South Northamptonshire Council

UPDATES

for the planning applications to be discussed at the

Development Control Committee

9 June 2011
Development Control Committee – 9 June 2011

Committee Updates

The schedule below details those letters etc that have been received since the Committee reports were drafted:

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<th>Application Details:</th>
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<tr>
<td>Presenting Officer: Paul Seckington</td>
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<td>Parish: Thorpe Mandeville</td>
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<td>Application No: S/2011/0314/MAF</td>
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NCC Rights of way –

No objections in principle but would comment as follows:
- The position of public footpath AG7 is not shown accurately on the plan submitted with the application and some of the solar panels would obstruct the definitive route. They would therefore need to be moved to the east slightly.
- We are not too concerned regarding the fencing. However, the width between the fence and the new planting should be at least 4m to allow for proper maintenance.
- Excavation for the cabling across the right of way will need temporary closure of the footpath.

Third parties

14 further letters of objection on the same grounds as those representations made by previous objectors as detailed in the report and with additional objections as follows:
- Thorpe Mandeville Parish Council did not consult the village and their comments should be disregarded
- The local highway network can not accommodate additional construction traffic
- The development will be visible from some houses in Thorpe Mandeville
- The development will not provide any benefit to the community
• There are alternative ways of providing green energy on roofs of existing buildings belonging to the applicant
• No Section 106 agreement is in place and the correct procedures have not been carried out by Culworth Parish Council
• The four cabins should be located on the southern boundary which is the lowest point of the field
• What will happen to the land once the solar panels are removed, it will be Brownfield and then could be used for building on
• A number of planning applications have been sought at Culworth Grounds Farm, including a large American stable barn and extensions to the farmhouse, none of which included proposals for solar panels
• It does not appear the intention to provide any power to the nearby villages

In addition to the above a petition in objection to the application has been signed by 164 local residents, objecting on the following grounds:

- The visual and industrial impact of the site, particularly for those in Thorpe Mandeville would drastically and adversely alter both the appearance and character of the countryside
- It falls within an area designated as a Special Landscape Area
- The creation of a vast brownfield site gives potential for environmentally damaging alternative uses in the future
- The proposed scheme has a long term impact on the environment and will cause disruption and inconvenience
- Any proposed payment to parishes, dependent on the scheme being successful is abhorrent

Thorpe Mandeville Parish Council

The Parish Council advise that they held an Extraordinary Meeting on 6 June 2011 and that, having heard contributions from parish residents and having noted that a petition objecting to the application had gathered signatures of some 81 parish residents (out of approximately 160 listed on the electoral roll), resolved to make the following submission:

TMPC considered the above application at its meeting on 28 March 2011 and advised the committee that it had no objection to the application. Since then it has emerged that:

1. assurances given by the applicant to TMPC at that meeting regarding the invisibility of the planned installation and its interference with the environment were not well founded; and
2. the proposed installation would stand on land designated as having Special Landscape Value; and
3. the applicant has offered to another parish council a substantial payment contingent on the success of the application.

While TMPC favours the development of sustainable energy sources, it believes that:

- material information was not made available to it when it considered the application;
- its view of the application would have been different had these matters been brought to its attention; and
- the proposal as it stands is not in the interests of the parish.

Accordingly, TMPC would like the committee to note that it objects to the application.

Northamptonshire Council for the Protection of Rural England:

As an organisation we are very supportive of effective measures to reduce carbon emissions and improve energy security and feel that solar PV panels have the potential to make a significant contribution to both of these objectives. However we believe that renewable technologies that can be sited in almost any location (including within the built environment) should be developed where they will have the least impact.

This proposal is to place 21,000 m² of raised PV panels in an area of 75,000 m² of countryside. Because of the size of this proposal we feel that there is a potential for a significant adverse impact on the countryside which lies within the Aynho, Cherwell Valley and Eydon Special Landscape Area and as a result, we would have expected the application documentation to contain evidence (such as photomontages) to demonstrate that the impact would be acceptable. It is certainly not sufficient for the applicant to simply claim that the site can not be "seen in the wider landscape" – a claim often made in windfarm proposals. Although nothing like on the same scale as a wind turbine, the panels would be raised above the site and so it is possible that they may be visible even though the site itself may not.

The elevated position of this site would lead to an expectation that the site could be visible over a wide area and, because the panels are oriented towards the south, the greatest impact is likely to be on the village of Thorpe Mandeville and for users of the roads to the south, particularly the road heading north from Marston St Lawrence that forms a part of Regional Cycle Route 71. However, the view south from Culworth could also be impacted and this should also be assessed.

Moving on to the detail of the proposal, we note that the site borders public footpath AG7 and that it is proposed to erect a 3m high wire mesh fence along
this border. We feel that this would be extremely imposing on users of the footpath and that such a level of security is excessive for a project that is claimed to have negligible local impact. We acknowledge that some fencing may be required to deter curious members of the public and to enclose the sheep, but we feel that this need not be imposing.

