The draft Oundle site allocations were endorsed by the Planning Policy Committee at its meeting held on 29th July 2019. At that meeting, the Committee also resolved to defer consideration of the officer responses to the representations (as set out in Appendices 3 and 4 of the relevant report to the Planning Policy Committee) until the outcome of the Examination of the Oundle Neighbourhood Plan is known. The weight to be given to the emerging LP2 is discussed in paragraphs 7.42.

Oundle Neighbourhood Plan (ONP)

- 7.22 The ONP is at a more advanced stage in preparation than the LP2, having been submitted for independent examination and a hearing having taken place (on 29th October 2019). The weight to be applied to the ONP is a matter for the decision maker and this is addressed in the next section of this report when addressing the matter of prematurity.
- 7.23 ONP states at paragraph 5.57:

“Responses to the 2014 Neighbourhood Plan Questionnaire indicate that the local community values the compact nature of Oundle and the ability to get around it on foot. Some 62% of respondents wish to see housing located within walking distance of the town centre and 50% agreed that new developments should be within a one mile radius of the centre. A majority (65%) of respondents would prefer not to see large scale development on the edge of Oundle. 68% would favour a strategy of distributing the housing growth across a range of small sites. This is what we have done by considering all sites suitable for development identified.”

- 7.24 ONP proposes housing allocations across 5 sites, to provide 324 dwellings (Policy O15). The application site is not one of the proposed housing allocations. Whilst previous iterations of the Neighbourhood Plan included this site, it was deleted from the submitted plan.
- 7.25 The ONP 'Policies Map' identifies a proposed Oundle settlement boundary. The application site lies beyond (adjacent to) the proposed settlement boundary. ONP Policy O1 states: *"Outside the Settlement Boundary, development will only be permitted if it complies with rural planning policies in the Development Plan."*
- 7.26 It can be concluded that ONP does not support the development of the application site for market housing in principle, although it does recognise the JCS housing requirement.

Principle of Extra Care Provision

- 7.27 One of the most pressing needs facing this area over the next 20 years is the growth in older persons (65+ years) households. The North Northamptonshire Strategic Housing Market Assessment (2015 update) estimates growth of around 20,100 specialist housing units to meet community need from 2011-2031, with the largest growth forecast within East Northamptonshire.
- 7.28 In relation to extra care provision the 2015 update identifies the need for 366 extra care units within the District up to 2031.
- 7.29 More recent information commissioned by Northamptonshire Councils alongside the Clinical Commissioning Groups through the Study of Housing and Support Needs of Older People across Northamptonshire (2017) identifies the need for specialised housing provision for older persons which includes care home and extra care provision.
- 7.30 Policy 30 of the JCS expects future housing development to provide a suitable mix and range of housing, including a range of size, type and tenure. In particular consideration will need to be given to meeting the needs of an ageing population. Proposals will therefore be encouraged to meet the specialised housing requirements of the older population, including extra care accommodation.
- 7.31 Emerging policy contained in the LP2 recognises the evidence set out in the key studies identified and encourages specialist older persons housing proposals to come forward which address the need in sustainable locations. This includes locations (such as Oundle) around the District's Growth and Market Towns, (as identified in Table 5 of the JCS), which offer access to local facilities and services to help meet these requirements.
- 7.32 The proposal to include extra care provision as part of the proposal is therefore supported, in that it provides an opportunity to meet the identified need for extra care provision, within the District, at a sustainable location.
- 7.33 ONP Policy 016 (Housing Mix) states that: *"On sites within close proximity of the town centre, particular emphasis should be placed on the provision of housing to meet the needs of older people and those with mobility issues."* This is of particular relevance given the proposal to include 'extra care' provision. The location of the site in relation to the proximity to the town centre is considered further at paragraph 7.34 (below).

Sustainability of Location

- 7.34 The St Christopher's Drive proposal is located to the south-east of Oundle, approximately 600m from the town centre. Site assessment appraisals which provided background evidence to the site selection process for the Oundle housing site allocations in the Draft Local Plan supported this site as a sustainable location. Evidence provided both internally, as part of the sustainability appraisal and externally (through consultants DLP) considered this site to perform well in relation to a series of assessment criteria. Indeed the DLP assessment evaluated this site as the best performing site in terms of overall scoring. The site performed well for a number of reasons, including being well located in close proximity to public rights of way, key services, employment opportunities and Oundle town centre.

Previous Appeal Decision

- 7.35 This site was the subject of a previous planning appeal decision in 2014 resulting from the Council's decision to refuse permission for a proposed residential development of up to 95 houses (all matters reserved). Whilst the outcome of that appeal was to dismiss the appeal, it is important to understand the reasoning that led to the Inspector's decision and how circumstances have changed since that decision was issued.
- 7.36 The dismissal of the previous appeal was based on the Council's ability to demonstrate a 5 year land supply of deliverable housing sites. The Inspector found that the Council's supply of deliverable dwelling sites at that time was sufficient to meet the requirement, and that no additional need for further housing provision was required.
- 7.37 Whilst the Council can still demonstrate a 5 year land supply, since that appeal decision was issued, the JCS has been reviewed and a revised Plan was adopted in 2016. The revised plan period now runs to 2031. At the time the appeal was determined the plan period ran up to 2021. The adoption of the revised Plan obviously projects forward and as has already been explained, it has identified the need for additional development to be met at Oundle (645 dwellings - as set out in Policy 29 and Table 5 of the JCS). This is a material change in circumstance, which has led to the need to allocate further development within the town.

Principle of Development - Prematurity

- 7.38 It has been raised by a number of parties during the planning application consultation process that it is premature to determine this application because of the advanced stage of the Oundle Neighbourhood Plan. Guidance on prematurity is provided in the NPPF (paragraphs 48 – 50) as detailed below:

i. Relevant Considerations

- 7.39 Paragraph 48 of the NPPF states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

7.40 Paragraph 49 of the NPPF states:

“However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.

7.41 Paragraph 50 of the NPPF states:

“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process”.

7.42 In relation to LP2, it is not considered that the plan is at an ‘advanced’ stage in the context of the NPPF. As such, only limited weight can be afforded to it and having regard to NPPF Paragraph 49, it is therefore not considered that refusal of the planning application on the grounds of prematurity (in respect of LP2) could be justified (notwithstanding the site is a proposed housing allocation in LP2). The issue of prematurity in respect of ONP is more complex and this Council has sought legal advice on the matter, which is incorporated throughout this section of the report. In order to conclude on the matter of prematurity, this report will first consider each of the relevant paragraphs of the NPPF in turn.

ii. Paragraph 48 of the NPPF (Weight to be Afforded to Plans)

7.43 In order to assign weight to emerging elements of the Development Plan, paragraph 48 of the NPPF requires consideration of the stage of preparation of the plan; consideration of the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies with the NPPF. These matters are considered in the following paragraphs.

ii(a)The Stage of Preparation of the Emerging Plan (Paragraph 48a of the NPPF)

7.44 The ONP has reached the end of the Regulation 16 consultation period and is currently under examination. The Interim Examination Report is likely to be published following the date of the Planning Management Committee. However, Officers were present at

the hearing. On the basis that the ONP has reached examination stage (stage 5 out of 6 as per NPPG), it is considered to be at an 'advanced' stage in the context of paragraph 48(a). Nevertheless it was apparent at the examination, as it was through the objections received during the Regulation 16 consultation period that there are fundamental issues with ONP and this is discussed in more detail in the following paragraphs.

ii(b)The Extent to which there are Unresolved Objections to Relevant Policies (Paragraph 48b of the NPPF)

- 7.45 There are unresolved objections to the relevant policies within the ONP, raised both by this Council, the applicant and additional parties who have made representations on it. These objections relate to the basic conditions of the ONP as well as a potential legal argument by the applicant that a procedural requirement for further consultation has not been met in relation to the deletion of their site from the ONP. It is the legal view that these unresolved objections reduce the weight that can be given to the ONP. Officers form the view that the nature of the objections are such that the weight that can be given to the ONP is significantly reduced.
- 7.46 The Council's legal check was not required to consider whether ONP met the basic conditions, only that the relevant legal and procedural requirements under paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) were satisfied. Nonetheless, the legal check letter on 9th July 2019 provides that whilst there is general conformity with relevant national and local strategic policy, the ONP raises significant concerns in relation to compliance with extant strategic policy.
- 7.47 The Council's representation of 9th July 2019 also stated that the ONP does not provide sufficient justification of the site shortlisting process. The draft text should provide a succinct non-technical summary of the site selection process with the necessary headlines, and that should be supported by the site assessment and further justification to explain how the site assessment data is translated into site selection.
- 7.48 With regards to ONP Policy O15, it is noted that the Regulation 14 draft contained seven allocations, including the application site, but that it has subsequently been deleted by Oundle Town Council and offset by an increase in housing numbers at another site (Land South of Herne Road - increasing the capacity from 45 to 120 dwellings). The Council has stated that this is a significant change to the overall strategy and has questioned whether the decision to delete previously proposed sites without further consultation prior to submission represents an appropriate approach to building consensus, as required by the Statement of Community Involvement. This could arguably increase the conflict in the plan-making process.
- 7.49 By paragraph 8(2)(e) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), one of the basic conditions that the ONP will have to meet is whether the making of the Plan is in general conformity with paragraph 8.18 of the adopted RNOTP (being a strategic policy contained in the development plan). This was also required by the Glaphorn Neighbourhood Plan examiner who required modifications to that Neighbourhood Plan to be made to address this issue before that Plan could proceed to referendum.
- 7.50 The applicant asserts, that given the significance of these representations, which suggest that the ONP is in conflict with adopted strategic plan policies, the ONP can carry no more than limited weight in the decision making process.

- 7.51 These matters were further highlighted and developed at the Examination hearing on 29th October 2019, where it was alleged by both Gladman and Persimmon that the ONP is unlawful because of the lack of robust evidence to justify the site allocations and the lack of re-consultation following the changes to selected sites (and the consequent omission of two sites – the Cotterstock Road site and the St Christopher’s Drive site) between the regulation 14 and 16 proposals. Those will be matters for the examiner to consider.
- 7.52 NPPF paragraph 48(b) makes clear that the less significant the unresolved objections, the greater the weight that may be given. In this particular case, officers consider the unresolved objections are significant and fundamental to the development proposal. At the examination hearing, the Inspector commented ‘without prejudice’ that there are real difficulties for him to overcome in his examination and that the options then become rather stark:
- i. Continue with the examination with a high risk that ONP will fail; or
 - ii. Issue an interim report with additional guidance to enable the Town Council to consider whether they are better to withdraw ONP and go back to a more appropriate point in the process.

The Inspector has confirmed he intends to issue an interim report.

- 7.53 Given these significant unresolved objections and the nature of the Inspector’s comments at the Examination hearing, it is considered that a significant reduction in weight must be applied to the ONP for the purposes of determining this planning application.

ii(c) The degree of Consistency of the Relevant Policies in the Emerging Plan to the Framework (Paragraph 48c of the NPPF)

- 7.54 In light of the matters highlighted at paragraphs 7.45-7.52 (above), there are concerns that the ONP undermines the strategic policy set out at paragraph 8.18 of the RNOTP. This conflicts with guidance at paragraph 29 of the NPPF which states that: *“Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies [emphasis added].”*
- 7.55 Given concerns raised in representations, by the Council in its legal check letter of 9th July 2019 and at the hearing regarding the ONP Sustainability Appraisal and the evidence for site selection (as previously explained), there are also concerns regarding consistency with paragraphs 31 and 32 of the Framework. Paragraph 31 states that: *“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focussed tightly on supporting and justifying the policies concerned, and take into account relevant market signals.”* Paragraph 32 provides that: *“Local Plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.....”* NPPF Footnote 17 clarifies that this applies to neighbourhood plans where there are potentially significant environmental effects.
- 7.56 NPPF paragraphs 35 – 37 relate to plan examination. As has been highlighted in this report there are concerns about whether the ONP can be found ‘sound’ thereby raising concerns about conflict with these paragraphs.

- 7.57 To conclude in relation to the degree of consistency of the relevant policies in the emerging plan to the Framework, there is evidence to suggest significant conflict with the Framework and accordingly officers consider the weight afforded to the ONP policies should be significantly reduced.

iii Paragraph 49 of the NPPF (Limited Circumstances where an Application is Premature)

- 7.58 Paragraph 49 of the NPPF provides that a restrictive approach should be taken to the use of prematurity arguments to refuse planning permission. It states that:

"...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area".

These criteria will be assessed in turn below.

iii(a) Undermining the Plan Making Process (Paragraph 49a of the NPPF)

- 7.59 This criterion relates to scale, location, phasing and cumulative effect of new development that are central to an emerging Plan.
- 7.60 In terms of housing delivery in Oundle, Table 17 and paragraph 8.12 of LP2 identify that there is a residual requirement for a further 172 dwellings, rising to 242 if previous Local Plan allocations are excluded (as previously highlighted in this report). On this basis, the strategic housing requirement for Oundle is set at approximately 300 houses (paragraph 8.23 of LP2).
- 7.61 This figure is set based on the 2017 Annual Monitoring Report which identified a need for just below 300 houses (294 dwellings discounting the two RNOTP allocations at Ashton Road / Herne Road phase 2 and Dairy Farm, Stoke Hill (70 dwellings in total)). This has since reduced in the 2018 Annual Monitoring Report to 242 (discounting the RNOTP allocations), but the minimum housing requirement for Oundle has been set at 300 in both the ONP and LP2 because this was the up-to-date figure at the time of drafting the LP2.
- 7.62 Both the Oundle Neighbourhood Plan Working Party and East Northamptonshire Council have accepted this as a minimum requirement for Oundle, despite the more recent completions as per the 2018 Annual Monitoring Report.
- 7.63 The proposal is for up to 65 dwellings and an extra care facility of up to 65 units. It is considered that the extra care facility is a specialist type of housing and therefore the proposal would provide up to 130 dwellings, which equates to 43.33% of the overall minimum housing requirement for Oundle of 300 dwellings (or 40.12% of the 324 dwellings provided for in the ONP proposed housing allocations). This amounts to less than half of the numbers envisaged. The number allocated can only be the minimum required under the JCS and would have to be considered against the national policy of

significantly boosting the housing supply. In this context, it is not considered that the proposed development on its own would amount to a scale which is so substantial that it would undermine the plan-making process in respect of ONP.

- 7.64 The cumulative impact of any proposed development also needs to be considered. Therefore, given that another major housing application has also been submitted in Oundle at Cotterstock Road for 130 dwellings, the cumulative impact of this and the proposal for St Christopher's Drive need to be considered. Combined, the developments would provide 260 dwellings⁴. This would equate to 86.67% of the minimum housing requirement for Oundle as set out in LP2 or 80.25% of the 324 dwellings provided for in the ONP. The two developments combined would provide for a substantial proportion of the housing requirement and thus could be argued to undermine the ONP plan-making process (notwithstanding that the housing requirement is a minimum requirement).
- 7.65 Paragraph 49 of the NPPF also refers to the location of development and whether this would undermine the plan-making process. The ONP has based its site selections on sites that are within a 1 mile radius of the Town Centre. The application site is within a 1 mile radius of the Town Centre and as such is not considered to undermine the ONP plan-making process in this regard.
- 7.66 The ONP does not stipulate any phasing requirements within the latest draft policies that the determination of this application could potentially prejudice.

iii(b) Is the Plan at an Advanced Stage? (Paragraph 49b of the NPPF)

- 7.67 ONP has been identified as being at an advanced stage in the plan making process, by virtue of the fact that it has been submitted for Examination. The 'without prejudice' comments of the Examiner at the 29th October hearing suggest that the ONP is likely to have to go back to an earlier stage in the process if it is to proceed. This will be clarified in the Examiner's report in due course. In the absence of the Examiner's report, as it is fact that the ONP is currently at Examination stage, officers therefore consider it to currently be at an advanced stage, but that weight afforded to it must be significantly reduced in light of the issues highlighted and having regard to NPPF paragraph 48.

iii. Paragraph 50 of the NPPF (Refusal of Planning Permission on Grounds of Prematurity)

- 7.68 Paragraph 50 of the NPPF provides that: refusal of planning permission on grounds of prematurity will – in the case of a neighbourhood plan – seldom be justified before the end of the local planning authority publicity period on the draft plan. ONP has passed this stage. Paragraph 50 further provides that "*where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process*". This is considered in paragraphs 7.69-7.73 below.

⁴ 130 dwellings at Cotterstock Road + 65 dwellings at St Christopher's Drive + 65 unit extra care facility (which is considered to be a form of specialist housing) at St Christopher's Drive = 260.

Prematurity - Conclusion

- 7.69 Whilst there is an indication from the 29th October Examination hearing that ONP is likely to have to go back to an earlier stage in the plan making process if it is to proceed, in the absence of the Examiner's report, ONP has arguably reached a stage where in principle, in certain circumstances, it may be justifiable to refuse a development proposal on the grounds of prematurity. Nevertheless, officers consider that on its own, the development proposal is not so substantial that it could undermine the ONP plan making process.
- 7.70 There is an argument that cumulatively, if the Cotterstock Road application were to be approved, the applications combined could be of a scale that would predetermine decisions about the scale of housing development in the ONP (although this is tempered by the fact that the housing requirements are a minimum requirement and it is national policy to significantly boost the supply of housing).
- 7.71 In addition, it is considered to be at an advanced stage. Nevertheless, in this case, given the significant unresolved objections to ONP, the fundamental concerns highlighted at the consultation stages, through the legal check and at the Examination hearing, and the consequent conflict with the Framework, the weight to ONP must be significantly reduced.
- 7.72 Taking all of this into account, it is considered that the refusal of this planning application (or the deferral of it) on the grounds of prematurity - even in the event of approval of the Cotterstock Road application - could not be substantiated.
- 7.73 One letter received by a member of the public in relation to the application refers to a number of Secretary of State decisions in relation to prematurity. In these cases they do demonstrate that the basis for refusal was not solely on prematurity and therefore the circumstances are enough to be materially different in that they do not form a basis for the determination of this planning application.

Principle of Development – Conclusion

- 7.74 The Development Plan identifies a need for housing beyond the currently defined settlement boundary of Oundle. The LP2 (and its evidence base) is a material consideration and whilst it can only be given limited weight at this stage, it supports the development of the application site for housing in principle. The site is considered to be sustainably located close to Oundle Town Centre and there is an identified need for extra care housing provision in sustainable locations. Conversely, the principle of developing the site for housing conflicts with the current Submission version of the ONP (also a material consideration), however it is not considered that a refusal of the planning application on the grounds of prematurity with respect to ONP can be justified. Overall, it is considered that the principle of development could be supported, subject to all other relevant matters being addressed.

Design, Layout and Impact on the Character and Appearance of the Area

- 7.75 The site has mature vegetation on the northern, eastern and southern boundaries which screen the site. In order to assess the visual impact of the proposal, the application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which has considered the viewpoints where the proposal would be most visible.

7.76 The site is located within the Northamptonshire Vales National Character Area and the Nene – Thrapston to Cotterstock Landscape Character Area.

