

Planning Committee

Wednesday 22 January 2020 at 7pm

**Council Chamber, Swanspool House, Doddington Road,
Wellingborough, Northamptonshire, NN8 1BP**

1. Apologies for absence.
- I 2. Declarations of interest (completed forms to be handed to the committee clerk).
- I 3. Confirmation of the minutes of the meeting held on 18 December 2019.
- I 4. Applications for planning permission, listed building consent, building regulation approval and appeal information.*
- I 5. Planning Appeal decision letters:
 - (a) 74 Ecton Lane, Sywell.
 - (b) Land to the rear of 21A Silver Street. Wellingborough.
6. Any other items that the chairman decides are urgent.

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. Full transcripts and copies of the disclosable representations can be obtained from the Council's website:<http://www.wellingborough.gov.uk/viewplanningapplications>.

Liz Elliott
Managing Director

Date issued: 14 January 2020

I Enclosed



Further information:

If you have any questions regarding this agenda, please contact Fiona Hubbard, Democratic Services Officer, on 01933 231 519 or Fhubbard@wellingborough.gov.uk

Requests to address the planning committee meeting:

If you wish to speak at the planning committee meeting in relation to an agenda item, you must register your request no later than **12 Midday on the day of the meeting**.

You can do this by:

- Completing the form on the council's website at www.wellingborough.gov.uk/speakersform
- or by completing the appropriate form which is available at reception desks:
- or by downloading the request to speak form here: http://www.wellingborough.gov.uk/downloads/file/4699/addressing_meetings
- by contacting Fiona Hubbard by telephone or email, as detailed above.

<p>Membership: Councillor Bell (Chairman), Councillor Morrall (Vice Chairman), Councillors Aslam, Graves, Griffiths, Harrington, G Lawman, Maguire, Scarborough, Skittrall and Stevenson (11).</p>

DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

When the Chairman calls for declarations of interest in matters to be considered at the meeting you must declare orally:

- any relevant 'Registrable Interest' that is **not** in the register of interests,
- any relevant 'Other Interest'.

Registrable interests in the register of interests do not need to be declared orally to the meeting.

Members are reminded that if they have a registrable Interest that is a disclosable pecuniary interest in any matter to be considered at the meeting they cannot participate, or participate further, in any discussion of the matter at the meeting; or participate in any vote, or further vote, taken on the matter at the meeting unless they have first obtained a dispensation from the Monitoring Officer in advance of the meeting.

An extract from the Code of Conduct relating to declarations of interest is printed on the reverse of this form.

Please write down your interests in the table below. If you have no registrable interests to declare, please state 'none' on the form. You are still required to declare your interest orally at the meeting.

Councillor name:			
Committee/date/ minute number	Title	Type of interest (please tick)	Reason for interest
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
Please place this completed declaration form in the basket (on the table next to the exit) at the end of the meeting to ensure your declaration is recorded accurately.			

Part 2 – Interests

4 Registerable Interests

- 4.1 You must within 28 days of this Code being adopted by or applied to the authority; or your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your interests within the following categories, for inclusion in the authority's register of interests:
- 4.1.1 any disclosable pecuniary interests you are required to disclose. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State (see Appendix A) and either:
- (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners
 and you are aware that that other person has the interest.
- 4.1.2 details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority
- 4.1.3 details of any body exercising functions of a public nature, any body directed to charitable purposes or any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are:
- (a) a member, or
 - (b) in a position of general control or management;
- 4.2 You are expected to ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests and other registerable interests.
- 4.3 You may inform the Monitoring Officer if you consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation. If the Monitoring Officer agrees with your view, the interest is treated as a "sensitive interest" for the purposes of the Code
- 4.4 If a sensitive interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest (but may state you have an interest the details of which are withheld).