Should the Council decide to grant permission we would request that you consider the following:

1. CPRE is concerned about the potential reflection from the solar panels as viewed from the countryside, particularly when the application site lies within a Special Landscape Area as designated within the South Northamptonshire Local Plan. As such, we would request a condition that ensures that the panels are coated in a non reflecting material to minimise glare and visual impact.

2. The applicant has not demonstrated that the proposal will be screened from view. Should this prove to be the case, we request that if screening can mitigate the visual impact, that planting appropriate to the character of the landscape should be stipulated as a condition.

3. We would also request that a condition be imposed to warrant that all equipment associated with the solar farm is removed and the land restored to agricultural use if the PV array use ceases.

4. We would finally request that any fencing alongside footpath AG7 should be no higher than necessary to enclose the sheep and deter the curious.

In summary, though we would like to support a renewable energy project, we feel that the information provided with this application is inadequate for it to be properly assessed. We would therefore request that the Council should defer a decision on this application until this information is available. In the event that the Council decide to grant permission, we would ask that you attach conditions to address the issues that we have raised.
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<td>Parish: Daventry District (Byfield Parish)</td>
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No updates.

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<td>Parish: Ashton</td>
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**Crime Prevention Design Adviser:** Confirmed that they have nothing further to add to their previous comments (included within the officer’s full report).
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<td>Presenting Officer (if different): Paul Seckington</td>
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<td>Parish: Gayton</td>
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<td>Application No. S/2011/0493/FUL</td>
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Consultation responses

Gayton Parish Council – no objections

Revised plans

Amended plans received to address some minor design concerns relating to the north east elevation.

Amended condition 2

The development shall not be carried out otherwise than in complete accordance with the approved plans being Drawing no’s 1098B 006 and 007, received 26th April 2011 and Drawing no’s 1098B 08 rev A, 009 rev A and 011 rev A received 31st May 2011 unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (General Development Procedure) (Amendment no 3) (England) Order 2009.
Amended plans have been received. The floor and elevation drawing show revised porch canopy detailing and show the existing ground level and proposed ground level. The Access Drawing shows revised access detail to match that already approved under application number S/2006/0819/P. The previous plan contained errors and did not match that already approved, as stated in the design and access statement.

OFFICER COMMENTS:

The revised porch detail is considered to be acceptable and is reflects the local vernacular. The additional information regarding ground levels (existing and proposed) is to clarify the current height of the dwelling and to demonstrate that the blue engineering bricks at damp course level will be partially covered once the ground level on site has been built up. A condition is recommended to require further detail on the finished ground levels.

ADDITIONAL CONSULTATION RESPONSES

Environmental Health

No adverse comment.

Third Party

Object on the following grounds:

- The Design and Access Statement is inaccurate in that it describes the application as seeking “permission to construct in effect the same house as that approved under reference S/2006/0819/P, but with slight internal alterations to the ground floor plan to better accommodate the stair and the regularisation of the single storey rear addition”.
- The incomplete dwelling comprises a larger footprint than that previously approved, is positioned in breach of the permission and stands higher than the permission allows.
- The incomplete dwelling should be demolished.
OFFICER COMMENTS

The concerns of the objector, as described above, have been addressed in the committee report.

See below for appendices
Appeal Decision
Site visit made on 21 February 2007
by Sue Glover BA (Hons) MCD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Appeal Ref: APP/Z2830/A/06/2029400
15-16 School Lane, Adstone, Northamptonshire, NN12 8DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice, within the prescribed period, of a decision on an application for planning permission.
- The appeal is made by Andrew Urwin against South Northamptonshire Council.
- The development proposed is the construction of a two storey detached house.

Decision

1. I allow the appeal, and grant planning permission for a two storey detached house at 15-16 School Lane, Adstone, Northamptonshire, NN12 8DU in accordance with the terms of the application, Ref S/2006/0819/P, dated 6 June 2006, and the plans submitted therewith, subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

2) No development shall begin until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed facing no. 15 School Lane or Stonedene.

4) The dwelling hereby permitted shall not be occupied until the parking spaces and turning area have been laid out and surfaced in accordance with details to be submitted to, and approved in writing by, the local planning authority. The details shall include the gradient of the access, the surfacing materials of the driveway and access, and the planting of a hedgerow to the remainder of the front boundary facing Banbury Road.

5) Any gate shall be hung inwards and shall be set back a minimum of 5m from the carriageway.

6) The external windows and doors shall be inset to provide a minimum 75mm reveal.

7) External joinery shall be stained dark brown.
Introduction

2. For clarification purposes, the relevant plans are B4/PP/01B, B4/PP/02B, B4/PP/03B, B4/PP/03B, B4/PP/02D, and B4/PP/04E.

Reasons

3. Adstone is a small hamlet with many dwellings in generous sized plots and a spacious feel, especially in School Lane. However, the part of the Adstone Conservation Area along Banbury Road has a greater mix of development, some dwellings being more closely spaced and at a higher density. The appeal dwelling would infill a gap in the street frontage linking no. 15 School Lane with the detached house Stonedene, and the more closely knit ribbon of buildings beyond Stonedene. The spaces to each side of the proposed dwelling and its plot size would not be dissimilar to those of other dwellings nearby on Banbury Road. I consider that the proposal respects the established character and would not therefore appear cramped in appearance.