7.77 The LVIA has made a number of recommendations that would ensure that the proposal integrates well with its surroundings both during the construction phase and the operational phase. These matters relate to the reserved matters stage and not this outline application, they are as follows:

- Retain and reinforce the existing woodland around the edges of the site and create a new woodland edge (where possible). This will protect the woodland and benefit wildlife, maintain existing screening and integrate it with surrounding landscape;
- Integrate a central open space to incorporate large-scale native tree planting, which will help to break up the roofscape of the proposed development;
- The open space should be fronted by houses for natural surveillance and incorporate sustainable drainage, wildlife habitats and a play area with an appropriate buffer zone towards adjoining properties. Open spaces and play areas should be designed in accordance with local policy and guidelines;
- Create a green corridor through the built development linking the northern and southern woodland to provide additional screening and habitat connectivity;
- Design an attractive frontage along the existing public bridleway;
- Dwellings along the north western boundary should back onto the existing residential houses to reduce the overlooking issue between the existing and new houses and to respect privacy. Opportunities should be explored to incorporate a landscaped edge within back gardens, for example fruit trees;
- Explore the opportunity to create a pedestrian and cycle link towards Prince William School to discourage unnecessary car journeys;
- In accordance with the adjoining residential area, residential dwellings should be a maximum of two and a half storeys in height, so that they can be effectively screened by the existing mature trees;
- Ensure that the design of the new development (buildings and landscape) creates and enhances the sense of place and local identity. This will include hard and soft materials and planting which respects local character and enhances biodiversity;
- Residential areas shall reflect the existing settlement pattern. Create a low density, informal and landscape dominated north eastern boundary/fronting the existing public bridleway, along the north western boundary/towards the existing residential houses and surrounding areas of open space. Utilise local vernacular styles and materials (or their modern equivalents) appropriate to Oundle to reinforce the local distinctiveness in particular along the boundary with the bridleway;
- Create a varied roofscape with different building orientations and a mix of darker colours including greys and darker reds of different shades, avoiding bright red colours;
- The level of lighting should be the minimum required and designed so as to minimise pollution from glow, glare and light spillage towards the existing residential properties as well as woodland boundaries to minimise potential disturbance to bats;
- No construction of buildings, hard surfaces or services should take place within root protection areas (RPA) of retained vegetation unless suitable mitigation measures are employed. The proposed cycleway which runs along the north of the site down the eastern boundary will have a natural feel comprising of a soft landscape surface. The root protection areas should be protected throughout the course of the development. The calculation of the RPA should be informed by a Tree Survey in accordance BS5837:2012 'Trees in Relation to

Construction'; and

- All structural and open space planting should use native species (of local provenance where possible).

7.78 In relation to the extra care provision, the following recommendations have been made:

- The care facility should be no more than four storeys in height so that the eastern boundary trees screen the facility from the A605. This will contribute to the preservation of the relatively undeveloped character of the valley in views of Oundle from the surrounding countryside.
- The proposed building should have a varied roofline in order to break up the scale and mass of the building, and provide variation within the roofscape of the proposed development.
- Existing vegetation along the western site boundary is to be retained and reinforced with new structural tree and hedge planting. The intention is to create a permeable landscaped edge which will partially filter views of the proposed development.
- The proposed care facility should be set back from the western site boundary to allow space for structural planting. Well vegetated boundaries, which respond to the siting of buildings on the site, are required in order to integrate the new building into the existing landscape and townscape.
- Incidental and naturalistic tree planting to be situated within the amenity and car park areas to provide connectivity between various landscape elements and features around the site. The use of a variety of species will provide additional habitats, foraging opportunities for animals, insects and birds, and provide seasonal variation.

7.79 Should outline planning permission be granted then these are all matters that could be addressed at a later stage and any future applicant would have to demonstrate that these recommendations had been taken in to account. It can be seen though, as per the recommendations, that the proposal does include a pedestrian access to Prince William School and this could be secured by condition.

7.80 Although the site will permanently change from greenfield land to a residential development, the design, scale, layout and landscape of the proposed development respects the character of the surrounding landscape and the existing settlement edge of Oundle. Existing vegetation on the northern, eastern and southern site boundaries will help to contain the development from the wider landscape to the east as well as the urban influences to the north and south. The indicative layout demonstrates a proposal that reflects the layout of existing residential dwellings along St Christopher's Drive and Rowell Way, helping to integrate the development into the existing urban framework. According to the LVIA the scale of effect on the overall character of the site will be Moderate to Minor Adverse at Year 1 decreasing to Negligible by Year 15 as proposed planting matures, helping to integrate the development into the wider landscape. Should permission be granted then a condition could be added to ensure that any vegetation which dies, becomes diseased, or is removed within the 15 years is replaced with the same species.

7.81 The LVIA identifies that the proposed extra care facility, which will be up to four storeys in height will form a skyline feature against the wooded backdrop in views from residential dwellings to the west of the site. The effect on the character of The Nene – Thrapston to Cotterstock LCA will initially be Moderate Adverse decreasing to Minor Adverse over time as vegetation matures and the proposals integrate into the surrounding landscape.

- 7.82 It is considered that although the development will extend the settlement edge of Oundle, it is proposed that there will be a net increase in tree cover which would be likely to improve the character of the site and the wider landscape. This could include native tree planting to strengthen the existing native tree planting which physically and visually separates the site from the A605. The development will connect to existing urban development to the west of the site by creating the access off St Christopher's Drive. Small areas of open space within the site are considered to compliment the existing small green located on Sutton Road to the west of the site. The LVIA identifies that by year 15 there will be a net gain of tree planting throughout the proposed development providing a more intimate character and integrating the development to adjoining areas through its green infrastructure strategy therefore giving the scale of effect on the settlement character of Oundle as a Negligible one.
- 7.83 The LVIA has assessed the proposal using 13 viewpoints and considers the impact on these to be Moderate Adverse to Negligible in 15 years. A number of recommendations are set out which could be incorporated by using standard conditions to request details such as levels, materials, hard and soft landscaping and boundary treatments. As such the impact of the proposal on visual and landscape amenity is not considered to be detrimental.

Heritage

- 7.84 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.
- 7.85 Views of St Peter's church will still be visible once the development is complete and as such this does not cause any concerns.
- 7.86 The site is located far enough away from the Conservation Area not to result in any detrimental harm to its character or setting.

Housing Mix

- 7.87 The following indicative market housing mix is proposed:

- 39 x 2 bedroom units
- 14 x 3 bedroom units
- 12 x 4 bedroom units.

Of the above units, six would be Category 3 bungalows (suitable for wheelchair users).

- 7.88 Policy 30 of the JCS sets out that the mix of house types within a development should reflect the need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1 – 3 bedrooms), including dwellings designed for older people. The above proposed indicative housing mix would address this.
- 7.89 An extra care facility is proposed in lieu of the requirement for 40% of the site to be affordable housing. It is proposed that this will consist of up to 65 units and would be a 50 / 50 split between affordable rent and shared ownership. No Registered Provider has been identified or secured and it is proposed that if outline planning permission is

- granted, the land proposed for the extra care provision is transferred to East Northamptonshire Council.
- 7.90 This raises concerns with regards to securing the future of the site for development for extra care provision. If provision by the applicant is limited to a transfer of land only, all of the risks associated with finding a Registered Provider will be borne by the Council. In addition, if the Registered Provider does not agree to design and develop the site, the Council would also take on this additional risk. Further, the applicant has not provided any viability information to demonstrate that the extra care provision is a viable option for the site. It is therefore not clear if there is any reasonable prospect of the extra care provision ever coming forward. This is particularly relevant because:
- i) If the planning application does not secure the extra care provision, positive weight should not be afforded to its provision in the determination of the application; and
 - ii) The extra care provision is being proposed in lieu of affordable housing, therefore if it is not provided, an affordable housing contribution should have been required.
- 7.91 The applicant has also not provided any information to demonstrate whether the transfer of the land for extra care provision would be equivalent in financial terms to the provision of the 40% affordable housing which would ordinarily be sought. So it is not clear if there would also be a requirement for a commuted sum towards the cost of building the extra care provision. This information has been requested and not been supplied. Therefore Officers are of the view that the applicant has not provided sufficient information to be able to fully assess the proposal.
- 7.92 Policy 30 of the JCS sets out that on private sector developments of 15 or more dwellings in Market Towns, within Oundle, there is a requirement for 40% of the total dwellings to be affordable housing.
- 7.93 It continues at part e) to state that affordable housing will be provided on site unless the developer can demonstrate exceptional circumstances which necessitate provision on another site, or the local planning authority is satisfied that off-site delivery or an equivalent financial contribution for affordable housing will support urban regeneration and / or the creation of sustainable mixed and inclusive communities. The applicant has not demonstrated this, however Officers were in principle satisfied that the proposed extra care provision would meet an identified need within the district and considered this to be a suitable alternative subject to the relevant information being submitted as explained above.
- 7.94 The NPPF at paragraph 64 also allows for some exemptions when it comes to affordable housing and one of these is where specialist housing provision is proposed, such as this application. However, based on the lack of information provided, the applicant has failed to demonstrate that the proposal would comply with the relevant national and local planning policies and as such it is recommended that permission be refused for this reason.
- 7.95 Whilst not adopted and holding limited weight in the decision making process, the LP2 provides some draft policies in relation to extra care provision and this sets out that sites of 50 or more dwellings will be required to provide for the needs of older households and that this should take in to account the viability of the development.
- 7.96 Draft Policy EN30 sets out the criteria for extra care provision and should permission be granted then this could (subject to the progress of the LP2) all be taken in to consideration at the reserved matters stage.

Highway Safety and Parking

- 7.97 Local concern has been raised about the impact of the proposal on highway safety and parking (as summarised at 6.1 of this report).
- 7.98 The application is supported by a Transport Assessment which has been reviewed by the Local Highway Authority. The Transport Assessment makes the following key points:
- The proposed development site would be served through the continuation of St. Christopher's Drive into the site. St. Christopher's Drive serves the existing residential area to the north-west and is approximately 5.6m wide with 1.8m wide footways on either side. St. Christopher's Drive becomes Sutton Road to the north-west, with a number of side roads leading off these roads serving the existing residential area which comprises approximately 90 dwellings.
 - The nearest bus stop is approximately 800 metres away in the centre of Oundle in the market area.
 - Footpaths would be connected to the existing footpaths on St Christopher's Drive.
 - The site is within a reasonable walking distance of a number of facilities in Oundle.
 - The information confirms that there have been no recorded accidents along Ashton Road, Sutton Road or St. Christopher's Drive and that no vulnerable road users had been involved in any recorded incidents at the Ashton Road / East Road junction or any road in the periphery of the site.
 - The site would accommodate a bus stop and a loop road for a mini-bus service.
 - Pedestrian connections will be made to the Right of Way network and to Prince William School.
 - During the morning peak hour 33 car movements will be made and during the evening peak hour this will be 32, giving an average of one vehicle every two minutes. This will be 8 and 13 respectively for the proposed extra care facility, which is expected to have trip rates more associated with a business use rather than a residential use, so movements are likely to be the other way round to residents travelling to and from work.
 - For the year 2031 all of the assessed junctions were predicted to operate well within capacity for AM and PM peak hours without the addition of the proposed development traffic.
 - For the year 2031 all of the assessed junctions are predicted to operate well within capacity for AM and PM peak hours with the addition of the proposed development traffic.
 - The difference between 'with' and 'without' junction modelling outputs is minimal in terms of predicted queue lengths and RFC values (Ratio of Flow to Capacity).
 - There is a choice of travel modes available to future occupiers.
- 7.99 The Local Highway Authority (LHA) have requested that the proposed access be 6.5 metres wide to accommodate a bus route, but have stated that a 5.5 metre wide access would be suitable if the bus operator confirms that a bus could be accommodated. The applicant has contacted the relevant operator and they have replied with:

“The CallConnect service does not have specific specifications regarding road width to determine whether or not we can access a location. We have a number of stops created within our software, whether this be a physical bus stop or an identifiable landmark e.g. Church or Post office. These stops have all been assessed individually depending on their accessibility.

There is an additional service that CallConnect offers which is known as 'CallConnect Plus'. This is additional help for passengers who have mobility issues and therefore cannot access their closest designated stop. This is determined by a telephone application where we gather information regarding the passengers' disability as well as relevant benefits they receive for their disability. We also look into their location to establish if we can access their home address to park without obstructing traffic as well as ample room to turn the vehicle around. If we feel we do not have enough evidence then we can liaise with our drivers and arrange a visit within the area to assess and report back to us.

The CallConnect service is a flexible bus service however we would always ask a passenger to walk to their closest designated stop before going through this process. If we feel that we cannot meet a passengers needs then would advise them with available transport solutions, for example Voluntary car services, local to them”.

- 7.100 The CallConnect service no longer operates in Oundle and therefore any reserved matters application would need to ensure that a bus service could be accommodated within the site. However, this response demonstrates that there is not an outright objection to a mini bus accessing the site.
- 7.101 It would therefore appear that the proposed access would be acceptable based on this advice. The internal layout of the site is also a matter for later consideration and any reserved matters application would need to be accompanied by a swept path analysis to demonstrate that any internal road layouts could accommodate an appropriate bus route depending on the operator at that time. The LHA has been re-consulted on the proposal and Officers are awaiting their response. This will be reported on the update sheet.
- 7.102 The LHA and Officers are not supportive of the reliance on tandem parking. Any application which sought approval of the reserved matters would need to ensure that this point is addressed. Should permission be granted then an informative could be added to any decision notice advising the applicant of this. Comments have also been received suggesting that there is insufficient parking for the proposal. Any reserved matters application would need to ensure that the Northamptonshire Highways Parking Standards were complied with across the site.
- 7.103 Local residents have commented that the proposal would lead to congestion in the surrounding roads and that the surrounding roads do not cope well. However, the TA has assessed junction capacities within the area surrounding the site and all are considered to have sufficient capacity to accommodate the proposal without causing congestion or significant delay.
- 7.104 Concern has also been raised about there only being one vehicular access to the site and this causing problems for emergency vehicles. The LHA is satisfied that one access would be sufficient given that the development would not lead to over 200 dwellings being accessed off one road.

- 7.105 One resident has suggested that the access to the site is directly off the A605. As can be seen from the assessment above, the proposed access is considered suitable and therefore it is not necessary to suggest an alternative route in to the site.

Environmental Matters

Noise

- 7.106 The proposed development is adjacent the A605 Oundle bypass which is a national speed limit road. This is a source of noise which has the possibility of impacting on future residents. In order to mitigate this, the application proposes an acoustic barrier along the A605 to prevent any detrimental harm. The Council's Senior Environmental Protection Officer has verbally advised that this approach would be acceptable but has suggested that in order to prevent harm, properties should not be over two storeys in height behind the barrier.
- 7.107 The proposed acoustic barrier would be set behind existing vegetation along the edge of the A605 to screen it and would likely need to be a height of 3 metres and a minimum length of 250 metres. This detail can be demonstrated at the later reserved matters stage and could be conditioned, but it is considered that a layout can be achieved which prevents any detrimental harm to any future occupiers and would be visually acceptable. Any acoustic barrier would also need to be maintained to ensure it does not fail and this could also be conditioned.
- 7.108 In addition to this, the proposed indicative layout shows an area of open space between the A605 and the nearest dwelling, therefore setting houses back further away from the road (approximately 30 metres minimum distance).
- 7.109 It is also possible that the two storey properties could be located the closest to the eastern boundary with their rear elevations facing the road. It would also be possible to locate the proposed bungalows here as they would only be single storey in height and would be protected by the proposed acoustic barrier.
- 7.110 Whilst noise is not expected to cause any significant concerns, formal written comments from the Council's Senior Environmental Protection Officer have not been received regarding the revised indicative layout. These will therefore be reported on the update sheet.
- 7.111 Concerns have been raised about noise caused during construction. Should permission be granted then this could be controlled by conditioning a Construction Management Plan.

Air Quality

- 7.112 The Council's Environmental Protection Team has reviewed the submitted Air Quality Assessment and has no objection to the proposal subject to recommended conditions to cover dust minimisation during construction, vehicle parking during construction, mud deposition during the construction period and prevention of burning materials on site.
- 7.113 The Air Quality Assessment identifies that the proposed development would not cause any significant air quality effects, but has recommended some mitigation to reduce the impacts. These include the use of low NO_x boilers, the use of electric car charging points and the provision of cycling routes. These matters could either be secured by condition or covered at the reserved matters stage (as appropriate).

Contamination

- 7.114 No comments have been received to date from the Council's Environmental Protection Team and therefore this matter will be reported on the update sheet.

Flood Risk and Drainage

- 7.115 The application is accompanied by a Flood Risk Assessment and the proposal has been reviewed by the Lead Local Flood Authority (LLFA), Anglian Water and the Environment Agency.
- 7.116 The site is located in Flood Zone 1 and the proposal is classed as more vulnerable development. The Flood Risk Standing Advice demonstrates that this is compatible.
- 7.117 The Flood Risk Assessment concludes that:
- The site is located fully within flood zone 1 and our assessment has concluded that it is at low risk of flooding from all sources. There are no existing watercourses at the site.
 - There is an existing Anglian Water foul water pumping station at the north of the site and a 525 mm diameter public surface water sewer flowing west to east under the track at the north of the site. The proposed site levels design takes account of possible flooding from these existing drainage systems and direct flow away from vulnerable areas.
 - The proposed site surface water drainage design comprises a sustainable drainage system: attenuation basin with restricted outfall of 4.9 l/s into manhole 8951 of the 525 mm diameter Anglian Water surface water sewer at the north of the site.
 - In order to restrict the site runoff a 1,640 m³ attenuation basin is proposed, along with an attenuation tank with orifice outflow in the extra care home facility.
 - Total proposed foul outflow will be directed through the site by gravity and outfall in to the existing Anglian Water manhole 7900. This is immediately upstream of the existing pumping station.
- 7.118 The LLFA is satisfied that the proposed development would not lead to an unacceptable risk of surface water flooding and that the impacts of surface water drainage have been adequately addressed. It has recommended that a number of conditions should be attached to any planning permission that is granted.
- 7.119 The Environment Agency has not commented on the application as it does not meet any of their criteria for consultation. This is because it is a compatible development for the location in Flood Zone 1.
- 7.120 Anglian Water has identified that there is a pumping station within 15 metres of the development site and that any houses should be more than 15 metres away from this to prevent any noise nuisance. The applicant would have to demonstrate that this has been considered at any future reserved matters stage.
- 7.121 Anglian Water has confirmed that the foul drainage from this proposal is within the catchment of Oundle Water Recycling Centre, which has available capacity for the foul drainage associated with the proposal.

7.122 Anglian Water has identified that the proposed development would lead to an unacceptable risk of flooding downstream and have therefore recommended a number of informatives that could be added to a decision notice, should permission be granted, to ensure that the developer works with Anglian Water to put in place a number of measures to ensure that improvements are delivered. Conditions are also recommended.

Ecology

7.123 The submitted biodiversity survey concludes that the proposal would retain the ecological features of the highest value and would maintain a good connectivity to the wider landscape as well as habitat retention for wildlife on site.

7.124 Given the scale of the proposal it has been assessed that it would not cause any harm to any locally designated sites such as the Oundle Nature Improvement Area, the Upper Nene Valley Gravel Pits Special Protection Area or any Local Wildlife Sites.

7.125 The biodiversity survey identifies the broadleaved plantation woodland belt being dominated by sycamore, and the majority having been planted within the preceding 20 years, with some evidence of recent replacement planting. Mature sycamore on the northern edge of the wooded area pre-dated the plantation woodland and provided additional ecological value. The woodland forms a wildlife corridor, linking the small mature woodland fragments to the north and south west of the site and to the wider area including the River Nene to the south, and providing suitable foraging and nesting habitat for a range of local wildlife. This habitat is therefore considered to be a feature of moderate ecological value at the local scale. It is recommended that the woodland belt is retained and enhanced as part of the proposed development. This would need to be demonstrated as part of any application seeking approval of the reserved matters, but the applicant has indicated that this would be done.

7.126 Should planning permission be granted then a condition could be added to secure biodiversity enhancement / mitigation and should include the following:

- The development should incorporate native tree and shrub planting, including fruit and nut bearing species within areas of public open space or perimeter vegetation.
- New hedgerow planting should be incorporated where possible.
- Any grassland areas should consider native seed mixes.
- The creation of a continuous buffer of 10-15 metres wide along the retained woodland on the eastern and southern boundaries, to comprise native species shrub and tree planting.
- Ivy clearance from mature sycamore trees.
- Provide a range of bat boxes.
- Implementation of controlled lighting to maintain dark corridors.

7.127 Northamptonshire County Council's Ecological Advisor has been consulted with regards to the proposed development and has commented that the site appears to have quite low ecological value, but that the sycamore trees along the northern boundary do have low bat roost potential. The Ecological Advisor has recommended conditions for a Landscape and Ecological Management Plan should permission be granted.