5 Disclosure of Interests and Participation at Meetings

- 5.1 If you attend a meeting and
- 5.1.1 have and are or become aware, or should reasonably be aware, that you have an interest of the type described in paragraph 4.1 above in any matter to be considered, or being considered, at that meeting, and
- 5.1.2 the interest is not entered in the authority's register of members' interests, you should (and must if the interest is a disclosable pecuniary interest) disclose to the meeting the fact that you have an interest in that matter and the nature of that interest, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 5.2 Where your interest is a "sensitive interest" for the purposes of the Code, you need not disclose the details of the sensitive interest to the meeting, but merely the fact that you have an interest in the matter concerned.
- 5.3 If you have and are aware or become aware, or should reasonably be aware, that you have
- 5.3.1 a disclosable pecuniary interest in any matter to be considered, or being considered, at a meeting, or
- 5.3.2 any other registerable interest in any matter to be considered, or being considered, at a meeting, and
- (a) the matter to be considered, or being considered, at that meeting:
 - (i) affects your financial position or the financial position of a person or body through whom the interest arises ;or
 - (ii) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises, **and**
 - (b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest¹,
- you should not, and must not if the interest is a disclosable pecuniary interest,:
- 5.3.3 participate, or participate further, in any discussion of the matter at the meeting other than to the extent permitted by the authority's Procedure Rules in respect of registerable interests other than disclosable pecuniary interests²; or
- 5.3.4 participate in any vote, or further vote, taken on the matter at the meeting unless you have first obtained a dispensation from the Monitoring Officer in advance of the meeting.
- In addition, if the authority's Procedure Rules require you to leave the room where the meeting is held while any discussion or voting on the matter takes place, you must do so.
- 5.4 "Meeting" means any meeting organised by or on behalf of the authority, including:
- 5.4.1 any meeting of the authority, or a committee or sub-committee of the authority (including joint committees and joint sub-committees)
 - 5.4.2 meetings of working parties
 - 5.4.3 any briefing by officers (e.g. to political groups or lead advisers); and
 - 5.4.4 any site visit to do with business of the authority
- 5.5 If you seek to discuss with an officer a matter that, if it were to be considered at a meeting of the authority, you would not be able to participate in the discussion of, or voting on, by virtue of the matter relating to a registerable interest of yours, you are expected to inform the officer of that interest in advance of any discussion and accept that the officer has discretion as to whether or not to discuss the matter with you; save that he or she cannot treat you less favourably than he or she would treat a member of the public wishing to discuss a matter of the same type.

6 Other Interests

- 6.1 In addition to the requirements of Paragraph 5, where you have an interest described in paragraph 6.3 below in any business of the authority, and
- 6.1.1 where you are aware or ought reasonably to be aware of the existence of that interest, and
 - 6.1.2 you attend a meeting of the authority at which the business is considered,
- you are expected to disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 6.2 Where your interest is a "sensitive interest" for the purposes of this Code, you need not disclose the details of the sensitive interest to the meeting, but merely the fact that you have an interest in the matter concerned.
- 6.3 You have an interest for the purposes of paragraph 6.1 of this Code where:
- 6.3.1 a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person or body with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

¹ A registerable interest that satisfies the tests in paragraphs 5.3.2 (a) and (b) shall be known as a prejudicial interest for the purpose of declarations of interest at a meeting.
² These rules are to the effect that if the matter is one on which an ordinary member of the public would be allowed to address the meeting you are provided with the same opportunity. If an ordinary member of the public is not allowed to speak on the matter, you cannot do so.

- 6.3.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association and you are aware that that other person has the interest and that interest is not a disclosable pecuniary interest or any interest you should register in accordance with paragraph 4 of this Code.
- 6.4 If the matter to be considered, or being considered, at that meeting:
- 6.4.1 affects your financial position or the financial position of a person or body through whom the interest arises ;or
- 6.4.2 relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises, **and**
- 6.4.3 the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest³,
you should not:
- 6.4.4 participate, or participate further, in any discussion of the matter at the meeting other than to the extent permitted by the authority's Procedure Rules for such interests⁴; or
- 6.4.5 participate in any vote, or further vote, taken on the matter at the meeting unless you have first obtained a dispensation from the Monitoring Officer in advance of the meeting.
- In addition, if the authority's Procedure Rules require you to leave the room where the meeting is held while any discussion or voting on the matter takes place, you must do so.
- 6.5 If you seek to discuss with an officer a matter that, if it were to be considered at a meeting of the authority, you would not be able to participate in the discussion of, or voting on, by virtue of the matter relating to an interest of yours of the type described in paragraph 6.3, you are expected to inform the officer of that interest in advance of any discussion and accept that the officer has discretion as to whether or not to discuss the matter with you; save that he or she cannot treat you less favourably than he or she would treat a member of the public wishing to discuss a matter of the same type.

