

	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
<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 73dB_LAeq and 64dB_LAeq 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 60dB_LAeq 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 55dB_LAeq for steady continuous noise such as traffic noise. Furthermore, to protect the majority of people being moderately annoyed then noise levels should not exceed 50dB_LAeq. 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 50dB_LAeq 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

<p>means of surface water attenuation and discharge from the site.</p> <p>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:</p> <ul style="list-style-type: none"> 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 <p>Reason To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.</p> <p>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.</p> <p>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.</p> <p>A site plan including access points, maintenance access easements and outfalls.</p> <p>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.</p> <p>Details of expected design life of all assets with a schedule of when replacement assets may be required".</p> <p><u>Officer Comment:</u> The above comment supersedes an earlier comment from the LLFA. The conditions and informatives recommended are considered reasonable by officers.</p>	
---	--

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.