Residential Amenity

- 7.128 This relates to matters of overlooking, overshadowing and overbearing impact. These matters will be considered in detail at the reserved matters stage of the planning process, but it is important as part of the outline application to consider whether the maximum number of houses proposed could fit on the site without adversely impacting on residential amenity. In order to assess this, an indicative layout has been submitted.
- 7.129 The indicative layout identifies that the nearest properties to the proposal would be those to the north western boundary on St Christopher's Drive and Rowell Way.
- 7.130 The proposed care home has been identified as being within the south west corner of the site and is therefore likely to have the greatest impact on residential amenity being at a maximum of four storeys in height. The indicative plans demonstrate that the extra care facility could be located approximately 35 metres away from the nearest residential properties and this distance is considered to be sufficient. However, any layout plans would also need to be submitted to demonstrate what would be done to minimise the impact on these nearby properties. For example, room locations and breaking the building height up.
- 7.131 The nearest distance to a property by a proposed dwelling is 2.5 metres side to side. Depending on the location of this dwelling's windows, this distance could be acceptable as this would be a satisfactory distance between two detached properties on the same residential street, for example.
- 7.132 Back to back distances between properties on Rowell Way and the application site are shown as approximately 20 metres. Again this demonstrates that the proposed development could be accommodated within the site without impacting on the amenity of adjacent properties.
- 7.133 Overall, the applicant has demonstrated that a proposed layout could be accommodated that would prevent any detrimental harm to the occupiers of nearby properties by reasons of overlooking, overshadowing or overbearing impact.

Landscaping / Arboricultural Implications / Open Space

- 7.134 Approval of the landscaping is not being sought at this stage in the process and this would be subject to review at the reserved matters stage. The level of open space provision is addressed later in this report under the S106 Obligations section.
- 7.135 The proposal does not result in the loss of any sports facilities, but there is a requirement for the proposal to contribute towards existing facilities or provide these on site. The Town Council has been contacted to provide details of any sports facilities which would justify a contribution towards the improvement of them as a result of the proposal. The Town Council has not responded to this request at the time of writing this report and therefore should any information be received between the completion of the report and the committee meeting then this will be reported on the update sheet.
- 7.136 The Council's Senior Tree and Landscape Officer has no objection to the proposal but has suggested that more details are submitted at the reserved matters stage.
- 7.137 Comments have been received about the lack of land for leisure within the town. Any reserved matters application would have to demonstrate a suitable level of open space in accordance with any Section 106 Agreement. The amount required is provided below (Appendix 1) and the applicant has stated in their Open Space Assessment that

the site identifies, based on the indicative layout, an area of approximately 1.468 Hectares of open space across the site, which would be sufficient.

Archaeology

- 7.138 The archaeological evaluation confirms that the western part of the site has been subject to quarrying, the north eastern part contains evidence for Iron Age activity. On the opposite side of the A605 are extensive crop marks indicative of Iron Age settlement remains and the results of the evaluation would suggest that this site forms part of that settlement.
- 7.139 On this basis, the County Council's Archaeological Advisor has stated that a programme of mitigation in the form of a small open area excavation is required to address the impact of the proposals on the archaeological remains present. This can be secured by condition should permission be granted.

S106 Obligations

- 7.140 The following developer contributions have been sought:

Developer Contributions				
	1 bed (per dwelling)	2 bed (per dwelling)	3 bed (per dwelling)	4 bed (per dwelling)
Education				
Early Years	N/A	£3724	£3972	£4220
Primary	N/A	£1614	£3972	£4592
Secondary	N/A	£1170	£4600	£5941
Libraries	£109	£176	£239	£270
Fire hydrants	4 in total across the proposed development (to be conditioned).			
Affordable Housing	The transfer of land for provision of extra care housing is proposed instead of providing the 40% affordable housing.			
Self Built Plots	5% of the plots to be available as self build plots.			
Open Space	A total of 7827sq.m to be provided on site, including 280sq.m of children and young people space which should include a minimum of a LEAP and a LAP. The S106 Agreement would need to make provision for maintenance of open space, whether that be by way of a management company, or a financial contribution in the event that the open space is transferred to the Town Council.			

Highways	£1000 per dwelling to develop a bus service within Oundle. This contribution would be for a fixed-route mini bus town service.
	A loop road to be provided within the site giving all residents access to a bus service within 400 metres of their home.
	One bus stop pole with a raised boarder and shelter.
	A 28 day mega rider bus ticket for each household, available as part of a welcome pack upon first occupation. Similar provision would be required for all staff working at the on-site care home when it opens.
Healthcare	£34,855

- 7.141 The applicant has not formally agreed the final figures, but has agreed to the Heads of Terms listed above.

Crime / Fire and Rescue

- 7.142 Northamptonshire Police do not object to the principle of developing this site but have suggested some design guidance which should be followed when an application is submitted seeking approval of the reserved matters. It will be up to the applicant to demonstrate at that stage that crime will not be an issue associated with the development. Northamptonshire Police would be consulted again at the later stage in the planning application process, but the applicant is advised to address the comments of Northamptonshire Police in any future planning application should planning permission be granted.
- 7.143 Northamptonshire Fire and Rescue has not commented on the application.

Rights of Way

- 7.144 There is a Right of Way, Bridleway UF6, which is located to the north of the site. The Ramblers Association has commented that it is welcomed that the proposal would add another access to it for pedestrians and cyclists. They have stated that the Right of Way should be left in its natural condition and not Tarmacadamed, but have no objection to it being tidied and trimmed back to improve access and use. This is supported by Officers.
- 7.145 Details of how the Right of Way would be improved would need to be submitted as part of any application seeking approval of the reserved matters. It is a requirement that the Right of Way is improved to make this a welcoming feature for pedestrians entering the site and full details of how this will be achieved should be submitted as part of any landscaping plan. A condition could be added to any permission granted to request specific details of the improvements should it be considered necessary.

Waste

- 7.146 Any application seeking approval of the reserved matters would need to demonstrate that a waste collection vehicle can travel around the site as well as bin collection points for shared drives. Any plans would need to identify the extent of the adopted highway so that a full assessment can be made. This is not a matter for consideration at this stage.

- 7.147 Northamptonshire County Council has advised that the proposed site is located within a sand and gravel Minerals Safeguarding Area and that the applicant should submit a Minerals Resource Assessment. Officers have sought confirmation about when this should be submitted and the County Council has advised that this can be submitted at the reserved matters stage.

Health Impact Assessment

- 7.148 Paragraph 91 of the NFFP states planning policies and decision should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable and support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds. In addition a contribution is sought towards healthcare services.

8 Other Matters

- 8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.2 Sustainable Construction: The Sustainability and Energy Statement demonstrates that the design of the scheme has taken into account the need to minimise the use of resources and creation of waste. A condition could be added to any permission granted to ensure water use is limited to that specified by JCS Policy 9.
- 8.3 Loss of Agricultural Land: Concern has been raised about the loss of the agricultural land (Grade 2) on this site. Whilst this is a valid concern, the loss of the agricultural land is outweighed by the need for housing in Oundle to address future predicted growth and there are no alternative sites within the Town on brownfield land that could accommodate the proposed housing numbers in order to meet Oundle's housing requirement.
- 8.4 Consultation Process: This has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and all relevant consultations have been carried out.
- 8.5 Other Uses for the Site: It has been suggested that the site would be better used to extend the school. Officers have to form a recommendation based on the proposal that is before them, not what a site could be used for.
- 8.6 Developer Intentions: Residents have commented on the intentions of the developer. This is not material to the determination of the application. Comments have also been received suggesting that the developer is not offering any benefits to the Town. As set out in paragraph 7.141 above the developer has agreed Head of Terms for a number of planning obligations required to mitigate the impacts of the development. These obligations meet the tests set out in paragraph 56 of the NPPF being that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related In scale and kind to the development. Obligations which do not meet the tests could be subject to challenge or accusation that the developer is seeking to 'buy' a permission by offering incentives. This would not be acceptable in any case, therefore comments that the developer should provide benefits over and above those needed to mitigate the impacts of the development are not relevant to the determination of this application.

8.7 Deferral of Application: It has been requested that the application be deferred pending the outcome of the Neighbourhood Plan examination that took place on 29th October 2019. However, noting the Local Planning Authority's statutory duty to determine the application within a specified time period, officers strongly advise that a decision is made on this application to prevent an appeal against non-determination. There is a clear reason to issue a decision on this application and causing delay is considered to be unnecessary.

8.8 Loss of Private Views: This is not a material consideration.

9 Conclusion / Planning Balance

9.1 The principle of developing the site for housing and an extra care facility is considered to be acceptable and would not be premature and undermine the plan-making process for the reasons set out in this report.

9.2 Matters of design, highway impacts, impact on neighbours, noise, air quality and ecology have all been satisfactorily addressed.

9.3 The only matter which has not been satisfactorily addressed is that of how the extra care provision will be secured and whether it is a viable alternative to the requirement for 40% of the proposed housing on the site to be affordable housing. The applicant has failed to provide any information which gives the Council any confidence that the extra care provision would be brought forward. The method proposed – simply transferring the land – would present a risk to the Council that would be unacceptable. In addition to this, no viability information has been submitted to demonstrate whether there would be a difference in costs between providing affordable housing on the site or providing the extra care provision. On this basis it cannot be established if the extra care provision is a fair replacement for a district need of affordable housing. The principle of having an extra care facility has been considered as acceptable on the site, but it would not be sufficient to approve permission with so much risk associated with the current scheme. As such it is recommended that permission be refused.

10 Recommendation

10.1 That planning permission is refused for the following reason(s):

11 Reasons

- 1 The applicant has failed to demonstrate that the proposed extra care provision would be a suitable alternative to the provision of affordable housing across the site and as such the proposal fails to comply with the requirements of the National Planning Policy Framework and Policy 30 d) and e) of the North Northamptonshire Joint Core Strategy.

Appendix 1: Developer Contribution Schedule

	Developer contributions set out in SPD/requested by consultees	Proposed by applicant	Agreed Heads of Terms
1	<u>Early Years</u> Request by NCC 1 bed - £0 2 bed - £3724 3 bed - £3972 4 + bed - £4220	As requested	As per request. A total figure is not available at this stage as the exact mix is not known.
2	<u>Primary Education</u> Request by NCC 1 bed - £0 2 bed - £1614 3 bed - £3972 4+ bed - £4592	As requested	As per request. A total figure is not available at this stage as the exact mix is not known.
3	<u>Secondary Education</u> Request by NCC 1 bed - £0 2 bed - £1170 3 bed - £4600 4+ bed - £5941	As requested	As per request. A total figure is not available at this stage as the exact mix is not known.
4	<u>Library</u> Request by NCC 1 bed - £109 2 bed - £176 3 bed - £239 4 + bed - £270	As requested	As per request. A total figure is not available at this stage as the exact mix is not known.
5	<u>Affordable Housing</u> Extra care provision in lieu of affordable housing.	As requested	Not agreed as it has not been demonstrated that this can be secured or that the provision is equivalent.

6	<p><u>Open Space</u></p> <p>Open Space SPD sets a requirement for:</p> <ul style="list-style-type: none"> - Amenity Greenspace: 0.112ha (1120sqm) - Parks and Gardens: 0.0967ha (967sqm) - Natural and Semi-Natural: 0.509ha (509sqm) - Allotments: 0.037ha (307sqm) - Children and Young People: 0.028ha (280sqm) <p>Total open space requirement – 7827sqm including a minimum of 1 x LEAP and 1 x LAP.</p> <ul style="list-style-type: none"> - Ongoing maintenance of all public open space / play areas 	As requested with the exception that childrens' play provision is being discussed	As requested with the exception that childrens' play provision is being discussed
7	<p><u>Health (GP Premises Development)</u></p> <p>Request by NHS</p> <p>£34,855</p>	As requested	As per request
8	<p><u>Transport</u></p> <p>£1000 per dwelling.</p> <p>A 28 day mega rider per dwelling upon occupation.</p> <p>A 28 day mega rider per member of staff upon use of the extra care provision.</p>	As requested.	As per request.
9	<p><u>Custom Build Housing</u></p>	5% of all plots	As per request.

Note – contributions may be indexed linked, therefore actual sums required may vary.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 185</p>	<div style="background-color: black; width: 100%; height: 100%; min-height: 400px;"></div>	
<p>19/01355/OUT</p> <p>Page 67</p>	<p>Land Between St Christopher's Drive and A605 Oundle Bypass, Oundle, Northamptonshire</p> <p><u>Update</u></p> <p><u>Updated recommendation</u></p> <p>Recommendation: That the application be deferred to a subsequent meeting of the Planning</p>	<p>REFUSE</p>

Management Committee to allow Officers time to consider additional information received about securing the provision of the extra care facility as well as information to address public transport matters.

In order to defer the application the applicant has agreed to an extension of time until 20th January 2020.

This recommendation is based on additional information received from the applicant and their solicitor following the publication of the committee report (information attached at Appendix 5, 6 and 7). The information sets out how the applicant proposes to secure the provision of the extra care facility through the use of a Section 106 Agreement. However, Officers have not had sufficient time to consider this information in detail and it is their view that some further information is still required. Further legal advice has been sought and the advice given is that the application should be deferred to allow the submitted information to be fully considered. The legal advice is clear that in the opinion of the QC, the deferral of the St Christopher's Drive application does not preclude consideration of the Cotterstock Road application.

Further letters from local residents can be summarised as:

- There are too many houses.
- Traffic issues.
- Oundle will no longer remain a small market town.
- Oundle is overcrowded and lacks adequate facilities in many ways.
- The drainage system would not cope with the development.
- Traffic along Ashton Road is already congested.
- The proposed care facility would block out light from houses and gardens.
- Overlooking.
- Extra care facility is out of scale with its surroundings.
- The extra care facility would impact on solar panels on existing roofs.
- Loss of property value.
- Loss of amenity due to traffic associated with the extra care facility.
- Structural damage caused to existing properties during the construction phase.
- The extra care facility should be re-located.

Northamptonshire Highways:

Comments received on 13.11.2019

"Thank you for sending us the application plans on the above proposal as the Local Highway Authority

UPDATE REPORT: PLANNING MANAGEMENT COMMITTEE – 13th November 2019

(LHA) and I would like to confirm the following observations:

- We requires the applicant to receive written confirmation from The Northamptonshire Fire and Rescue service stating that the proposed development would be accessible with a fire appliance.
- With regards to the internal road layout, whilst the detail does not form part of this application, please consider that the LHA would require;
- Many of the visitor parking spaces should be reconfigured to parallel parking spaces as the LHA would query the ability to enter and exit these spaces whilst other vehicles are parked.
- Tandem parking spaces should be minimised where possible and the LHA would not allow for triple tandem parking spaces as this creates unwanted, additional conflicts.
- In accordance with the NCC Parking Standards Documents Dated September 2016, parking spaces between structures should be a minimum of 3.3 metres wide to allow for pedestrians to traverse alongside to either; pass by or enter their vehicle.
- The proposed shared surface to the south of the development would need to be a minimum 6.5 metre wide road with 2 metres strips either side as the LHA does not allow the use of shared surfaces as through roads.
- The turning stub to the end of the first road on the right upon entering from ST Christopher's Drive should be reconfigured to form a corner with the correct 25 metre visibility as the LHA does not agree with the unnecessary adoptable sections of road (in accordance with the LHA Standing Advice Documents Dated June 2016).
- Before any comments can be made on the care facility we will require further information to allow us to make an informed decision.
- As per the discussion with Northamptonshire Bus and Rail team, the public transport requirements for this site are as follows:
- A contribution of £1,000 per dwelling which would be used to develop a town bus service within Oundle. As the Transport Assessment states, bus service X4 operates half-hourly from the centre of Oundle to Peterborough, Corby, Kettering, Wellingborough and Northampton. A town bus service would provide connections into this service in addition to catering for journeys within Oundle.
- The Transport Assessment refers to providing funding for the CallConnect demand responsive service. However this ceased serving Oundle at the beginning of September and therefore the bus service contribution would be for a fixed-route minibus town service.
- The Transport Assessment refers to there being one access point to the Site from St. Christopher's Drive. This access would need to be suitable for minibus operation, as would the rectangular loop road shown on the Proposed Planning Layout.
- Provision would be required for one bus stop pole with a raised boarder and shelter, at the location shown on the Proposed Planning Layout
- One voucher per household providing free travel on a town bus service for a period of 28 days. Similar provision would be required for all staff working at the on-site care home when it opens.

The application site is not affected by a Public Right of Way.

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

Officer response: Confirmation from Northamptonshire Fire and Rescue has been received. All other matters would be addressed at the reserved matters stage or would be covered by a S106 Agreement.

Further comments received on 13.11.2019:

“Thank you for your e-mail below, and subsequent telephone conversation. Given the agreement by our bus & rail colleagues regarding the proposals for a Town mini-bus service, I am therefore content that the development could be served by public transport. This is subject to the provision of a bus stop with shelter etc. and S106 obligation being secured from this development of £130,000 towards the mini-bus service (to be pooled with other contributions)”.

Further clarification has been received that this should in fact state £1000 per unit rather than £130,000. This is because the scheme is ‘up to’.

Northamptonshire Fire and Rescue:

Comments received on 12.11.2019

“Thank you for the plans, below I have set out specific requirements from our pre-planning guide which, once met, would satisfy the development from our point of view:

- Access should be provided to within 45m of all points of the dwelling houses.
- The minimum width between kerbs should be a minimum of 3.7m, including the dead end access roads to some of the houses.
- All roads should have a minimum weight capacity of 17 Tonnes, including the dead end access roads to some of the houses.
- Sufficient number of hydrants are provided.

I am unable to size the plans but, on the basis of what I can see, these plans would meet our requirements subject to the points raised above”.

Officer response: These matters can be factored in to the layout of the proposed scheme at the reserved

matters stage. A condition is recommended in the committee report to secure the required number of fire hydrants.

East Northamptonshire Council – Environmental Protection (Noise)

Comments received on 11.11.2019:

“I have now considered the amended noise report and proposed layout for this application for up to 65 dwellings and an extra care unit. Further to discussions with the applicant the new layout has relocated the extra care unit to the western side of the site. As would be expected the site is significantly impacted by traffic noise from the busy A605 which is aligned with the whole length of the eastern boundary of the site.

The acoustic consultant has carried out a background sound survey which reports a daytime sound level of 73dBLAeq and 64dBLAeq at night time near to the A605. To mitigate against noise from the A605 the acoustic consultant has suggested that a 3 metre high acoustic barrier be installed along the boundary with the A605 and returned at the extremities to reduce flanking noise. The predicted noise levels have been modelled with the inclusion of the acoustic barrier with the new indicative layout. These contour plans can be found in Appendix D of the report. As would be expected noise levels reduce with distance.

The modelled noise levels make it quite clear to see that noise levels drop with distance from the road. The acoustic consultant has listed a number of acoustic design features to mitigate against noise. However, the best way to mitigate against traffic noise is to remove dwellings as far as is reasonably possible from the road. This has been achieved to some extent but there are a number of proposed dwellings that would be exposed to unacceptable levels of traffic noise both internally and in gardens.

Noise levels in external areas are predicted to be between 45 and 60dBLAeq even with the noise barrier in place. The WHO guidelines state to prevent the majority of people being seriously annoyed during the daytime the sound level in outdoor areas should not exceed 55dBLAeq for steady continuous noise such as traffic noise. Furthermore, to protect the majority of people being moderately annoyed then noise levels should not exceed 50dBLAeq. These levels are mirrored in BS8233. A number of gardens exceed these levels.

The acoustic consultant has as suggested these levels can be relaxed as per comments in BS8233. This states that in locations where the guideline values cannot be achieved they can be relaxed by up to 5dB where development might be desirable. For example in higher noise areas, such as city centres and urban areas adjoining the strategic transport network where development is desirable. This site does not meet that criteria and as such the lower limit of 50dBLAeq should be applied. This cannot be accommodated within the proposed indicative layout. However, by good acoustic design it can and would suggest that if

the planning application is permitted then a condition to this effect should be applied. The following may suit.