Appendix A

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest (DPI) are set out in Chapter 7 of the Localism Act 2011. Breaches of the rules relating to DPIs may lead to criminal sanctions being imposed.

Chapter 7 of the Localism Act 2011 provides that a pecuniary interest is a "disclosable pecuniary interest" in relation to a member (M), if it is of a description specified in regulations made by the Secretary of State and either:

- (a) it is an interest of M's, or
- (b) it is an interest of:
 - (i) M's spouse or civil partner,
 - (ii) a person with whom M is living as husband and wife, or
 - (iii) a person with whom M is living as if they were civil partners,

and M is aware that that other person has the interest.

DPIs are defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI No. 1464) as follows:

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose:

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

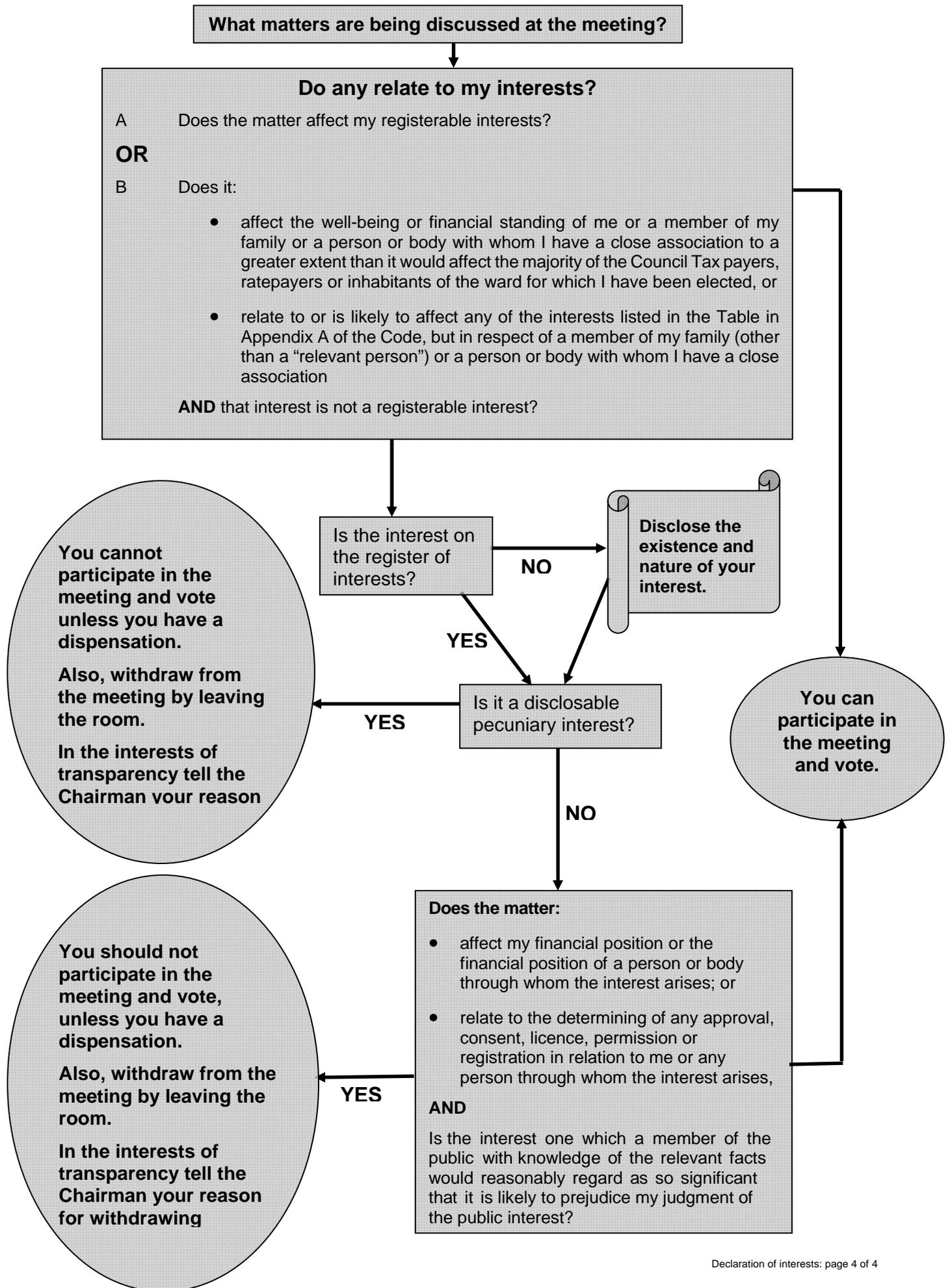
"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband and wife, or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