4. At my site visit I was able to view the appeal site relative to the surrounding properties. It was apparent that Stonedene lies at a lower level than the appeal site. Taking into account level differences, the Council indicates a potential height difference of around 0.5m between Stonedene and the proposal, and less than 1m between no. 15 School Lane and the proposal. The height of the appeal proposal to the roof ridge would not be significantly higher than the buildings to each side, to the extent that the it would appear excessively prominent, dominating or obtrusive either from the street or from nearby properties. Moreover, I consider that some variation in height might be expected between individual buildings, thus adding variety to the street scene.

5. I conclude that the proposal would be of a high quality design that would preserve the character and appearance of Adstone Conservation Area in accordance with Policies G3, EV1, EV9, EV10 of the South Northamptonshire Local Plan (LP) and Policies AR6 and GS5 of the Northamptonshire County Structure Plan 1996-2016 (SP). There would be no harm to the character and quality of the Special Landscape Area and the proposal would comply with SP Policy AR1 and LP Policy EV7. I consider that a condition could be imposed requiring the restoration of a hedgerow to part of the frontage in accordance with LP Policy EV2.

6. The Council has suggested conditions. I have imposed conditions requiring the submission of details of external materials, and the parking and turning facility including the gradient of the access and surfacing materials to provide a satisfactory finished appearance and to protect highway safety. I have also imposed a condition requiring any gate to open into the site for highway safety reasons. Further conditions relate to details of windows, doors and external joinery to preserve the character and appearance of the conservation area. I have also imposed a condition restricting the addition of new windows to protect the privacy of adjoining residents each side.

7. However, I do not consider that further information about levels, and finished floor and ridge level heights are necessary, as adequate information to describe the proposal and on which to base a planning judgement has been provided with the application and appeal. The wording of the conditions I have used is consistent with the advice in Circular: 11/93, The Use of Conditions in Planning Permissions and the thrust of the wording requested by the local planning authority.
8. I have considered all other matters raised by a local Councillor, the Parish Council and local residents. Taking into account the visibility from the appeal site and the 30mph speed limit, I do not consider that the effects of traffic serving a single dwelling would be so significant as to cause material harm to highway safety. I note also that there was no objection from the highway authority.

9. I have noted the proposals within the emerging Local Development Framework to restrict infill development in Adstone. However, given their emerging status, I am able to afford them limited weight and have therefore assessed the appeal proposal in the light of prevailing development plan policies. Matters of drainage are for consideration by the appropriate bodies. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is acceptable.

Sue Glover

INSPECTOR
No further consultation responses received and the consultation period expired on the 6 June 2011.

REVISED RECOMMENDATION

Grant permission, subject to the conditions set out at the end of the committee report.

FLOOD RISK ASSESSMENT ADDENDUM & COVER LETTER

Further information submitted to support the original Flood Risk Assessment (FRA) has been received from the applicant, and sent to the Environment Agency in response to their concerns which are set out in full in the published report. The additional information notes that the drainage facilities in the proposed development are at least equivalent to that set out in the original FRA noting that the removal of the dry drainage ditch (described in the report) was always likely.

The addendum, prepared by Woods Hardwick (Infrastructure LLP) asserts that;
• The main strategic element of the drainage scheme are unaffected by the proposals

• Assessment of the master plans impermeable areas indicates a conservative approach taken by BWB Consulting (authors of the original outline FRA and Addendums) resulted in an overstating of the total catchment which needs to be drained

• Using the same calculation approach as at the outline application stage the drainage facilities have been demonstrated to provide an even higher level of protection than was first envisaged

• Omission of the potential additional storage area does not affect the drainage strategy

• The design of the pipe drainage system and the final layout can respond to the expectations of the drainage strategy

CONSULTEE COMMENTS:

ENVIRONMENT AGENCY Note the addendum submitted by Woods Hardwick. Observe that there is still incorrect description of the presence of an existing drainage pond serving the Taylor Wimpey development. Ask that this reference is changed. Note that sufficient space appears to have been shown within the proposed masterplan to adequately mitigate for surface water drainage. Request that overland flow routes be shown that illustrate management during exceedance events.

REPRESENTATIONS:

One further representation raises a new concern not covered in the report regarding ground stability within the site, based on the clay based soil type within the site and a concept known as ‘solifluction’.

OFFICER COMMENTS:

On the subject of drainage the Environment Agency’s concerns now seem to have been addressed but a further response is expected from them ahead of the committee meeting. Pending this the recommendation remains unchanged. Any further response will be reported as a verbal update at the committee meeting.

The objectors concerns regarding ground stability have been noted. Members will note that Condition 16, which is carried over in full from the Outline planning permission, is designed to deal with this issue in line with the advice contained in Planning Policy Guidance Note 14: Development on Unstable Land.