Noise levels in any outdoor area within the curtilage of an individual dwelling shall not exceed 50dBLAeq(T) when measured as a 16 hour LAeq during the hours of 07.00 to 23.00 and an 8 hour LAeq between the hours of 23.00 to 07.00.

Reason:

With respect to internal noise levels an element of good acoustic design has been incorporated into the proposed indicative layout. A number of dwellings are orientated so the gable end faces the A605 and relocation of the surface water retention pond. However, the mitigation mainly relies on the building envelope. It is imperative that good acoustic design is considered at an early stage in the design and layout of a site adversely impacted by noise.

The indicative layout has a number of dwellings that will suffer significant adverse impact by traffic noise. To a lesser extent with distance from the A605 there are a number of dwellings that are not adversely impacted by traffic noise. Proposed dwellings closest to the A605 will not be able to have windows open in sensitive rooms such as living rooms and bedrooms to meet the internal criteria stated in recognised guidance (BS8223, WHO, etc). Some dwellings have south facing facades and may experience high levels of thermal gain. It would not be reasonable for the planning authority to accept a scheme that requires windows to be kept closed where windows will need to be opened to prevent over heating.

These design and layout matters can be investigated further and I am confident that residential development can be made to work at the site. However, at any reserved matters application the applicant should consider good acoustic design at an early stage. They may have to accept that parts of the site closest to the A605 are not suitable for residential development due to the high levels of traffic noise.

If you are minded to grant planning permission for residential development at the site please place the following condition on the permission if granted.

Noise barriers

Prior to the commencement of development a detailed scheme for the location, design and construction of noise barriers shall be submitted to and approved by the Local Planning Authority. Details shall include but not limited to the acoustic properties of the barrier and the proposed level of mitigation it shall provide. The approved scheme shall be implemented prior to commencement of the development and retained thereafter in perpetuity. The barrier shall be maintained in a satisfactory state of repair to ensure to efficient operation.

Reason: In the interest of residential amenity

Noise assessment for reserved matters application

Any future reserved matters application for buildings on the site shall include a noise assessment together with mitigation measures which shall be implemented in accordance with an agreed programme.

Reason: To assess and minimise the detrimental impact on adjoining occupiers”.

Given that this is a matter that could be addressed at the reserved matters stage and the proposal is for up to 65 dwellings, this would not be a reason to refuse planning permission. It would be up to the applicant to demonstrate at the reserved matters stage that noise was not a cause for concern.

Cambridge and Peterborough CCG – Revised comments received on 31.10.2019. The revised comments confirm the current capacity situation.

Oundle Town Council:

Further comments received on 07.11.2019

“Land between St Christopher’s Drive and the A605: the original application was considered by OTC on the 3rd September 2019 and was objected to. The council has considered the new application but continues to object and repeats all previous objections. OTC objects to the proposed four storey care facility and its proposed location within the development site. The proposed facility building is out of scale to the surrounding – and proposed – residential development and would have the effect of dominating them. The level of parking space provided for the care facility – one space for 3 properties – is wholly inadequate and the additional traffic movements generated by the residential development and care facility combined would potentially overwhelm the inadequate site access. OTC notes that the site is not allocated for development in the existing local plan and urges that no application should be granted prior to 2021 and the adoption of a new local plan and Oundle Neighbourhood Plan on the basis that such an application would be premature and the development is not required in the current plan period”.

Northamptonshire County Council – Lead Local Flood Authority:

Revised comments received on 05.11.2019:

“Thank you for consulting us on the above planning application.

Having reviewed the submitted surface water drainage information located within:

1) Flood Risk Assessment ref AMA752 rev A dated October 2019 prepared by Infrastructure Design Ltd

We consider that if the following planning conditions are included as set out below, the impacts of surface

water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of flooding

Condition

Before any above ground works commence a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include

- i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures.
- ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
- iv) BRE 365 infiltration test results.
- v) Detailed scheme for the ownership and scheduled maintenance for every element of the surface water drainage system.
- vi) Confirmation of site specific soil conditions.

Reason

To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

Condition

All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment ref AMA752 rev A dated October 2019 prepared by Infrastructure Design Ltd and shall be accompanied by a compliance statement with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.

Reason

In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory

means of surface water attenuation and discharge from the site.

Condition

No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment ref AMA752 rev A dated October 2019 prepared by Infrastructure Design Ltd has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) Confirmation that the system is free from defects, damage and foreign objects
- f) Confirmation of adoption or maintenance agreement for all SuDS elements as detailed within the drainage strategy is in place

Reason

To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

Informative

Details will be required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.

The maintenance scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used.

A site plan including access points, maintenance access easements and outfalls.

Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

Details of expected design life of all assets with a schedule of when replacement assets may be required".

Officer Comment: The above comment supersedes an earlier comment from the LLFA. The conditions and informatives recommended are considered reasonable by officers.

Other matters

ONP Examination: A copy of the legal opinion from both applicants is attached to this update sheet at Appendix 1. This sets out the view of Gladmans and Persimmon regarding the 'legal flaws' with the ONP. This is relevant to paragraph 7.45 on page 92 of the committee report and the subsequent view of Officers that reduced weight should be applied to the ONP.

Correction to Committee Report / Error in Planning Policy Committee Minutes (meeting on 29th July 2019): A letter from Oundle Town Council was received by East Northamptonshire Council's Chief Executive on 8th November 2019 alleging that the minutes of the Planning Policy Committee (PPC) meeting of 29th July 2019 are incorrect. The letter states that the resolution which was put to the meeting and passed was:

The proposed housing site allocations for Oundle, as set out in Policies 24-27 of the draft East Northamptonshire Local Plan be deferred until the outcome of the examination of the Oundle Neighbourhood Plan is known. For Oundle as set out in the draft East Northamptonshire Local Plan.

However, contrary to this, the approved minutes are worded differently (minutes attached at Appendix 2) and as such, it could be read that the proposed Oundle site allocations in the draft Local Plan Part 2 were endorsed by the Committee.

This is of particular relevance, as your Committee report for the St Christopher's Drive planning application refers to the minutes at paragraph 7.21.

Following an investigation, East Northamptonshire Council's Democratic and Electoral Services Manager has issued a letter (attached at Appendix 3) confirming a clerical error in the approved minutes and enclosing a revised set of minutes (attached at Appendix 4), which are to be presented to the PPC at a forthcoming meeting for consideration and approval.

It has been further queried by the Mayor of Oundle Town Council why the proposed revised minutes at Appendix 4 do not reflect the actual wording of the resolution as read out to the Committee. However, for the purposes of determining this planning application, it is clear that contrary to paragraph 7.21 of your Committee report, the Oundle site allocations were not endorsed by the PPC and were in fact deferred.

This does not alter your officer's recommendation on the planning application, as it was not a determinative factor and it is recognised that the Local Plan Part 2 is not at an advanced stage and little weight can be afforded to it.

Officers have sought the advice of a QC to clarify whether in light of the clerical error in the PPC minutes,

this alters the legal advice on which the Principle and Prematurity sections of the Committee report were based. The legal opinion is that the true nature of the Members' resolution made at the PPC on the 29th July 2019 does not make any difference to the issue of prematurity and that the officer view with respect to the weight to be afforded to emerging Local Plan Part 2 policy as expressed in the Committee report is perfectly reasonable. As such, Officers are content that the application can be determined, noting the correction to the Committee report as follows (new text underlined, deleted text struck-through):

7.21 The proposed LP2 housing site allocations at Oundle have been subject to both internal and external, independent, site assessments and have been subject to public consultation (2nd November 2018 – 18th February 2019). The ~~draft Oundle site allocations were endorsed by the Planning Policy Committee at its meeting held on 29th July 2019. At that meeting, the Committee also resolved to defer consideration of the~~ Oundle housing site allocations ~~officer responses to the representations (as set out in Appendices 3 and 4 of the relevant report to the Planning Policy Committee)~~ until the outcome of the Examination of the Oundle Neighbourhood Plan is known. The weight to be given to the emerging LP2 is discussed in paragraphs 7.42.

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Appendix 1

Oundle Neighbourhood Plan

OPINION

1. This Opinion has been requested by [REDACTED] ('the Examiner') the independent examiner of the Oundle Neighbourhood Plan ('the ONP') following a hearing on 29 October 2019.
2. At that hearing a number of fundamental legal flaws were raised which render the ONP unlawful and contrary to the basic conditions, both of which would prevent the ONP from progressing. The Examiner requested that an Opinion be produced for the benefit of the Neighbourhood Plan Examination.
3. [REDACTED] is instructed by Persimmon, [REDACTED] is instructed by Gladman. This Opinion, as part of the Neighbourhood Plan Examination library, is public.
4. This Opinion will set out why the Plan is unlawful and cannot progress any further. In summary this is for the following reasons:
 - The amendments made to the Plan after the Regulation 14 consultation process were material amendments which changed the nature of the Plan. This required the Town Council to carry out a further Regulation 14 consultation and consult statutory consultees.
 - By failing to do the Town Council circumvented the legal requirements as to consultation, and undermined the statutory purpose of the Consultation Statement. This was also contrary to the Planning Policy Guidance on Neighbourhood Plans.

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- The SA procedure was legally flawed and the conclusions reached were not based on the evidence before the Town Council. In some cases the conclusions reached were directly contrary to objective evidence before the Town Council.

Introductory Matters

5. The factual background will be well known to the Examiner and we will not repeat matters which are set out in detail in our Regulation 16 Statements. However for ease of reference it is worth setting out the facts that are particularly relevant to this Opinion.
6. On 22 March 2018 Oundle Town Council ('the Town Council') published a Regulation 14 version of their Neighbourhood Plan ('the Reg 14 Draft Plan). The Reg 14 Draft Plan allocated a number of sites for development. These included Land East of St Christopher's Drive (a Persimmon site), and Land East of Cotterstock Road (a Gladman site).
7. In May 2019 the Town Council published their Sustainability Appraisal Report ('the SA') in support of the neighbourhood plan.
8. Under Section 9 'Next Steps' the Report set out that:

This SA Report will be consulted on with the public and the statutory consultees. A copy of the Neighbourhood Plan will be made available on the Town Council's website during the SA Report consultation.

Following consultation, comments received will be reviewed and any necessary changes made to the Neighbourhood Plan and SA Report.

The Oundle Neighbourhood Plan will then be submitted to East Northamptonshire District Council.

9. We are instructed that this further consultation was not carried out. Instead in May 2019 the Town Council submitted their Reg 15 version of the Plan ('the ONP'). to East Northamptonshire District Council ('ENC').

10. A number of modifications had been made between the Reg 14 Draft Plan and the ONP:

- Deletion of Land East of Cotterstock Road as a housing allocation;
- Deletion of Land East of St Christopher's Drive as a housing allocation;
- Increase in capacity of Land South of Herne Road from 45 units to 120 units;
- Identification of important views on the policies map;
- Amendments to the settlement boundary.

Legal Principles

11. The process for bringing forward a Neighbourhood Plan is primarily set out in Schedule 4B of the Town and Country Planning Act 1990 ('the 1990 Act'), and Part 5 of the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regs').

i) Basic Conditions

12. Para 8 (2) of Schedule 4B of the 1990 Act sets out the basic conditions that a Plan must meet to progress to referendum:

A draft order meets the basic conditions if—

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*
- (d) the making of the order contributes to the achievement of sustainable development,*

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- (e) *the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
- (f) *the making of the order does not breach, and is otherwise compatible with, EU obligations, and*
- (g) *prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*

ii) *Consultation Requirements*

13. Para 4 of Schedule 4B of the 1990 Act sets out the principles for consultation that are then applied in Regulation 14 of the 2012 Regs. At para 4 (3) it sets out:

“The power to make regulations under this paragraph must be exercised to secure that:

- (a) *prescribed requirements as to consultation with and participation by the public must be complied with before a proposal for a neighbourhood development order may be submitted to a local planning authority, and*
- (b) *a statement containing the following information in relation to that consultation and participation must accompany the proposal submitted to the authority—*
 - i. *details of those consulted,*
 - ii. *a summary of the main issues raised, and*
 - iii. *any other information of a prescribed description.”*

Emphasis Added

14. Regulation 14 of the 2012 Regs then sets out the pre-submission consultation and publicity requirements:

Before submitting a plan proposal [or a modification proposal]1 to the local planning authority, a qualifying body must—

- (a) *publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—*
 - (i) *details of the proposals for a neighbourhood development plan or modification proposal*

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(ii) details of where and when the proposals for a neighbourhood development plan or modification proposal may be inspected;

(iii) details of how to make representations; [...]

(iv) the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised; [and]

(v) in relation to a modification proposal, a statement setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion;

(b) consult any consultation body referred to in paragraph 1 of Schedule 1 whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development plan [or modification proposal]; and

(c) send a copy of the proposals for a neighbourhood development plan [or modification proposal] to the local planning authority.

15. The references to ‘modification proposal’ were introduced into Regulation 14 by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017. The reference relates to modifications made to a made Plan after referendum under Schedule A2 of the Planning and Compulsory Purchase Act 2004 (‘the 2004 Act’). That procedure has no relevance to amendments made prior to the making of a Plan, and no relevance to this Opinion.

16. Regulation 14 (b) makes reference to consultation bodies referred to in paragraph 1 of Schedule 1. This paragraph sets out all the relevant consultation bodies for a neighbourhood plan. The list includes – the Local Planning Authority, Natural England, the Environment Agency, English Heritage, the sewerage undertaker, the water undertaker, the strategic highway authority etc.

17. The Planning Policy Guidance for Neighbourhood Plans (‘the PPG’) gives advice at paragraph 49 as to the pre-submission consultation:

At what stage does the pre-submission consultation take place on a draft neighbourhood plan or Order?

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Before the formal pre-submission consultation takes place a qualifying body should be satisfied that it has a complete draft neighbourhood plan or Order. It is not appropriate to consult on individual policies for example. Where options have been considered as part of the neighbourhood planning process earlier engagement should be used to narrow and refine options. The document that is consulted on at the pre-submission stage should contain only the preferred approach.

Paragraph: 049 Reference ID: 41-049-20140306

Emphasis Added

18. Regulation 15 of the 2012 Regs sets out the documents that must accompany a submitted Plan. These include a basic condition statement, and also a consultation statement which is defined at Regulation 15(2) as:

In this regulation “consultation statement” means a document which—

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified;*
- (b) explains how they were consulted;*
- (c) summarises the main issues and concerns raised by the persons consulted; and*
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified.*

19. Regulation 16 of the 2012 Regs sets out the consultation process that must be carried out by the local authority after the plan proposal is submitted:

As soon as possible after receiving a plan proposal [or a modification proposal] which includes each of the documents referred to in regulation 15(1), a local planning authority must—

- (a) publicise the following on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area—*
 - (i) details of the plan proposal [or the modification proposal];*
 - (ii) details of where and when the plan proposal or the modification proposal may be inspected;*

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(iii) details of how to make representations;

(iv) [in the case of a plan proposal,] a statement that any representations may include a request to be notified of the local planning authority's decision under regulation 19 in relation to the neighbourhood development plan; and

(v) the date by which those representations must be received, being not less than 6 weeks from the date on which the plan proposal or the modification proposal is first publicised; and

(b) notify any consultation body which is referred to in the consultation statement submitted in accordance with regulation 15, that the plan proposal or the modification proposal has been received.

iii) SEA Directive: General Principles

20. For the ONP to be found in conformity with basic condition (f), it is incumbent on the relevant bodies to ensure that the ONP is able to meet the legal requirements for SEA as set out in the SEA Directive.
21. The purpose of the Directive is to provide a high level of environmental protection by incorporating environmental considerations into the process of preparing plans and programmes. The SEA Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”).
22. Neighbourhood plans are land use plans whose existence is provided for by legislation and which set the framework for the future development consent of projects. Therefore they fall within regulation 5(4) of the SEA Regulations. Where it is considered that a neighbourhood plan is likely to have a significant impact on the environment, as here, it is required to undergo SEA (or SA incorporating SEA as is the case here).
23. Article 4(1) of the Directive requires that the SEA and the opinions expressed by the relevant authorities and the public, (as well as the results of any transboundary consultation where relevant), are taken into account during the preparation of the plan and before its adoption or submission to the relevant legislative procedure. Here, in

addition to the requirement to satisfy the basic conditions, the trigger point to ensure that the SEA Directive has been complied with would be the submission to ENC for a referendum to be held on the ONP. Of course, if the neighbourhood plan satisfied basic condition (f) it would also be in compliance with the SEA Directive so in reality there is only one point at which compliance with the SEA Directive needs to be considered (the basic conditions stage).

iv) *Consultation on SEA*

24. Article 6(2) provides that consultees “*shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan... and the accompanying Sustainability Appraisal*”. Accordingly, it is clear that consultation is not a matter that can simply be addressed through a tick-box exercise, it must be a genuine opportunity for responses from consultees to influence both the plan and the SA through the plan-making process.

25. Article 6 is reflected in reg. 13 of the SEA Regulations. This provides (so far as relevant):

“13.— Consultation procedures

(1) Every draft plan or programme for which an environmental report has been prepared in accordance with regulation 12 and its accompanying environmental report (“the relevant documents”) shall be made available for the purposes of consultation in accordance with the following provisions of this regulation.

(2) As soon as reasonably practicable after the preparation of the relevant documents, the responsible authority shall—

(a) send a copy of those documents to each consultation body;

(b) take such steps as it considers appropriate to bring the preparation of the relevant documents to the attention of the persons who, in the authority's opinion, are affected or likely to be affected by, or have an interest in the decisions involved in the assessment and adoption of the plan or programme concerned, required under the Environmental Assessment of Plans and Programmes Directive (“the public consultees”);

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(c) inform the public consultees of the address (which may include a website) at which a copy of the relevant documents may be viewed, or from which a copy may be obtained; and

(d) invite the consultation bodies and the public consultees to express their opinion on the relevant documents, specifying the address to which, and the period within which, opinions must be sent.

(3) The period referred to in paragraph (2)(d) must be of such length as will ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the relevant documents.”

v) “Reasonable Alternatives”

26. There is a requirement to assess reasonable alternatives by reg. 12(2) of the SEA Regulations, which provides:

“(2) The report shall identify, describe and evaluate the likely significant effects on the environment of–

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.”

27. This requirement has been subject to a significant amount of litigation. The relevant principles were summarised by Hickinbottom J (as he then was) in R (RLT Built Environment Ltd) v Cornwall Council [2016] EWHC 2817 (Admin) at paragraph 40:

“In R (Friends of the Earth England, Wales and Northern Ireland Limited) v The Welsh Ministers [2015] EWHC 776 (Admin) at [88], after considering the relevant authorities (including Heard v Broadland District Council [2012] EWHC 344 (Admin), and Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2014] EWHC 406 (Admin)), I set out a number of propositions with regard to ‘reasonable alternatives’ in this context. That case concerned the law in Wales, but it is derived from the same SEA Directive and the regulations that apply in Wales are substantially the same as the SEA Regulations. The propositions, so far as relevant to this case, are as follows:

‘(i) The authority’s focus will be on the substantive plan, which will seek to attain particular policy objectives. The EIA Directive [i.e. Council Directive 85/337/EC] ensures that any particular project is subjected to an appropriate environmental assessment. The SEA Directive ensures that potentially environmentally-

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preferable options that will or may attain those policy objectives are not discarded as a result of earlier strategic decisions in respect of plans of which the development forms part. It does so by imposing process obligations upon the authority prior to the adoption of a particular plan.

(ii) The focus of the SEA process is therefore upon a particular plan – i.e. the authority’s preferred plan – although that may have various options within it. A plan will be ‘preferred’ because, in the judgment of the authority, it best meets the objectives it seeks to attain. In the sorts of plan falling within the scope of the SEA Directive, the objectives will be policy-based and almost certainly multi-stranded, reflecting different policies that are sought to be pursued. Those policies may well not all pull in the same direction. The choice of objectives, and the weight to be given to each, are essentially a matter for the authority subject to (a) a particular factor being afforded particular enhanced weight by statute or policy, and (b) challenge on conventional public law grounds.