³ An *other interest* that satisfies the tests in paragraphs 6.4.1 to 6.4.3 shall also be known as a prejudicial interest for the purpose of declarations of interest at a meeting.

⁴ These rules are to the effect that if the matter is one on which an ordinary member of the public would be allowed to address the meeting you are provided with the same opportunity. If an ordinary member of the public is not allowed to speak on the matter, you cannot do so.

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



**Borough Council of Wellingborough
Planning Committee
Wednesday 22 January 2020 at 7.00 pm
Council Chamber, Swanspool House**

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Application	Location	Page No.
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BOROUGH COUNCIL OF WELLINGBOROUGH

Planning Committee

22 January 2020

Report of the Principal Planning Manager

Extension of time (if applicable): 24 January 2020

Case Officer **Debbie Kirk**

WP/19/00541/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
13 September 2019	9 October 2019	4 December 2019	Wollaston	Grendon

Applicant **I Bowers**

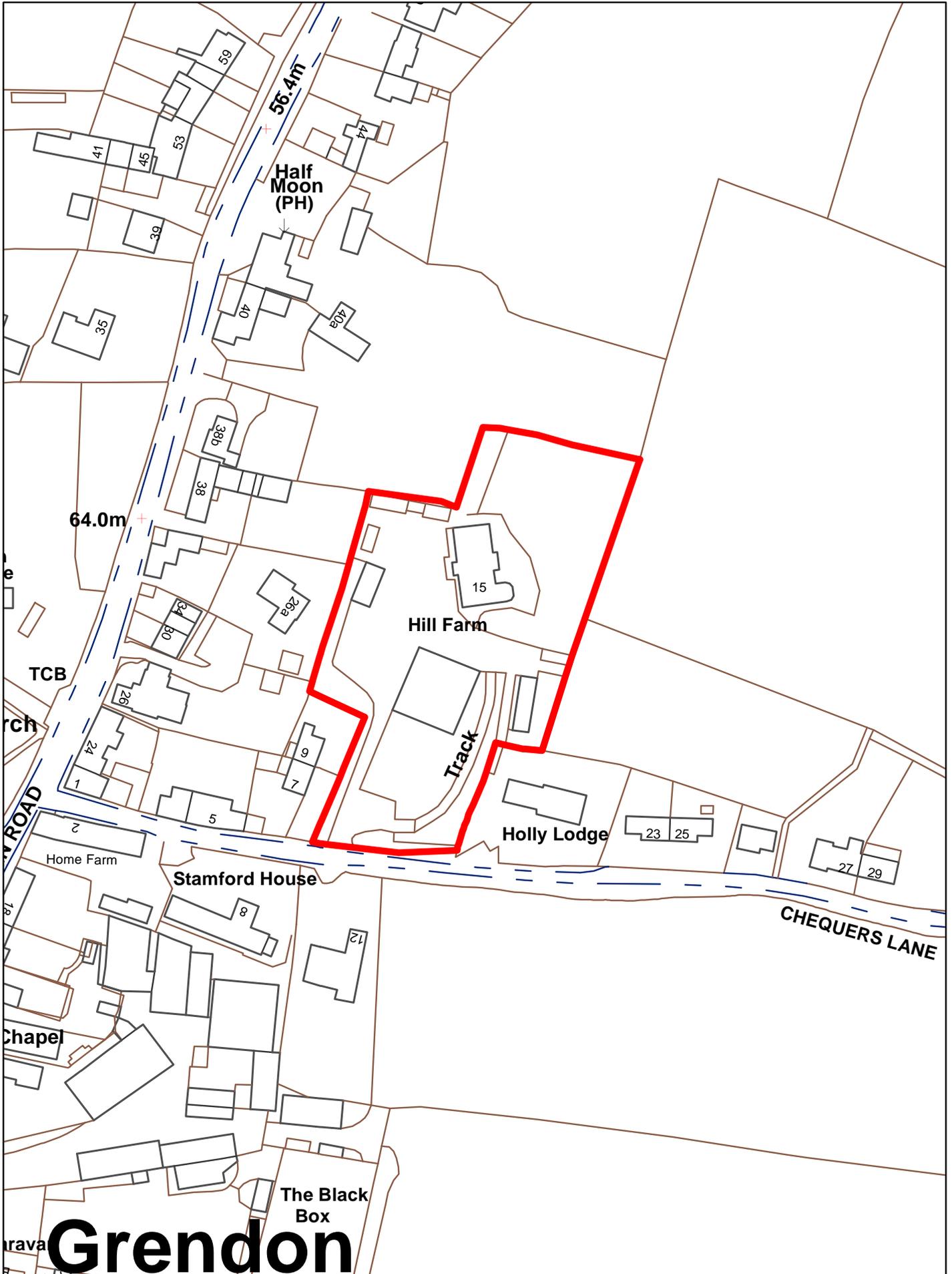
Agent **Mr Barry Waine**

Location **15 Chequers Lane Grendon Northampton Northamptonshire NN7 1JP**

Proposal **Residential development for 5 dwellings accessed off a shared private drive, hardstanding and associated landscaping and boundary treatments. Demolition of an existing two sided open agricultural barn used for the storage of hay, two stable blocks, a detached garage and double carport block would be demolished - amended plan recd 20 December 2019**

PLANNING HISTORY

WP/18/00723/VAR	Approved with conditions Removal of condition 4 (occupancy restriction) of planning permission ref: WP/1999/0147	09.01.2019