(iii) In addition to the preferred plan, ‘reasonable alternatives’ have to be identified, described and evaluated in the SEA Report; because, without this, there cannot be a proper environmental evaluation of the preferred plan.

(iv) ‘Reasonable alternatives’ does not include all possible alternatives: the use of the word “reasonable” clearly and necessarily imports an evaluative judgment as to which alternatives should be included. That evaluation is a matter primarily for the decision-making authority, subject to challenge only on conventional public law grounds.

(v) Article 5(1) refers to ‘reasonable alternatives taking into account the objectives... of the plan or programme...’ (emphasis added). ‘Reasonableness’ in this context is informed by the objectives sought to be achieved. An option which does not achieve the objectives, even if it can properly be called an ‘alternative’ to the preferred plan, is not a ‘reasonable alternative’. An option which will, or sensibly may, achieve the objectives is a ‘reasonable alternative’. The SEA Directive admits to the possibility of there being no such alternatives in a particular case: if only one option is assessed as meeting the objectives, there will be no ‘reasonable alternatives’ to it.

(vi) The question of whether an option will achieve the objectives is also essentially a matter for the evaluative judgment of the authority, subject of course to challenge on conventional public law grounds. If the authority rationally determines that a particular option will not meet the objectives, that option is not a reasonable alternative and it does not have to be included in the SEA Report or process.’”

28. As further noted by the Court of Appeal in Ashdown Forest Economic Development LLP v Secretary of State for Communities and Local Government [2015] EWCA Civ 681:

“In Heard v Broadland District Council...at paragraphs 66-71, Ouseley J held that where a preferred option – in that case, a preferred option for the location of development – emerges in the course of the plan-making process, the reasons for selecting it must be given. He held that the failure to give reasons for the selection of the preferred option was in reality a failure to give reasons why no other alternative sites were selected for assessment or comparable assessment at the relevant stage, and that this represented a breach of the SEA Directive on its express terms. He also held that although there is a case for the examination of the preferred option in greater detail, the aim of the Directive is more obviously met by, and it is best interpreted as requiring, an equal examination of the alternatives which it is reasonable to select for examination alongside whatever may be the preferred option.” (paragraph 10, emphasis added)

29. Ashdown Forest also establishes that “*where the authority judges there to be reasonable alternatives it is necessary for it to carry out an evaluation of their likely significant effects on the environment, in accordance with regulation 12(2) and paragraph 8 of Schedule 2... In order to make a lawful assessment... the authority does at least have to apply its mind to the question.” (paragraphs 37 and 42, emphasis added).*
30. Finally, Ouseley J stated at paragraph 66 in Heard v Broadland that only an “*obvious non-starter*” is exempt from the requirement to be assessed as a reasonable alternative.

vi) *PPG on SEA*

31. The PPG makes clear that in order to demonstrate that a draft neighbourhood plan contributes to sustainable development, it should be supported by sufficient and proportionate evidence which shows how the neighbourhood plan guides development to sustainable solutions. Whilst there is no legal requirement for a neighbourhood plan to have a sustainability appraisal prior to it being found likely to have significant effects on the environment, preparing a SA incorporating the

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requirements of a SEA is useful to help demonstrate that the plan is capable of delivering sustainable development, a neighbourhood plan basic condition. The PPG also makes clear that the material produced as part of the SA of the Local Plan may also be relevant to the neighbourhood plan (Paragraph: 072 Reference ID: 41-072-20140306). Where it is relevant, it is a material consideration that must be taken into account.

32. The PPG provides that where it is determined that a neighbourhood plan is likely to have significant effects on the environment and that a SEA is required, work should start at the earliest opportunity to ensure that the assessment process inform the choices being made in the plan:

“Where it is determined that a neighbourhood plan is likely to have significant effects on the environment and that a strategic environmental assessment must be carried out, work on this should start at the earliest opportunity.” (Paragraph: 029 Reference ID: 11-029-20150209)

33. The PPG also provides:

“Reasonable alternatives should be identified and considered at an early stage in the plan making process as the assessment of these should inform the preferred approach.

This stage should also involve considering ways of mitigating any adverse effects, maximising beneficial effects and ways of monitoring likely significant effects”(Paragraph: 037 Reference ID: 11-037-20150209)

34. As noted in RLT at paragraph 32:

“The SEA Directive seeks to address that issue by requiring SEA to be an integral part of plans and programmes, so that potentially environmentally-preferable alternatives are not discarded as part of the process of approving plans and programmes without proper consideration of the environmental impacts of the various options.”

35. The SEA should identify any likely significant adverse effects and the measures envisaged to prevent, reduce and as fully as possible offset them. Reasonable alternatives must be considered and assessed in the same level of detail as the

preferred approach intended to be taken forward in the neighbourhood plan. (PPG Paragraph: 038 Reference ID: 11-038-20150209)

36. It is therefore clear from the above that the SEA process must be evidence-based, it must inform and influence the plan at the earliest possible stage, consultation responses must be effective to help shape the options considered, the SA must demonstrate ‘proper consideration’ of the environmental implications of the various options, and reasonable alternatives are to be considered in the same manner of detail as the preferred approach.

vii) *Requirement to Found Plan on Objective Evidence*

37. The decision in R (Stonegate) v Horsham DC [2016] EWHC 2512 (Admin) is on all fours with the facts here. Stonegate concerned a claim under section 61N of the 1990 Act to challenge the decision to make the Henfield Neighbourhood Plan. The challenge was successful and Patterson J quashed the Council’s decision to make the plan because of a failure to correctly carry out a proper SA. In Stonegate there was no evidence to support the view expressed for the rejection of one option over the preferred option beyond assertions by local residents. As Patterson J put it in paragraph 74:

“The problem here is that the absolute nature of the rejection of option C is unsupported by anything other than guesswork. At the very least, having received the Barratt decision letter the plan-making authority, the parish council could have contacted the highways authority to obtain their views on the capacity of the broader local highways network in the western part of Henfield. There is no evidence that that was done. There is no evidence that anything was done when the highways objections to residential development on the Sandgate Nursery site was withdrawn either. Until it is, the outcome of significant development on the western side of Henfield on the local road network is unknown. What is known is that the permitted site and the appealed site together do not provide any insuperable highways objections. Without further highways evidence though, the reason for rejecting option C as set out in paragraph 4.19 of the HNP is flawed, based as it is upon an inadequate, if that, evidence base. The requirement, under the Directive, that the alternatives are to be assessed in a comparable manner and on an accurate basis was simply not met.”

38. Which led to the conclusion at paragraph 76:

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.....*The obligation under the SEA Directive is to ensure that the consideration of reasonable alternatives is based upon an accurate picture of what reasonable alternatives are. That was not done here. Not only was the conclusion wrong but, in the circumstances, it was irrational, given the absence of an evidence base. Her flawed report then tainted the decision on the part of the defendant.*

Emphasis Added

Opinion

i) *Do the modifications to the ONP require it to go through further Reg 14 consultation?*

39. It is important to first understand the amendments that were made to the Reg 14 Draft Plan. These seem to be described in the Consultation Statement as ‘relatively minor’. However in our view these amendments are significant and material amendments which changed the nature of the Plan.

40. By removing two sites, increasing the dwelling yield at Land South of Herne Road from “up to 45 dwellings” to “up to 120 dwellings” and making associated changes to the proposed settlement boundary, the amendments changed the spatial strategy of the Plan. This is illustrated by the SA which at Section 6 sets out the various spatial strategy options which were considered.

41. The Reg 14 Draft Plan’s spatial strategy was Option 1. The ONP spatial strategy was Option 3. This can only be described as a material amendment to the Plan, and clearly is one that has changed the nature of the Plan because there has been a radical shift in spatial strategy on the Town Council’s own evidence.

42. The pre-submission consultation stage of a neighbourhood Plan is not a token exercise. It is a statutory requirement as made clear by the express language of para 4 (c) of Schedule 4B of the 1990 Act:

“The power to make regulations under this paragraph must be exercised to secure that:

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a) *prescribed requirements as to consultation with and participation by the public must be complied with before a proposal for a neighbourhood development order may be submitted to a local planning authority, and*

Emphasis Added

43. The relevant regulation for this requirement is Regulation 14 in the 2012 Regs.
44. The Regulation 14 consultation process is a formal statutory requirement which **must** be carried out **before** a plan is submitted to the local planning authority.
45. The purpose of the Regulation 14 consultation process is twofold.
46. The first purpose (per Reg 14 (a)) is to inform the public to give them details of the proposed plan and allow them to make representations.
47. The second purpose (per Reg 14 (b)) is to consult any of the statutory consultation bodies that ‘*may be affected by the proposals*’ and give them the opportunity to raise concerns or issues that arise in light of their individual statutory duties.
48. It is important to understand this dual purpose because it highlights why a qualifying body cannot rely on future stage in the neighbourhood plan process to legitimate not returning to Regulation 14 stage after making amendments.
49. Any consultation that occurs under Regulation 16 is different than that under Regulation 14 (and is carried out by a different body).
50. While the requirement to consult the public is similar (as seen from the similarity in wording between Regulation 14 (a) and Regulation 16 (a)) the requirements as to consultation bodies is not.
51. A comparison of the wording between Regulation 14 (b) and Regulation 16 (b) shows there is a clear difference:

Reg 14 (b):

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consult any consultation body referred to in paragraph 1 of Schedule 1 whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development plan

Reg 16 (b)

notify any consultation body which is referred to in the consultation statement submitted in accordance with regulation 15, that the plan proposal has been received.

52. The only formal consultation of the consultation bodies that are listed in para 1 of Schedule 1 of the 2012 Regs is during the Regulation 14 pre-submission consultation.
53. Once the Plan is submitted to the local authority then the only further step under Regulation 16 is that consultation bodies are notified that a Plan has been received. This is not consultation.
54. If a plan is altered between Regulation 14 and Regulation 16 then there is no requirement to re-consult consultation bodies. Instead the burden is on each individual body to spot that the Plan has been substantially altered and provide further representations on the new Plan.
55. There is a high risk that most would instead assume on notification under Reg 16 (b) that the Plan remained the same and either not provide a further response or a generic holding response.
56. Furthermore the requirements under Reg 16 are only to notify those consultation bodies listed in the consultation statement (based on the previous Reg 14 consultation). Therefore if an amendment were made that meant the Plan would now affect a **further** consultation body (previously un-consulted) they will **not** be consulted or even notified.
57. This is not how the neighbourhood plan process is meant to operate and highlights the unlawfulness of the Town Council's approach.

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58. By making major material amendments to the Reg 14 Draft Plan post-consultation the Town Council have both undermined the purpose of consulting the public (as those that were consulted previously would fairly assume the Plan they provided a response on would be the same), and entirely circumvented the requirement to consult statutory consultation bodies. They have submitted an un-consulted upon neighbourhood plan for examination. This is unlawful.

59. This point is reinforced by the PPG which clearly sets out at paragraph 49 that:

“...The document that is consulted on at the pre-submission stage should contain only the preferred approach.”

60. By changing the spatial strategy in the Final Plan it is clear that the document consulted upon at pre-submission stage was not the preferred approach. The Reg 14 consultation was therefore contrary to the PPG and thus also fails basic condition (a).

61. The failure to carry out a further Reg 14 consultation is compounded by the knock-on effects this has for other legal requirements in the neighbourhood plan process such as the Consultation Statement.

62. It is a requirement under para 4(3)(b) of Schedule 4B of the 1990 Act, and Regulation 15 (1)(b) of the 2012 Regs to produce a Consultation Statement.

63. This consultation statement must set out who has been consulted, how they have been consulted, and the issues that have been raised. It is a fundamental part of the neighbourhood plan process and allows for an Examiner to be aware of any issues with a draft Plan which might need further exploration.

64. The consultation statement that was submitted with the Final Plan however entirely relates to responses and issues raised with the Reg 14 Draft Plan. It is entirely silent on any issues that might arise out of the ONP which is entirely different in nature (and has not been consulted upon). By failing to carry out a further Reg 14 consultation the Town Council have entirely undermined the statutory purpose of the Consultation Statement, and rendered it mostly if not entirely irrelevant.

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65. It is unclear why a further Regulation 14 consultation was not carried out by the Town Council. It seems that those preparing the SA for the Town Council were under the impression that a further consultation would be carried out as set out in Section 9 of the SA under 'Next Steps':

This SA Report will be consulted on with the public and the statutory consultees. A copy of the Neighbourhood Plan will be made available on the Town Council's website during the SA Report consultation.

Following consultation, comments received will be reviewed and any necessary changes made to the Neighbourhood Plan and SA Report.

The Oundle Neighbourhood Plan will then be submitted to East Northamptonshire District Council.

66. This highlights the issues that arose out of the SA being produced after the Regulation 14 consultation when it should have been produced before or with the Reg 14 Plan. The SA assumes that the Plan would go through further Reg 14 consultation. So even on Town Council's own supporting documentation a further Reg 14 Consultation should have happened but did not.

67. The Town Council by failing to return to the Reg 14 stage for further consultation after carrying out significant and material amendments that changed the nature of the Plan acted unlawfully. They circumvented the requirement to consult statutory consultees and undermined the public consultation that was carried out. Furthermore this was both contrary to the PPG and undermined the statutory purpose of a consultation statement under Regulation 15.

68. For all these reasons the Town Council have failed to carry out the required consultation on the ONP, and if it were to proceed to Referendum it would be unlawful.

ii) Issue with the SA

69. In this instance, neither the final revisions to the SA or the present version of the Plan have been consulted on. Nor does the SA, and the Plan upon which it is

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ostensibly based, reflect the evidence before the Town Council: the conclusions reached in some cases are directly contrary to the evidence before the Town Council. This makes the Plan highly amenable to legal challenge on the basis of the Stonegate decision, as well as contrary to basic conditions (a), (d) and (f).

70. In relation to the St Christopher's Drive site -as demonstrated through chapter 5 of RPS' representations – the Plan does not take account of evidence prepared by ENC over the course of its emerging Local Plan (contrary to the PPG's Neighbourhood Planning Chapter paragraph 009, which confirms such evidence is a material consideration, and paragraph 040 which confirms "*robust evidence should support the choices made and the approach taken*"). The conclusions in the SA, and the justification of the referred approach, are also directly contrary to evidence that was and is before OTC on: highways (the highways authority has confirmed access is not an issue), noise (see Spectrum report), flooding (there will be a requirement to provide greenfield run-off rates plus significant climate change mitigation), and biodiversity (ENC's ecologist confirmed the site is "of quite low ecological value"). In the case of noise, the St Christopher's Drive site was marked "significant negative" yet the non-technical summary of the SA says there was a lack of noise evidence. Most significantly, the SA fails to take account of the SA evidence prepared by ENC for its emerging Local Plan which, following a robust, methodical and criteria-based process, selected the St Christopher's Drive site as the best performing site in all of Oundle (at page 24 Table 4, included as Appendix 13 to RPS' submissions).

71. In relation to the Cotterstock Road site -as demonstrated through section 6.2 of Gladman's representations – the ONP reasoning for the de-allocation of the Site is unevidenced and irrational. The impact on highways is relied upon but in the SA at Table 11 on page 29 the site scores a minor positive for transport. While at para 6.5 of the SA the reason given for de-allocation is that the site is already allocated in the RNOTP which is wrong. The need for robust evidence is reinforced in light of the evidence of the ENC whose own evidenced SA for their emerging Part 2 Local Plan at Table 4 finds that the Cotterstock Road site is one of the three best performing sites, and thus allocates it. The Cotterstock Road site has been viewed as acceptable in the past (RNOTP), present (Reg 14 Draft Plan), and future (emerging Part 2 Local

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Plan). De-allocation of this Site was, on the Town Council's own admission at 6.5 of SA, based solely on the level of public feedback received at the Reg 14 Stage. This is per Stonegate an unlawful approach.

72. The Plan, and the preferred approach, have also been made contrary to the correct procedure as set out in national planning policy. Specifically, this is the failure to carry out the sequential and exception test, even though two of the allocated housing sites include land within Flood Zone 3, and there are other available sites that are entirely within Flood Zone 1 (such as the previously allocated St Christopher's Drive and Cotterstock Road sites).
73. The above renders the Plan contrary to the basic conditions for two reasons. There is, firstly, a failure to comply with reg. 13(2) of the SEA Regulations. It is imperative that a consultation is carried out when material changes are made that affect the sustainability of the plan, as here. Those who are affected by such changes must be given an opportunity to comment (reg. 13(2)(b)). The consultation responses are to be taken into account and must be capable of influencing the SA and the preferred strategy that is ultimately selected. This is a fundamental requirement of the SEA regime. It has not been achieved in this instance. A failure to demonstrate that this requirement has been satisfied would result in any subsequent plan being unlawful.
74. Secondly, the Town Council have failed to apply a consistent methodology in respect of the Reg. 14 Draft Plan and final versions of the ONP. Where changes have been made to the Reg 14 Draft Plan, those changes were not based on the available evidence and were not made following the correct procedure, taking into account all material considerations. Moreover, the chosen Spatial Strategy, Option 3, is contrary to the SA, which demonstrates that Option 4 scored better.
75. There is also very large question mark over the propriety of allocations as sites were selected based on land being transferred into the ownership of the Town Council (see Table NTS5 and Table 14 of the SA). The SA authors sought to downplay this at the Examination hearing, but the title of the relevant column is clear: the land transfers were reasons for selecting these sites. Even in the alternative, if the basis for the selection of sites is not land being put into public ownership (contrary to what the

Table clearly says) there is no quantifiable evidence in the SA that a new cricket pitch / allotments / cemetery extension land / festival field are in fact required.

76. Accordingly, it would be impermissible in the circumstances to carry on with the “retrofit” process, it is clear that the SA and the ONP are, at present, not fit for purpose. These concerns were raised not only by Persimmon, Gladman, and other developers, but also by ENC and statutory consultees (see comments of the Environment Agency, August 2019).

Conclusion

77. The Plan is currently unlawful and cannot proceed to referendum.

78. A number of significant amendments were carried out to the Plan after the Regulation 14 consultation stage. These amendments included, but were not limited to, changing the spatial strategy that underpinned the Plan. However no further Regulation 14 consultation was carried out.

79. The Regulation 14 consultation process is an express statutory requirement that has a dual purpose for both consulting the public and also statutory consultation bodies. It must be carried out prior to a Plan being submitted to a local authority.

80. Because of the significant changes made between the Reg 14 Draft Plan and ONP this required statutory consultation has not occurred. The consultation of the public has been downplayed, the required consultation of statutory bodies circumvented, and the statutory Consultation Statement undermined. If the Final Plan were to go to referendum it would be unlawful.

81. Furthermore, the Plan is contrary to the SEA Directive as it has failed to comply with reg. 13(2), it fails to meet the requirements as set out in the PPG and case law on SEA (the reasons are inadequate and not evidence-based), it fails to follow correct procedure as set out in the NPPF (the sequential and exception tests must be carried

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out). Accordingly the Plan fails to demonstrate that it will achieve the delivery of sustainable development and is contrary to the basic conditions.


No5 Chambers


Kings Chambers

8 November 2019

Appendix 2

PLANNING POLICY COMMITTEE

Date: 29 July 2019

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.00pm

Present: Councillors: [REDACTED] (Chairman)
[REDACTED] (Vice-Chairman)
[REDACTED] (Deputy Leader of the Council)

138. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors [REDACTED].

139. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 10 June 2019 were approved and signed by the Chairman.

140. DECLARATIONS OF INTEREST

The following declarations of interest were made in respect of agenda item 5 (Draft East Northamptonshire Local Plan – Oundle Housing Allocations):-

Councillor	Nature of Interest	DPI	Other Interest
[REDACTED]	Chairman of Greenway Board Ward Councillor for Oundle		Yes Yes

141. QUESTIONS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions submitted under Procedure Rule 10.3.

142. PUBLIC SPEAKERS

At the invitation of the Chairman, a number of speakers addressed the meeting in respect of Agenda item 5 Draft East Northamptonshire Local Plan - Oundle Housing Allocations.

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143. DRAFT LOCAL PLAN PART 2 CONSULTATION – RESPONSES TO REPRESENTATIONS – OUNDLE HOUSING ALLOCATIONS

Further to the last meeting, the Planning Policy Manager submitted a report considering the policy implications arising from the representations submitted on the draft Local Plan in respect of the proposed housing allocations for Oundle.

The Committee was reminded that the Joint Core Strategy required a minimum of 645 new homes to be built up to 2031 in Oundle. After taking into account previous commitments and completions, the residual amount of housing development to be included in the draft Plan to ensure the minimum requirement for Oundle was circa 250 new homes, (based on the latest housing data available, which had been published as part of the housing land supply position, and reported to the Committee on 22 October 2018).

The draft Local Plan identified three locations for future housing provision in Oundle:

- Land north of Stoke Doyle Road (around 70 dwellings)
- Land east of Cotterstock Road (around 130 dwellings)
- Land east of St Christopher's Drive (around 100 dwellings).

The Council had been required to undertake a sustainability appraisal of its policies to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, would help to achieve relevant environmental, economic and social objectives.

The Committee received:-

- The evidence documents for the interim appraisal undertaken ((AECOM report and background paper prepared by the officers) which took into account a revised selection of housing sites arising from the Oundle Neighbourhood Plan (option 2).
- A more recent assessment of all shortlisted sites, prepared by DLP Planning.
- A Response received since the report was written from Anglian Water on the extent of new drainage infrastructure required for all these sites.
- A summary of the representations received by both organisational bodies and individuals, and officers' recommendations thereon.

The implications of the Neighbourhood Plan housing proposals were addressed in the officers' report to the Committee, which recommended endorsement of the allocations proposed in the draft Local Plan as being both sustainable and deliverable.

The Committee acknowledged that, whilst both ENC and Oundle Town Council agreed on the total number of new dwellings to be provided in the parish, there were strong feelings in Oundle in favour of the revised selection of sites proposed in the Neighbourhood Plan, and opposition to the sites proposed in the draft Local Plan. The officers were, however, firmly of the view that account had to be taken of the implication of development plan policy, especially the policy direction expressed in the Rural North, Oundle and Thrapston Local Plan which had been outlined in the recent findings of the examiner's report into the Glapthorn Neighbourhood Plan. The officers also felt that emerging plans had to be consistent with the National Planning Policy Framework.

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Members concluded that the local wishes in the Neighbourhood Plan should be tested during the forthcoming consideration by an Examiner, after the Section 16 consultation, which would extend to 27 August 2019.

RESOLVED:

That –

- Endorsement of the proposed housing site allocations for Oundle as set out in policies EN24-27 of the draft East Northamptonshire Local Plan; and
- Consideration of the officer responses to the representations as set out in Appendices 3 and 4 of the report be deferred until the outcome of the Examination of the Oundle Neighbourhood Plan is known. (All other work on the Local Plan would continue).

(Reason – To provide a steer to officers for the preparation of a pre-submission plan which meets legislative requirements).

144. SUSPENSION OF COUNCIL PROCEDURE RULE 8

At 9 pm, during the consideration of the above item, recognising that the meeting had lasted for two hours, it was

RESOLVED:

That Council Procedure Rule 8 be suspended to enable the Committee to conclude the business on the agenda.

145. NEIGHBOURHOOD PLANNING UPDATE

The Committee received a report from the Principal Planning Policy Officer providing feedback from the recent consultation regarding the King's Cliffe Neighbourhood Plan which was recently submitted for Examination, and progress in relation to the Neighbourhood Plans for Oundle, Warmington, Twywell, and Barrowden and Wakerley.

King's Cliffe: Six representations had been received on the King's Cliffe Plan – four from statutory consultation bodies and two from other parties. One was on behalf of Northamptonshire County Council, the owners of one of the development sites. This was allocated for the development of a day care centre, assisted living units and a surgery complex in the Plan. The representation suggested an amendment to the wording of the Policy to allow for a surgery but not to make it an essential requirement for the site. A further representation on behalf of the owners of another site objected to Policies H1, H2, BE1 and RC1 and had concerns about Policies TP2 and TP4.

The Examiner appointed to look at the Plan and the supporting documents had now published a report and a local referendum would be held.

The position with the other Neighbourhood Plans was as follows:-

Oundle: The submission version of the Plan had now been received, and whilst it raised a number of significant concerns, as detailed in the report, the Plan was now subject to

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Regulation 16 consultation over the period 12 July to 27 August, 2019 inclusive. During this time, in discussion with the Town Council, an Examiner would be appointed who would consider these concerns.

Warmington: The Plan was now subject to Regulation 16 consultation which would close on 29 July 2019.

Twywell: A Neighbourhood Area had been formally designated for Twywell on 9 May 2019, enabling work to begin on their Neighbourhood Plan.

Barrowden and Wakerley: The Plan had recently been Examined. Work was currently underway with the aim of concluding this document which was being co-ordinated by Rutland County Council.

RESOLVED:

That -

- (1) The current stage in preparation of the King's Cliffe Neighbourhood Plan Development Plan 2018-2031 and the summary of Regulation 16 consultation representations in section 2.0 of the report; and
- (2) The progress of other Neighbourhood Plans coming forward during 2019 be noted.

(Reason – to support the forthcoming King's Cliffe Neighbourhood Plan through examination and support other Neighbourhood Plans as these progress)

146. 



Chairman



Cedar Drive Thrapston Northamptonshire NN14 4LZ


www.east-northamptonshire.gov.uk

To all Members of the Planning Policy Committee

cc. Planning Management Committee, Neighbourhood Plan Examiner for Oundle, Oundle Town Council.

Please ask for

Direct Dial

Our Ref.

Your Ref.

Date:

Letter2PPC

12 November 2019

Dear Member,

Incorrect Record of Minutes of Planning Policy Committee meeting held on 29 July 2019

It has been brought to my attention that in the preparation of the minutes of the meeting held on 29 July 2019, the resolutions of minutes 143 and 145 were incorrectly recorded, contrary to the actual resolutions made at the meeting. The audio recording of the meeting has been examined to check the contemporaneous record, which confirms this.

Attached to this letter is a copy of the original minutes together with the revised set of minutes for which approval will be sought at the Planning Policy Committee at its meeting on 18 November 2019, to correct the record.

I would like to offer my sincere apologies for the clerical error and give a reassurance that a full review of how this came about has been undertaken. I have implemented further checking procedures to mitigate against any further occurrence.

This letter is being copied into members of the Planning Management Committee, the Neighbourhood Plan Examiner for Oundle and the mayor and clerk to Oundle Town Council.

Yours sincerely,



Democratic and Electoral Services Manager

Appendix 1:- Original, incorrect record of 29 July 2019 meeting

Appendix 2:- Corrected record of 29 July 2019 meeting, to be submitted to Planning Policy Committee on 18 November 2019

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PLANNING POLICY COMMITTEE

Date: 29 July 2019

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 7.00pm

Present: Councillors: [REDACTED] (Chairman)
[REDACTED] (Vice-Chairman)
[REDACTED] (Deputy Leader of the Council)

138. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors [REDACTED] [REDACTED] [REDACTED].

139. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 10 June 2019 were approved and signed by the Chairman.

140. DECLARATIONS OF INTEREST

The following declarations of interest were made in respect of agenda item 5 (Draft East Northamptonshire Local Plan – Oundle Housing Allocations):-

Councillor	Nature of Interest	DPI	Other Interest
[REDACTED]	Chairman of Greenway Board Ward Councillor for Oundle		Yes Yes

141. QUESTIONS UNDER COUNCIL PROCEDURE RULE 10.3

There were no questions submitted under Procedure Rule 10.3.

142. PUBLIC SPEAKERS

At the invitation of the Chairman, a number of speakers addressed the meeting in respect of Agenda item 5 Draft East Northamptonshire Local Plan - Oundle Housing Allocations.

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143. DRAFT LOCAL PLAN PART 2 CONSULTATION – RESPONSES TO REPRESENTATIONS – OUNDLE HOUSING ALLOCATIONS

Further to the last meeting, the Planning Policy Manager submitted a report considering the policy implications arising from the representations submitted on the draft Local Plan in respect of the proposed housing allocations for Oundle.

The Committee was reminded that the Joint Core Strategy required a minimum of 645 new homes to be built up to 2031 in Oundle. After taking into account previous commitments and completions, the residual amount of housing development to be included in the draft Plan to ensure the minimum requirement for Oundle was circa 250 new homes, (based on the latest housing data available, which had been published as part of the housing land supply position, and reported to the Committee on 22 October 2018).

The draft Local Plan identified three locations for future housing provision in Oundle:

- Land north of Stoke Doyle Road (around 70 dwellings)
- Land east of Cotterstock Road (around 130 dwellings)
- Land east of St Christopher's Drive (around 100 dwellings).

The Council had been required to undertake a sustainability appraisal of its policies to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, would help to achieve relevant environmental, economic and social objectives.

The Committee received:-

- The evidence documents for the interim appraisal undertaken ((AECOM report and background paper prepared by the officers) which took into account a revised selection of housing sites arising from the Oundle Neighbourhood Plan (option 2).
- A more recent assessment of all shortlisted sites, prepared by DLP Planning.
- A Response received since the report was written from Anglian Water on the extent of new drainage infrastructure required for all these sites.
- A summary of the representations received by both organisational bodies and individuals, and officers' recommendations thereon.

The implications of the Neighbourhood Plan housing proposals were addressed in the officers' report to the Committee, which recommended endorsement of the allocations proposed in the draft Local Plan as being both sustainable and deliverable.

The Committee acknowledged that, whilst both ENC and Oundle Town Council agreed on the total number of new dwellings to be provided in the parish, there were strong feelings in Oundle in favour of the revised selection of sites proposed in the Neighbourhood Plan, and opposition to the sites proposed in the draft Local Plan. The officers were, however, firmly of the view that account had to be taken of the implication of development plan policy, especially the policy direction expressed in the Rural North, Oundle and Thrapston Local Plan which had been outlined in the recent findings of the examiner's report into the Glapthorn Neighbourhood Plan. The officers also felt that emerging plans had to be consistent with the National Planning Policy Framework.

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Members concluded that the local wishes in the Neighbourhood Plan should be tested during the forthcoming consideration by an Examiner, after the Section 16 consultation, which would extend to 27 August 2019.

RESOLVED:

That –

- Endorsement of the proposed housing site allocations for Oundle as set out in policies EN24-27 of the draft East Northamptonshire Local Plan; and
- Consideration of the officer responses to the representations as set out in Appendices 3 and 4 of the report;

be deferred until the outcome of the Examination of the Oundle Neighbourhood Plan is known. (All other work on the Local Plan would continue).

(Reason – To provide a steer to officers for the preparation of a pre-submission plan which meets legislative requirements).

144. SUSPENSION OF COUNCIL PROCEDURE RULE 8

At 9 pm, during the consideration of the above item, recognising that the meeting had lasted for two hours, it was

RESOLVED:

That Council Procedure Rule 8 be suspended to enable the Committee to conclude the business on the agenda.

145. NEIGHBOURHOOD PLANNING UPDATE

The Committee received a report from the Principal Planning Policy Officer providing feedback from the recent consultation regarding the King's Cliffe Neighbourhood Plan which was recently submitted for Examination, and progress in relation to the Neighbourhood Plans for Oundle, Warmington, Twywell, and Barrowden and Wakerley.

King's Cliffe: Six representations had been received on the King's Cliffe Plan – four from statutory consultation bodies and two from other parties. One was on behalf of Northamptonshire County Council, the owners of one of the development sites. This was allocated for the development of a day care centre, assisted living units and a surgery complex in the Plan. The representation suggested an amendment to the wording of the Policy to allow for a surgery but not to make it an essential requirement for the site. A further representation on behalf of the owners of another site objected to Policies H1, H2, BE1 and RC1 and had concerns about Policies TP2 and TP4.

The Examiner appointed to look at the Plan and the supporting documents had now published a report and a local referendum would be held.

The position with the other Neighbourhood Plans was as follows:-

Oundle: The submission version of the Plan had now been received, and whilst it raised a

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number of significant concerns, as detailed in the report, the Plan was now subject to Regulation 16 consultation over the period 12 July to 27 August, 2019 inclusive. During this time, in discussion with the Town Council, an Examiner would be appointed who would consider these concerns.

Warmington: The Plan was now subject to Regulation 16 consultation which would close on 29 July 2019.

Twywell: A Neighbourhood Area had been formally designated for Twywell on 9 May 2019, enabling work to begin on their Neighbourhood Plan.

Barrowden and Wakerley: The Plan had recently been Examined. Work was currently underway with the aim of concluding this document which was being co-ordinated by Rutland County Council.

RESOLVED:

That -

(1) The current stage in preparation of the King's Cliffe Neighbourhood Plan Development Plan 2018-2031 and the summary of Regulation 16 consultation representations in section 2.0 of the report; and

(2) The progress of other Neighbourhood Plans coming forward during 2019

be noted.

(Reason – to support the forthcoming King's Cliffe Neighbourhood Plan through examination and support other Neighbourhood Plans as these progress)

146. 



Chairman

WITHOUT PREJUDICE

Extra Care / Affordable Housing and Compliance with Policy 30 of the North Northamptonshire Joint Core Strategy 2011- 2031(NNJCS)

Policy 30 of the NNJCS requires housing development to provide a mix of dwellings sizes and tenures to cater for current and forecast accommodation needs and to assist in the creation of mixed and inclusive communities.

The committee report refers to compliance with Policy 30 in paragraphs 7.87 through to 7.96 which leads to the conclusion that the application should be refused on the following basis:

“The applicant has failed to demonstrate that the proposed extra care provision would be a suitable alternative provision of affordable housing across the site and as such the proposal fails to comply with the requirements of the National Planning Policy Framework and Policy 30 d) and e) of the North Northamptonshire Joint Core Strategy”.

It is contended that with the additional mechanism before the Council, contained within the letter dated 6 November 2019 from [REDACTED], and the commitment to fully address affordable housing policy requirements in a section 106 obligation, the reason for refusal is addressed on the basis that:

- The application now fully complies with Policy 30 (d);
- Policy 30 (e) is not relevant or engaged in the decision making process on this application; and
- The application is now consistent with the requirements of the NPPF in meeting not only affordable housing requirements but also the needs of the elderly and people with disabilities (paragraphs 61 and 64).

Policy 30(d) compliance

In principle, it is understood that a stand-alone residential development of 65 dwellings would require the provision of 26 affordable homes to be compliant with Policy 30(d).

However, throughout the application process the applicant has been made aware that there is an established need in the district for affordable extra care and that the site represents a good opportunity to secure this. In response to this it has been agreed with officers to make provision for affordable extra care on this site as part of the application and that this can be provided as an alternative to the affordable housing requirement of the 65 dwellings. As agreed, this would be suitable alternative in lieu of 26 affordable homes on-site. This position seems to be supported still by the council as evidenced by several comments in the Committee report.

This achieves the policy compliant 40% on-site requirement consistent with Policy 30(d).

The Committee Report does however fairly outline that there is some uncertainty from the LPA's position over the mechanism to secure the alternative provision via affordable extra care units, with the suggestion being that the applicant proposes that the land and the liability for providing the extra care is transferred entirely to the LPA. Whilst this was an option previously discussed, it was by no means the only solution to achieving the affordable extra care provision. This is not what is now before the Council in advance of making its decision. This is an important material fact. Furthermore we are open to discussions with the council to seek to utilise whatever provisions are reasonable to maximise the potential for delivery of the affordable extra care units.

The proposal currently before the LPA is that the applicant will be entirely responsible for securing the provision of the extra care facility and will enter into a 12 month marketing strategy from signing the S106 to seek to achieve this. Thus there is no responsibility, risk, or

liability being placed upon the LPA to secure the extra care component of the scheme. That is an important distinction and a material change of circumstance now before the Council.

Therefore the provision of the on-site extra care units with the liability placed upon the applicant to secure a Registered Provider (RP) to provide them, ensures policy compliance against Policy 30(d).

In respect of the delivery of the extra care units, the mechanism for this is explained in the letter of 6 November 2019 and not repeated, however, the key recognition here in respect of compliance with Policy 30(d) is that should the transfer of the extra care site to a RP not be achieved, the Council has the security that it will achieve a 40% policy compliant affordable housing scheme as part of the same application, within the 65 dwellings permitted, in accordance with Policy 30(d).

Thus if either the 65 extra care units or the 40% affordable homes provision are provided, the applicant is fully compliant with Policy 30(d) in both situations and the description of development is no constraint to this.

Engagement of Policy 30(e)

It is put in the Committee Report (paragraph 7.91 refers) that the application fails against Policy 30(e) to demonstrate whether the transfer of land for the extra care provision would be equivalent in financial terms to the provision of 40% affordable housing, and therefore it is not clear whether there is need for a commuted sum towards the provision of the extra care facility.

However, it is contended that Policy 30(e) is not engaged as a relevant policy for the determination of this application.

The interpretation of the any policy is a matter of law and Policy 30(e) clearly states that affordable housing will be provided on-site *unless* any one of the requirements in the latter parts of the policy are be met, such as demonstrating an equivalent value to an on-site provision. Thus, the true interpretation of the policy must be that the latter parts of it are only engaged if the proposal is not providing on-site affordable housing. This is not the case in this application for the reasons set out above.

Therefore, on the basis that Policy 30(e) can only be engaged where provision is proposed to be made off-site, it is not engaged or relevant for the determination of this application, where provision is made on-site.

Viability & Deliverability

It is set out in the Committee Report (paragraph 7.90 refers) that the applicant has not provided any viability information to demonstrate that the extra care provision is a viable option for the site and that as a result there is no reasonable prospect of the extra care provision coming forward. The relevance being that firstly if it were not provided weight should not be afforded to its provision, and secondly that an affordable housing contribution should have been required.

In addressing viability first, it is not a requirement of the applicant to demonstrate viability of any development where it is policy compliant. This is clarified by the Planning Practice Guidance on viability (paragraph 006 refers) and the information before the Council now demonstrates compliance with Policy 30(d), whether in the preferred form of extra care units or 40% of the dwellings proposed. However, the important and relevant information before the Council in respect of paragraph 7.90 of the Committee Report is that

- A mechanism to deliver a full policy compliant affordable housing scheme is offered should the extra care not be delivered; and

- Given the above mechanism, weight can still be given equitably to the provision of affordable housing and affordable extra care provision as the extra care is in lieu of policy compliant affordable housing that will be forthcoming if the extra care is not

On the basis of the above, it is not a requirement of the NPPF or PPG for the applicant to demonstrate viability where compliant with policy. On the basis of the additional information before the council, the proposal is now demonstrated as compliant with affordable housing policy and no viability case is required to be provided.

Compliance with the NPPF

It is set out in the Committee Report (paragraph 7.94 refers) that paragraph 64 of the NPPF allows for some exemptions when it comes to affordable housing and one of these is where specialist housing provision is proposed.

As a material consideration, paragraph 64 of the NPPF requires 10% of homes to be available for affordable home ownership. Exceptions to this are as the Committee Report sets out specialist housing, as being proposed in the application

The affordable extra care units is therefore a NPPF compliant exception to providing the 10% home ownership, and the LPA has accepted that in principle.

However, given that the Council now has before it a mechanism by which if the extra care facility does not come forward, a policy compliant 40% affordable housing scheme will be provided, the NPPF 10% home ownership will be provided in full. On this basis, the proposal before the Council is fully consistent with Paragraph 64 of the NPPF by way of exemption from the 10% or by full provision of 40% affordable housing.

[REDACTED]
 Principal Development Management Officer
 East Northamptonshire Council
 Cedar Drive
 Thrapston
 Northamptonshire
 NN14 4LZ

BY E-MAIL AND POST

 Our Ref : PDH/230874.0002/8847081
 Your Ref :
 Date : 6 November 2019

Dear [REDACTED]

Planning Application 19/01355/OUT - Outline planning application for the erection of 65 dwellings together with 65 Extra Care Facility Units at St Christophers Drive, Oundle

We refer to the above planning application and to the committee report that has been prepared for the 13 November planning committee.