WP/19/00541/FUL	Determination pending. Residential development for 5 dwellings accessed off a shared private drive, hardstanding and associated landscaping and boundary treatments. Demolition of an existing two sided open agricultural barn used for the storage of hay, two stable blocks, a detached garage and double carport block would be demolished - amended plan recd 20 December 2019	
WR/1964/0146	Approved with conditions Caravan site	16.08.1964
WP/1999/0147	Approved with conditions Amended plans for approved equine bungalow	21.05.1999



Legend

 WP/19/00541/FUL - 15 Chequers Lane, Grendon

WP/1998/0441	Approved with conditions Erection of bungalow for occupation in connection with equine enterprise	10.12.1998
WP/1998/0161	Refused Erection of bungalow for occupation in connection with equine enterprise	03.06.1998
BW/1990/0032	Approved with conditions Mobile home for use of groom staff for eating and toilet facilities	15.02.1990
WR/1966/0019	Approved with conditions Housing site	24.03.1966
WP/2000/0274	Approved with conditions 10.974 x 5.486m wide timber building	13.09.2000

Update

The planning committee at the meeting held on 18 December 2019 deferred the application to enable the applicant's agent to submit amended plans relocating the proposed first floor window serving bedroom 3 in the side elevation (facing number 9 Chequers Lane) (on drawing number B57-103 C) and the insertion of a first floor window in the rear elevation above the ground floor French window (facing number 26A Main Road) and enable officer's to re-consult with the occupiers of 9 Chequers Lane, 26A Main Road and Grendon parish council on the amended plans. The reason for the suggested change was that the impact on the dwelling at number 9 Chequers Lane was considered to be greater than any impact on number 26A Main Road.