This firm was approached over a week ago by the applicant's, Persimmon Homes, with regards to the proposed delivery of the Extra Care Units which form part of the planning application. We have been working with our client's since then to devise the principles upon which the Extra Care Units would be delivered through the terms of a Section 106 Agreement that would be required in respect of the proposed development. We were at the stage of submitting our proposals to the Council for its consideration prior to the committee meeting, when the agenda was published recommending that the application be refused.

We confess to being wholly perplexed as to the reason for refusal which implies that the applicants have failed to demonstrate that the Extra Care provision would be a suitable alternative to the provision of affordable housing across the site. The intention of course is that the Extra Care provision will itself be affordable housing as well as providing extra care support and services to occupants meeting the needs of more vulnerable members of the community including the elderly. The scheme would therefore address two needs that the Council has identified through its own assessment of housing needs within the District. Indeed the Council have been insistent that our client's planning application would be supported if they included provision for affordable Extra Care Housing units within the scheme.

We enclose herewith the principles that we have devised with our clients (subject to agreement with the council) which would form the basis of seeking to provide the Affordable Extra Care Units on the

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site in accordance with the terms of the planning permission sought. You will note, however, that a cascade mechanism has been incorporated into the proposals which will guarantee the delivery of a fully policy compliant 40% affordable housing provision on the site, the subject of the residential development, in the event that a registered provider is unwilling to develop that part of the site identified for the Affordable Extra Care Scheme.

If it is the case, as seems to be inferred from the reason for refusal, and notwithstanding previous representations to the contrary, that the Council no longer want an Affordable Extra Care Facility on this site, then again our clients are in a position to deliver a policy compliant Affordable Extra Care provision within the 65 dwellings being permitted. However this proposal would appear to be the first scheme that the council will have permitted to meet the needs of people requiring extra care within affordable units managed by an accredited Registered Provider.

In the circumstances, and in light of the assurances given in this letter, we trust that the recommendation can now be changed to one of support and for approval of the application. In the alternative and at the very least, the application should be deferred in order that we can agree the terms of the Section 106 Agreement to deliver either the Affordable Extra Care Facility and/or the cascade of securing the 40% affordable housing provision on the site.

Yours sincerely

[Redacted Signature]

[Redacted Name]

For and on behalf of Howes Percival LLP

Direct Dial
E-mail

[Redacted Contact Information]

Section 106 Agreement – Ashton Road, Oundle, Northamptonshire

The following sets out the key principles for affordable housing delivery in relation to the site at Ashton Road, Oundle.

The key principle is to seek to provide Affordable Extra Care development as per the terms of the planning application. Given the uncertainty as to the willingness of any registered provider (RP) to invest in a development of this type, there are fall back provisions for the delivery of alternative forms of affordable housing in the event that the Extra Care Affordable Housing Scheme cannot be delivered by a willing RP. We have commissioned some evidence with a consultant to establish the interest for extra care RPs in the scheme. Our consultant approached the 20 market leading extra care RPs and they received interest in the scheme from three providers which we have approached and started a dialogue with.

The application drawings show the site split into two parts, with one part for the market housing scheme (65 units) and the other part to accommodate the Extra Care Affordable Housing Scheme. The following principles apply to secure the delivery of the Extra Care Affordable Housing Scheme.

- For a period of 12 months from the grant of planning permission (regardless of whether or not the planning permission is implemented) the owner will seek to secure a transfer of the freehold interest in the Extra Care Affordable Site to a RP. The Council may nominate RP's at any time who may be interested in taking a transfer of the Extra Care Affordable Site (also referred to herein as the "Site") and the Owner will work proactively with those.
- If the Site is transferred to an RP then the RP will then be bound by separate obligations as specified below, but having regard to the need to enable the RP to secure funding that may be required to make the delivery of the scheme more certain, for the benefit of all parties.
- In the event that despite reasonable endeavours the owner has not secured a transfer of the Site within the period specified or any extended period as the parties may agree, the owner will provide evidence to the Council of the reasonable steps they have taken to secure such a transfer.
- If satisfied with the evidence submitted the Council will then agree the alternative affordable housing provision. If not satisfied the Council can request further information. The Council could also request a further period of marketing if there are reasonable grounds for believing that would be successful in securing a buyer and the owner agrees.
- The alternative provision, if a transfer of the Site is not achieved, is the provision of a policy compliant Affordable Housing Scheme representing the Affordable Housing Requirement from the 65 residential dwelling plots.
- The parties shall agree what the affordable requirement would be by reference to the number and types of dwellings and their respective tenures.
- To establish the Affordable Housing provision, the owner will submit an affordable housing scheme with the first application for reserved matters approval.
- The affordable housing scheme will indicate which of the 65 dwellings would be affordable housing units in the event that the owner is unable to secure a transfer of

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the Extra Care Affordable Housing Site to an RP and therefore has to provide on-site Affordable Housing.

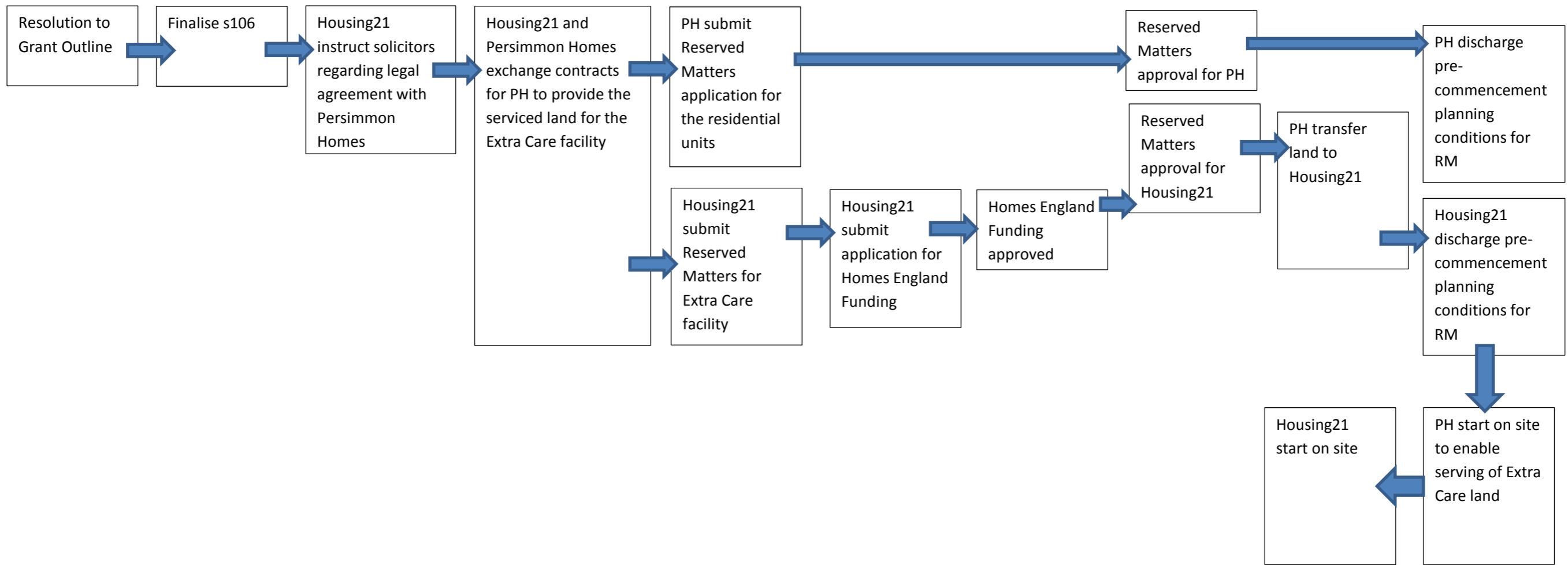
- The delivery of the on-site Affordable Housing will be subject to the normal provisions relating to affordable housing delivery, transfer to RPs, nomination rights and the affordable tenure split that the Council requires as well as mortgagee protection clauses.
- The Site will then take free of the Extra Care Affordable Housing provisions but will clearly only have outline planning permission for that use. Should the Site be the subject of a future planning application for housing, then it would have an element of affordable housing in accordance with policy requirements applicable at that time.
- In terms of a successful transfer of the Extra Care Affordable Housing Site, which will be with the benefit of access and services to the boundary, the RP will be bound to obtain reserved matters approval and/or full planning permission within a specified period and thereafter to commence development and proceed with completion of the scheme within specified periods. The periods may be extended with the agreement of the Council, acting reasonably. The full extent of the obligations needs to be considered carefully so as not to prejudice third party funding and therefore delivery of the scheme by an RP.
- The Extra Care Affordable Housing will be covered by criteria regarding the need for occupiers to receive an extra care package with a minimum weekly requirement for extra care support/services. Only one person need be in receipt of an extra care package.
- Occupants of the extra care units will also require to be in need of extra care housing based on their income.
- As with the Affordable Housing provision, the extra care scheme will have to have safeguards for any mortgagee advancing monies to an RP to deliver the scheme.
- In the event of a default by the RP in providing the affordable extra care facility in accordance with the provisions within the Agreement there will be a restriction on the Extra Care Affordable Site so as to prevent it from being used for any purpose other than the provision of affordable housing with or without extra care as the council may approve and subject to planning permission granted by the Council.

Extra Care explanatory note

- During our pre-application ENDC requested that we consider the possibility of an affordable extra care facility being provided on our site. The basis of this request was the County Council's evidence ('Study of Housing and Support Needs of Older People across Northamptonshire' (2017) which evidenced the need for additional extra care to be provided in Oundle. Additionally, we were also advised of the emerging Local Plan's policy requirement to consider the provision of accommodation for older people on the site.
- ENDC advised us that if we provided the extra care facility on site specifically for 100% affordable extra care it was acceptable to ENDC that this could be provided in lieu of the traditional approach to the provision of affordable housing.
- We have submitted an Outline application for 130 units in total (65 of which are private units and 65 of which are affordable extra care units which in effect equates to 50% of the provision on site being affordable – policy is currently 40% affordable)
- We commissioned a piece of independent research which approached the leading Extra Care providers and have only had interest from Housing21 who would like to acquire the site. The other providers advised us that the location of the site and size of extra care did not suit their business models.
- PH have worked proactively to secure ENDC's desire for extra care in Oundle and has entered into a period of exclusivity with Housing21 to deliver the extra care facility on site.
- Housing21 has worked closely with us to secure the provision and took the opportunity to their board in December 2019 and the board have approved the scheme to proceed. However, they cannot proceed any further towards contract until the Outline has been approved
- We have entered into s106 negotiations with ENDC to agree the affordable housing mechanism prior to committee. These discussions are at a very advanced stage and we have the principles of the mechanism agreed subject to a few minor amendments
- The mechanism proposed is that PH will gift the land to Housing21 to enable them to build the extra care scheme
- We would usually build and sell the affordable housing to a HA and in turn we would make a profit (in line with NPPF guidance) on the sale of the units, but in this instance we will be gifting the land to Housing21 (although we will still need to buy the land from the landowner so it will have a cost to us, but at no return)
- It has been made clear by Housing21 that the only way that the scheme will be viable is if they receive grant funding from Homes England as without it, the scheme would not be viable and the only way they can achieve the funding is by us gifting them the land

- If, prior to Housing21 taking a transfer of the land they advise that they will not be proceeding, we will in turn submit a revised scheme with a policy compliant 40% affordable housing on site
- We are proposing for the transfer of the land to take place once Housing21 have achieved Reserved Matters for the extra care facility. We believe that this will ensure delivery of the site.
- If for any reason Housing21 cannot proceed with the opportunity, the land will be returned to us and we will ensure that the policy compliant level of affordable housing (40%) is delivered on site

TIMELINE FOR DELIVERY OF ST CHRISTOPHER'S DRIVE, OUNDLE



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51 – 53 Hagley Road
Birmingham
B16 8TP

Planning Committee members
East Northamptonshire District Council
Northamptonshire House, Cedar Drive,
Thrapston, Kettering
NN14 4LZ



Date 02/03/2020

Dear Sir/Madam

Proposed extra care housing scheme at St. Christopher's Drive, Oundle

Further to our recent meeting with Roz Johnson and Carolyn Tait, I set below some information in support of Persimmon Homes' application for outline planning permission which includes an extra care scheme at the site to the south of St. Christopher's Drive, Oundle.

Background

Housing 21 is a leading not-for-profit provider of Retirement Housing and Extra Care Living for older people of modest means. We operate in nearly 200 local authority areas, managing around 20,000 Retirement and Extra Care Living properties and providing over 42,000 hours of social care each week. We are exclusively focussed on providing specialist affordable housing for older people and we do not provide general needs housing.

We currently own and operate 135 Extra Care facilities across England which makes us the largest provider of this type of housing in the country. We have one existing scheme in Northamptonshire: Foxfields in Northampton which consists of 77 flats, all for rent. This scheme was completed in 2017. We have a nominations agreement with Northamptonshire County Council for Foxfields and have built up a positive working relationship with them which has contributed to the successful running of the scheme. Housing 21 also have two schemes in Peterborough: St. Edmunds Court (51 flats built in 2009) and Bishopsfield Court (48 flats built in 1994).

We have a very strong track record developing new schemes and have our own Design Guide which draws on best practice and our extensive construction and operational experience. Housing 21 currently (as per February 2020) has 18 projects under construction nationally and our target is to develop 1,200 new units per annum by the year 2025.

St. Christopher's Drive

In June 2019 Persimmon Homes approached Housing 21 about the St. Christopher Drive site in Oundle. We carried out an analysis of demand and an assessment of the location itself and determined that the site is a very suitable one for a new extra care facility.

We then instructed Saunders Boston Architects to carry out some initial feasibility work adhering to the Housing 21 Design Guide. This resulted in a preliminary drawing for a 65 unit scheme. We propose the following tenure mix:

- 65% affordable rent: 42 flats of which 36 x one-bedroom and 6 x two-bedroom;
- 35% shared ownership: 23 flats of which 3 x one-bedroom and 20 x two-bedroom.

The initial business case was presented to Housing 21's Development Steering Group (DSG) for approval on 18th December 2019 and approval was granted to proceed.

The construction of extra care housing is much higher than general needs or retirement apartments. The cost increase is mainly due to the extensive communal spaces that need to be provided within an extra care facility. These communal spaces include a residents' lounge, flexible activity space, communal dining room, catering kitchen, hairdressing salon, guest suite, assisted bathroom, a laundry, buggy store, court manager's office, care manager's office, an interview room and a staff room. In an extra care scheme the communal space makes up approximately 35% of the total floor space of the building. This compares to around 18% for a typical block of general needs flats. There are also additional costs associated with providing specialist features including lifts, an IT call system for residents, an enhanced bathroom specification and fire control sprinkler systems.

Due to these extra costs the delivery of affordable extra care housing requires grant funding support from Homes England. The project on St. Christopher Drive site in Oundle will be no exception to this. If the land is gifted to Housing 21 by Persimmon (to fulfil part of the s106 obligation) then delivery of the scheme will still require substantial additional grant funding support from Homes England. In short, without the Homes England funding the scheme would not be viable and would therefore not come forward.

Next steps

If outline planning permission is granted in March 2020 Housing 21 will move immediately on to the next stage in order to deliver the scheme as promptly as possible. We anticipate the following steps will include:

- Instructing our solicitors and finalising the conditional Sale Agreement with Persimmon;
- Instructing Saunders Boston Architects to further develop the design;
- A public consultation event involving the Architect as well as members of Housing 21's Development and Operational Teams;
- Technical reports and Reserved Matters (RM) planning application;
- Grant funding application to Homes England (HE);
- Legal completion to take ownership of the land following approval of HE grant application and the RM planning permission;
- Tendering the build;
- Build out of the scheme: circa 18 months;
- Commissioning of the scheme according to the Housing 21 commissioning plan (this detailed step-by-step plan is set in motion as soon as a construction start is made).

Conclusion

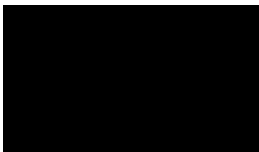
Housing 21 believes the proposed extra care scheme on St. Christophers Drive in Oundle will be of great benefit to the people of the town and indeed will fulfil an identified strategic need by the District. It will enable older residents to live independently while having care and support close at hand and made available according to their individual needs.

When it comes to extra care, Housing 21 is a market leader and is very experienced in delivering well designed, high quality, affordable schemes. Our proposal is for a 100% affordable scheme consisting of two tenure options to meet the needs of the town and its rural hinterland: affordable rent and shared ownership. We are confident that the scheme can be delivered with the assistance of Homes England grant funding if the site is gifted to us by Persimmon under the s106 agreement.

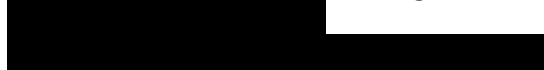
Housing 21 has an established positive relationship with Northamptonshire County Council adult social care commissioners and we look forward to working with East Northamptonshire District Council (and the new Unitary Authority following the merger) on nominations, care commissioning, the promotion of the scheme and its successful operation in the longer term.

Attached a brochure with additional information about Housing 21. Please do not hesitate to contact me if you have any questions.

Yours faithfully



Property Development Manager



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Developing together

Housing 21 is a leading, not for profit provider of Retirement Housing and Extra Care for older people of modest means.

We are already working hard to support local authorities across the country to increase their provision of social housing and care for older people and have a proven, successful model for doing so.

We operate in nearly **200** local authority areas, managing around **20,000** Retirement and Extra Care Living properties and providing over **42,000** hours of social care each week but we want to do more.

We are committed to development and will build an additional **2,310** properties by 2022, increasing year on year until we reach **1,200** properties per annum from 2025 onwards.

Why work with us?

As a registered provider, we are one of the largest developers of specialist housing for older people and the largest provider of Extra Care housing in England.

As a charitable, not for profit provider led by our social purpose we are driven by providing high quality and affordable housing and care for those who need it most. Any profit we make goes into developing our properties and services and not into the pockets of shareholders.

We're very much in favour of the housing association model for Extra Care, and we're certainly fans of the integrated approach.

Local Authority, Management

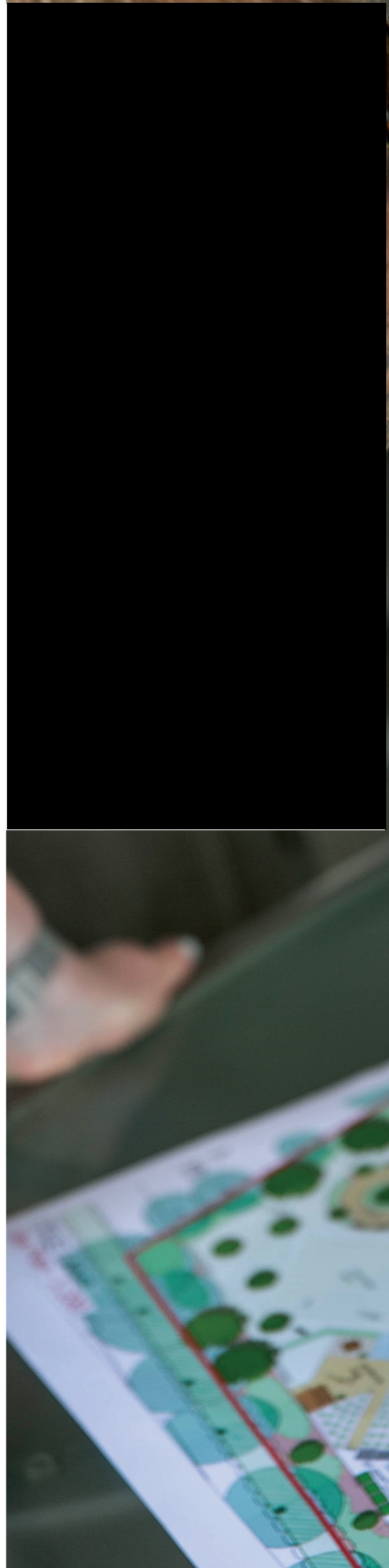
We invest in our staff to ensure we recruit and retain the best people to provide the best care for our residents. Our model is proving to be effective across the country and is delivering proven health outcomes for those in our care.