The applicant's agent has submitted amended plan number B57-103 D which shows no windows in the first floor side elevation of plot 4 and a low level first floor window above the french doors in the rear elevation. The window would be positioned 0.45 metres above first floor level and the window would be 1.05 metres deep. In looking at the repositioning, the plan now shows a smaller window set at a lower height such that for a person standing in the bedroom for plot 4 there would be no direct overlooking into 26A Main Road.

The occupiers of numbers 9 Chequers Lane, 26A Main Road and Grendon parish council were re-consulted on amended plan number B57-103 D on 20 December 2019 for a 21 days.

Grendon Parish Council

"Do not feel that the revised plans address any of the objections we have already raised and they therefore still stand. We must stress our concerns over highways issues around this application, both the safety of the blind T-junction and the amenity impact on parking and volume of traffic this development will generate for neighbours. The road and footpaths are already damaged due to the large sewerage trucks mounting the pavement to get down the road, this is only going to get worse with construction traffic and increased volume of cars from the proposed development. We really would

like a highways site visit to discuss these problems/issues. Can BCW do anything to organise this please?"

Neighbours

Two letters of objection have been received from the occupiers of a 26a Main Road and 5 Chequers Lane whom raise the following points:

- The comments made in earlier letters remain pertinent and should please also be taken into account. In relation to the revised plan, it would appear to introduce a window into the rear elevation, moving it from the side elevation position of all previous plans. The proposal directly contradicts the position represented in the Officer's Report prepared for the planning committee's meeting held on 18 December 2019 which drew its conclusions on the basis of the fact that "at first floor level only an en-suite window in each dwelling would be proposed. These windows should be conditioned to be obscurely glazed. As such, please record my objection to the proposed change: this would mean that the property would directly overlook my own. There would appear to be direct line of sight into the bedroom which I utilise as a study. There would also be direct line of sight of everyone entering or leaving my property which would have a significant and deleterious effect on the privacy of my property. I respectfully request that the application should be refused".

- Chequers Lane already has insufficient parking for existing residents. Leading to cars parking on the narrow road, this in turn has lead to other vehicles having to mount the pavement to pass these parked cars. The pavement has already been repaired and within 3 months, is again in need of repair. As a result the pavement is becoming unsafe to walk upon with my three young children.

- When vehicles pass on the pavement outside residential dwelling it causes the whole house to shake. If permission is granted as requested this will only exacerbate the issue. In addition Chequers Lane will see a huge increase in heavy vehicular traffic, only making the issue worse.

In principle there would be no issue with the development of 15 Chequers Lane, however some form of parking must be taken into account for 9 Chequers Lane, which will solve the access issues to the proposed development.

Effect On neighbouring amenity

The proposed amended first floor window would be positioned in excess of 17 metres from the flank side elevation of number 26A Main Road. The window would face onto the pitched roof of a detached garage block. The proposed window would not directly face into a first floor bedroom window which is used by the occupiers of 26A Main Road as a study. It is considered that there would be adequate spacing and separation distance between the first floor bedroom window in the rear elevation of plot 4 and habitable rooms at ground and first floor in the side flank elevation of number 26A Main Road, so as not to result in unacceptable loss of privacy.

The proposed amended design of plot 4 would not result in unacceptable loss of amenity to the occupiers of neighbouring properties and the development would comply with policy 8 (e) (i) of the JCS.

Effect on highway safety and capacity

This is discussed in detail in the main report set out below.

Recommendation

Approve subject to the conditions set out in the original report below:

NOTE:

Deferred at Planning Committee 18 December 2019.