We offer a positive alternative to residential care and by preference, we do this via our integrated housing management and care model. We recognise the difference living in specialist housing can make to residents, allowing them to retain their independence with support available as and when required. We also understand how simple design features can help those who may need additional support.

We worked with the Alzheimer's Society to launch the Dementia-friendly housing charter and ensure that where possible all of our properties are dementia-friendly, helping those living with dementia to live well.

We will build an additional **2,310**
properties by **2022**

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We have two distinct service offers


Extra Care Living and Retirement Living


Extra Care Living offers:

 The **privacy** and **security** of your own home – you can come and go as you please

 A dedicated **Housing** or **Housing and Care Manager**

 A **care team** on-site 24/7

 All of our new schemes have 24 hour **digital call systems** linked to the on-site team enabling quicker response times in an emergency


 An impressive range of **communal facilities**. Typically, there is a spacious communal lounge, a café/bistro and a hair salon. These are open to the public as we like the courts to be an important part of their local community. There is also usually a laundry room, buggy store and a guest room for visiting family and friends


Results from our most recent **resident survey** show **97%** satisfaction levels from **residents receiving care** (Q1 2019).


Within the Extra Care setting we integrate the management of housing and care wherever possible to ensure the best services for our residents.


.....

Retirement Living offers:

 **Private** and **self-contained apartments**, designed to allow you to live independently within a community setting

 **Communal facilities** including a communal lounge and kitchen

 **Court Manager:** a key element of our service is the on-site Court Manager who is there to ensure day to day life at the court runs smoothly. They are also there to help by organising any necessary repair work with tradespeople, allowing residents to have peace of mind

 A 24 hour **emergency alarm** – If help is summoned the Court Manager will be alerted and come to residents' assistance. Outside of working hours the alarm is answered by a professional support service that will ensure a quick and appropriate response

It's fantastic to reach this milestone, having worked closely with our partner Housing 21 to bring forward this quality new development. Our two organisations are committed to increasing the supply of Retirement and Extra Care properties and we're proud to have brought forward more than 300 new homes together nationwide.

Craig Currie, Managing Director of Galliford Try Partnerships West

Stakeholder engagement

Housing 21 works with a range of stakeholders across England. We actively seek opportunities to engage with new initiatives and thinking which may positively impact on our housing and care offer.

We are committed to our core purpose, to be leaders in the provision of high quality **Retirement Housing** and **Extra Care** for older people of modest means and this is supported by a directive from our Board to grow our development pipeline significantly.

Financial resilience

With our roots going back to 1921, over time we have developed robust governance structures and a financial resilience that is reflected in our top governance and viability gradings by the Regulator of Social Housing (RoSH) and 'A' rating by Standards & Poor's (world leading credit rating agency). Financially stable, we are able to support our growth ambitions with a strong funding profile.

We are committed to developing at least **1,200** units per annum from **2025** onwards funded by a **£300m** bond issue and are currently investing over **£135m** (2017-21) in our existing stock to bring all of our properties to the modern standards that our residents expect from us.

Development Brief

Extra Care

Typically our Extra Care sites are around 1.5 - 2.5 acres and support development of around 70 - 90 apartments.

Our preference is for a serviced roadside site with all utilities. Ideally they will be within an established community and near to local facilities including shops, GP, other primary care facilities and public transport for both residents and potential staff.

We aim to make all our new developments dementia-friendly environments incorporating the HAPPI principles wherever possible.

In both circumstances, we are keen to consider innovation and welcome discussions on Modern Methods of Construction and innovation through procurement that will improve speed of construction, improve value and the quality of the end product.

Retirement Housing

Our Retirement Housing brief requires slightly less land than Extra Care at around 0.75 - 2 acres. Our ideal option is to be able to develop around 40 - 70 retirement living properties in a scheme.

They are designed for independent living, to be safe and secure, located close to local shops, town centre and essential amenities, including transport. Again our preference is for a serviced roadside site with all utilities. Internally, there needs to be informal seating areas for resident socialising opportunities, manager facilities and a secure buggy store.

Structure of any development deals

We are flexible in our approach to how the legal structure of a property deal can be delivered. We have undertaken development in many different ways from package deals, turnkey development, a land and build approach, traditional local authority procurement competitions and off-market approaches to land owners.

Planning status and conditions

We believe our Extra Care schemes should be developed in line with the C3 use class definition of development (dwelling house) rather than C2 (residential home). However, we can work with C2 use where required. As a registered provider we are Community Infrastructure Levy exempt and need to build the process for claiming that exemption into our timelines for delivery. Given that our product is, in the main, an all-affordable product, we would look to discuss how we can mitigate against the majority of s106 requirements that would be imposed on a developer look to agree early our position on nomination rights with each Local Authority directly.

This whole project has been carefully considered from day one. From identifying a suitable site in Helmsley to meet the local needs for Extra Care housing and services, to ensuring the design of the development and the materials used complement the existing surroundings.

Paula Broadbent, Retirement Solutions Director at ENGIE

If you are interested in working with us or finding out more, please contact

Page 247 development@housing21.org.uk

Who we are



Housing 21

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Regulated by the Social Housing Regulator Reg. No. L0055
Community Benefit Society FCA Reg. No. 16791R



Committee Update Report
Area Planning Committee (Thrapston) – 3rd May 2022
Index of Applications for Consideration

All plans and documents can be viewed using the link [here](#) using the Case Ref. No.

Case Ref. No. and Page No.	Location	Officers Rec.
<p>NE/22/01607/FUL</p> <p>Page 11</p>	<p>110 Wharf Road, Higham Ferrers</p> <p><u>Updates</u></p> <p>No updates.</p>	<p>GRANT</p>
<p>NE/21/01807/FUL</p> <p>Page 23</p>	<p>10 Burystead Rise, Raunds</p> <p><u>Updates</u></p> <p>Further objections from a neighbour which can be viewed in full using the link above. Material matters are summarised below and relate to the paragraph numbers in the report, as follows:</p> <ul style="list-style-type: none"> • 2.1 – Criticises the report for not identifying <u>all</u> the additional rooms (<i>bathroom, store and utility aren't mentioned</i>); <p><i>Officer Response</i> – The key elements of the proposal are identified and it is made clear there is to be an internal reconfiguration. The mention of one additional downstairs bedroom is highlighted as it could be material to parking requirements.</p> <ul style="list-style-type: none"> • 5.1 – Critical of Raunds Town Council's comments in respect of measurements, and the 	<p>GRANT</p>

- suggestive use of language in respect of the height differences;
- 6.5 – Contends that the proposal conflicts with Policy R2 of the Raunds Neighbourhood Plan;
 - 7.1.1 – (Visual Impact)
 - Does not agree that the render finish is in keeping with the area
 - Contends that the 0.65m measurement relating to permitted development is incorrect, that it should be 0.35m (*both are incorrect, explained further below*)
 - States there is no side access between Nos 8 and 10; and
 - Trees on the objector's boundary (not on the application site) are not taken account of

Officer Response – 5.1 is the Town Council's comments and 6.5 is where the policies are listed, rather than explained in full. Section 7 is where the issues are discussed and Officers have reached a different conclusion to the neighbour.

In respect of the permitted development measurement dispute, both measurements (0.35m as in the report and 0.65m as contended by the neighbour) are incorrect. Permitted development for larger rear extensions is up to 6m on semi-detached and terraced properties, which would make the Officer's 0.35m measurement correct in other cases, but as this is a detached property, permitted development allows for up to 8m for a rear extension, so most of the proposal is in fact under what permitted development could allow for (The Officer does mention the 8m situation at 7.2.2). It is only the slight projection to the side (toward No.8) that means the proposal cannot qualify as permitted development.

It is also worth mentioning that an outbuilding, or outbuildings of up to 2.5m in height along either boundary would also be permitted development as long as there is still 50% of the curtilage (front and rear gardens) left over.

In terms of side access, the 1m gap to the boundary would allow for this, and in terms of trees on the neighbour's boundary, these are not protected or felt to materially affect the proposal in planning terms.

- 7.2.1 (Amenity) – Queries whether the 45 degree line should be used rather than the 60

	<p>degree line as shown on the plan, and in respect of the relationship between properties, states that it should say No.8 and No.10 and rather than No.12 and No.10</p> <p><i>Officer Response</i> – the neighbour is correct regarding the properties identified, it should say No.8 is set down instead of No.12 (No.12 is on higher ground, No.8 is on lower ground). In respect of the 45/60 degree angles, the 60 degree angle is the correct one to have been used. The wall closest to No.8 is to be 2.447m in height, which is less than the 3+ metres referred to in the SPD. It would rise to 3.462m at the ridge but at that point it would be further away from the property. It is appreciated that there is a levels difference between the sites of around 1m, but this wall would also be set in from the boundary of No.8 by a metre. Officers view remains that the amenity impact on both properties (8 and 12) is acceptable.</p> <ul style="list-style-type: none"> • 7.2.3 (Amenity) – Queries whether path of the sun has been considered in relation to No.8 and points out that the extension is 1m from the boundary of No.8, but the report says “more than” 1 metre <p><i>Officer Response</i> – Yes, the path of the sun has been considered in drawing the conclusion that the extension would not be oppressive or overbearing when viewed from No.8. In respect of the distance shown in the report, it should say 1m instead of more than 1m, as the distance is exactly 1m.</p> <p>Concerns have been raised that Planning Officers arranged for Committee members to visit neighbouring properties but this did not happen.</p> <p><i>Officer Response</i> – Officers arranged for a visit to the application site and no other property.</p> <p><u>Overall Officer Response</u> – Other than correcting inaccuracies relating to the permitted development situation at 7.1.1, property Nos at 7.2.1 and distance from boundary at 7.2.3 the material issues raised do not alter the recommendation to approve.</p>	
<p>NE/21/00783/FUL</p> <p>Page 33</p>	<p>Carinya, Main Street, Barnwell</p> <p><u>Updates</u></p>	<p>GRANT</p>

	No updates.	
NE/22/00134/LDP Page 53	20 New Road, Oundle <u>Updates</u> No updates.	GRANT
NE/22/00088/FUL Page 61 Page 252	110 Main Street, Aldwincle <u>Updates</u> Points of clarification/additional information: Confirmation was sought over the shared access and parking to the property. The access currently serves No. 110 Main Street. There is ample parking to the frontage and rear of No. 110 to serve the existing property. The access would also serve the proposed dwelling, which provides parking and turning to the rear of the site. Planning permission had been granted to the frontage of the site for the conversion and extension of garage to create detached dwelling with integral double garage, 16/00727/FUL. This property would have an integral double garage, with parking and turning provided to the frontage of the dwelling. It would appear from the site visit that this permission has not been implemented. As such, the access would serve the host property, No. 110, and the proposed dwelling to the rear of the site with adequate parking and turning provided. No updates to the report.	GRANT

<p>NE/21/00379/FUL</p> <p>Page 75</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 253</p>	<p>Land Opposite Elizabeth Close, Raunds</p> <p><u>Updates</u></p> <p>Points of clarification/additional information:</p> <ul style="list-style-type: none"> • The site is within Flood Zone 1 in its entirety; • The road on the eastern side of the site, understood to be known as 'Whiteman Lane', is unadopted. This is a reason why vehicular access could not be used to serve the site; • If considered necessary, the doors/windows of the dwellings can be conditioned to accord with the relevant Building Regulations criteria relating to safety, as referred to in the comments from the Police comments. This is not considered a necessity by Officers. Additionally, the Agent has indicated an acceptance of a condition, if deemed necessary, to add a habitable room window at ground floor level in the side elevation of Plot 1, to assist with 'natural' surveillance. <p>Education Contributions:</p> <p>Further justification has been received from the Senior Project Officer for Developer Contributions to demonstrate that the requested contributions towards education would be required to support the development to accommodate the extra school places required by future residents of the scheme. It is now requested that the education contribution forms one single sum rather than be apportioned to the different education stages (early years, primary, secondary) but that the sum is used within the Raunds area. This will enable the money to be used more flexibly and can be secured as part of the S106 negotiations.</p>	<p>GRANT</p>
<p>NE/21/01330/REM</p> <p>Page 127</p>	<p>Land At St Christopher's Drive, Oundle (Extra Care scheme)</p> <p><u>Updates</u></p> <p>One representation has been received since the publication of the Committee Report. The comments are from a person who has previously objected. A response to the matters not addressed in the report is summarised below:</p>	<p>Delegate to Officers upon receipt of LLFA advice</p>

Siting of the Extra Care facility

The siting of the Extra Care facility within the wider outline site is established under the Outline Permission at Condition 32 which refers to the 'Land Use Plan' The Masterplan for the site, included under the outline application, identifies the same south-western corner of the site for the Extra Care use as currently proposed.

Other matters, including parking and drainage, are addressed under the Report.

Further Updates:

A consultation response from the LLFA was received on 28.04.22 not objecting but requesting further advice. The comments are summarised as follows:

- The applicant is seeking to discharge the stipulations included in Conditions 7 (Surface water drainage scheme) and 8 (Flood Risk Assessment) of the original outline planning consent (19/01355/OUT) as part of this reserved matters application.
- Further clarification is needed on the size of manholes, chambers, catchpits and details required on permeable paving
- The proposed tree pits for attenuation need to be moved further away from buildings and trees.
- Drainage data needs to be based on FEH rainfall data, which provides better predictions, not FSR drainage data.
- Drawings need amending to show updated flow rate.
- Infiltration test results and soil condition details are required.
- Amended maintenance schedule is required showing details of porous paving and surface water storage tanks.

The applicant submitted the information requested above on 29.04.22 and this has been sent to the LLFA for further comment. Any comments from the LLFA will be reported to members verbally at committee. The recommendation need not be altered as a result of the comments received thus far.

Additional points of clarification:

- The submitted Transport Assessment and Design and Access Statement set out the evidence for the need for parking spaces associated with the use. This concluded there will be a need for 31-32 spaces, comprising 14 for residents, 13-14 for staff and 4 for visitors. The provision of 36 exceeds the need and the LHA are satisfied with the provision proposed;
- Fire Service Comments: Comments were received but not listed in the report. The comments are general and refer to the guidance document. The comments refer to a need for buildings with a floorspace greater than 2,000 sqm, to have an access that meets the requirements set out in the relevant Building Regulations document.

Recommended amendment to Condition 3 (landscaping):

Prior to the first occupation of the Extra Care Facility hereby approved, details, including a timetable for implementation, shall have been submitted to and approved in writing by the Local Planning Authority, of a full planting and landscaping scheme. The details are to include substantial natural boundary screening proposed, along the western boundary shared with adjacent residential properties. The landscaping/planting shall thereafter be undertaken in full and maintained in perpetuity with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to clarify the landscaping terms of this consent, the visual amenity of the site and the function of the external space around the extra care facility.

Proposed Recommendation Amendment

The applicant has submitted sufficient levels information for officers to be able to assess the impact of the proposal on neighbouring amenity, as covered in the Committee Report. However, condition 14 of 19/01355/OUT requests a full levels plan. This information has not

been included on one drawing and as such the recommendation has been amended to reflect this.

In addition to this, full comments from the Council's Senior Tree and Landscape Officer have not yet been received and as such the recommendation has been amended to reflect this also. This is not expected to be an objection given the distance to the nearest protected tree.

Paragraphs 1.1 and 10.1 should read as follows:

That planning permission is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application; and until full levels details have been submitted; and until comments from the Council's Senior Tree and Landscape Officer have been received that do not raise a substantive objection; and once the LLFA advice is received, the levels plan is received and the Council's Senior Tree and Landscape Officer has commented, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:

- If the LLFA recommends that planning permission be granted to the proposed development, grant planning permission subject to the conditions listed in the report or substantially similar conditions, or:*
- If the LLFA recommends that planning permission be refused, then refuse planning permission on the grounds of drainage, or:*
- If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager in consultation with the Chair and Vice Chair of the Area Planning Committee, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse planning permission on the grounds of surface water drainage.*

Additional response received at 14:40 on 03/04/2022 from Lead Local Flood Authority,

	<p>summarised as:</p> <p>Further information required to demonstrate the size of Manholes/Chambers/ Catchpits.</p> <p>Officers have requested this information from the applicant.</p>	
<p>NE/21/01309/REM</p> <p>Page 149</p> <p>Page 257</p>	<p>Land At St Christopher’s Drive, Oundle (residential scheme)</p> <p><u>Updates</u></p> <p>Paragraphs 1.1 and 10.1 should read as follows:</p> <p>That planning permission is not granted until the Lead Local Flood Authority (LLFA) has given its advice on the application and once the LLFA advice is received, the Committee delegates the power to determine the application to the Director of Place and Economy to act in accordance with the appropriate option as follows:</p> <ul style="list-style-type: none"> • If the LLFA recommends that planning permission be granted to the proposed development, grant planning permission subject to the conditions listed in the report or substantially similar conditions, or: • If the LLFA recommends that planning permission be refused, then refuse planning permission on the grounds of drainage, or: • If the LLFA recommends that the application be amended to make it acceptable in drainage terms and those amendments will, in the opinion of the Planning Development Manager <u>in consultation with the Chair and Vice Chair of the Area Planning Committee</u>, result in a materially different development, then the application will be put to public consultation and brought back to the Committee for a determination, provided the applicant has agreed to an extension of time, and If the applicant does not agree to an extension of time then refuse planning permission on the grounds of surface water drainage. 	<p>Delegate to Officers upon receipt of LLFA advice</p>

One representation has been received since the publication of the Committee Report. The comments are from a person who has previously objected. A response to the matters not addressed in the report is summarised below:

The Outline Permission – reference to quotes from it

It is necessary to note that where planning permissions are considered to be unlawful, the Judicial Review (JR) process exists. Planning permission was granted on 20 November 2020, after which there was a time window for a Judicial Review. No such JR was submitted

Foul water drainage

Recent comments from Anglian Water address this matter.

Acoustic Fence siting and maintenance

The fence is to be within the application site and can be required to be maintained in perpetuity by condition.

Other Matters

Matters including access, parking, noise, street trees and access to the school are addressed within the report.

Other queries/points of clarification

The site is entirely within Flood Zone 1.

Bus Service

The Applicant has advised that the S106 secured a financial contribution towards a bus service. They advise that until a Reserved Matters consent is in place, it is unlikely that details on a future bus service will be known.

Extension of Time

An agreement for a decision by 10th May has been agreed with the Applicant.

Further Updates:

A consultation response from the LLFA was received on 28.04.22 not objecting but requesting further advice. The comments are summarised as follows:

- The applicant is seeking to discharge the stipulations included in Conditions 7 (Surface water drainage scheme) and 8 (Flood Risk Assessment) of the original outline planning consent (19/01355/OUT) as part of this reserved matters application.
- Further clarification is needed on the size of manholes, chambers, catchpits and details required on permeable paving
- Cross sections of control chambers and details of hydraulic curves required
- Drainage data needs to be based on FEH rainfall data, which provides better predictions, not FSR drainage data.
- Infiltration test results and soil condition details are required.
- Amended maintenance schedule is required showing details of porous paving, chambers/manholes/catchpits and surface water network.

The applicant submitted the information requested above on 29.04.22 and this has been sent to the LLFA for further comment. Any comments from the LLFA will be reported to members verbally at committee. The recommendation need not be altered as a result of the comments received thus far.

Further points of clarification:

- The pedestrian track which adjoins the ROW on the northern part of the site will not be available for a fire engine or other emergency service vehicle;
- The species mix was amended as part of the proposed landscaping, to address the October comments from the Ecologist. No subsequent comments from the Ecologist were received on the amendment but Officers are satisfied with the amendment including the inclusion of more native species;
- Fire Service and Rescue comments: To expand on the reference in the report, the submission from the Fire Service is a guidance document for developers, not specific to this site/application. There are no apparent issues with the proposed layout/development in relation to its contents.

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