Officers Previous Report 18 December 2019 -

Reason(s) for committee consideration

- The parish council objects to the application and have recommended the site viewing group visit the site before making a decision. Officers are recommending approval of the scheme

THE SITE AND SURROUNDINGS

The application site lies on the northern side of Chequers Lane and contains a vacant brick built detached single storey bungalow, an open sided agricultural barn used for the storage of hay, stable blocks, a detached garage and double carport block formally used in association with a stud farm for the breeding of thoroughbred racehorses. The site is accessed through a vehicular access crossing and 5 bar wooden gate off the northern side Chequers Lane.

To the north lays the curtilage of number 40a Main Road. To the west of the site lays a two storey detached dwelling and garage block associated with number 26a Main Road and a pair of two storey semi-detached dwellings associated with numbers 7 and 9 Chequers Lane. To the east lays open countryside and a two storey detached dwelling house with a detached wooden outbuilding associated with Holly Lodge, Chequers Lane. To the south lays number 12 Chequers Lane a detached single storey bungalow. The site partially lies within Grendon conservation area.

BACKGROUND

Planning permission reference WP/1998/0441/FUL was granted on 10 December 1998 for the erection of a bungalow for occupation in connection with an equine enterprise. Planning permission reference WP/1999/0147/FUL was subsequently granted on 21 May 1999 for an amended scheme for a bungalow. The later scheme was implemented. Both consents included an occupancy restriction, stated as condition 4 which reads as follows:

"The occupation of the bungalow shall be related to the equine enterprise".

At the time that planning permission was granted, the site of the bungalow was located outside of the settlement boundary for Grendon and was therefore in the open countryside. Planning permission was granted for the bungalow on the basis of an essential need to support an existing and established equine enterprise. Hill Farm comprised of a 16 hectare (40 acre) holding which was managed by Mr R and Mrs M

Bowers and was run as a stud farm for the breeding of thoroughbred racehorses. The intensive nature of the business and high value of the bloodstock kept on the holding established the need and justification for a dwelling which was occupied by Mr and Mrs Bowers. It was in this context that planning permission was granted, and by virtue of the restriction, occupancy of the bungalow was tied to the specific business of the applicant's. Mr and Mrs Bowers subsequently built the bungalow and continued to occupy it in conjunction with their business activities, until their death, which in the case of Mr R Bowers was most recently in 2016. The bungalow has stood empty since.

Variation to planning permission reference number WP/18/00723/VAR granted the removal of condition 4 (occupancy restriction) of planning permission reference WP/1999/0147. The executors of R Bowers deceased demonstrated through the information contained within the accompanying planning statement that as a result of the death of the original applicants, the associated equine enterprise on which the dwelling was originally justified is no longer in existence. Therefore, there was no existing need for the dwelling to be tied to an existing equine enterprise at the time of the application or in the future.

APPLICATION PROPOSAL

This amended application seeks planning permission for a residential development comprising of the erection of 5 dwellings accessed off a shared private drive, hardstanding and associated landscaping and boundary treatments. An existing two sided open agricultural barn used for the storage of hay, two stable blocks, a detached garage and double carport block would be demolished.

The application was accompanied by a planning report, a transport statement, a revised bus timetable effective from 7 October 2019 and an ecology appraisal.

NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE

National Planning Policy Framework (NPPF) (19 February 2019)

Planning Practice Guidance (PPG)

National Design Guide (PPG) (September 2019)

North Northamptonshire Joint Core Strategy -Part 1 of the local plan (JCS)

Policies:

- 1 (presumption in favour of sustainable development)
- 2 (historic environment)
- 3 (landscape character)
- 4 (biodiversity and geodiversity)
- 5 (water environment, resources and flood risk management)
- 6 (development on brownfield land and land affected by contamination)
- 8 (North Northamptonshire place shaping principles)
- 9 (sustainable buildings and allowable solutions)
- 11 (network of urban and rural areas)
- 25 (rural economic development and diversification)
- 28 (housing requirements and strategic opportunities)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

Plan for the Borough of Wellingborough - Part 2 of the local plan (PBW)

Policies

SS1 (villages)

Supplementary planning documents/guidance:

Sustainable Design

Biodiversity

Upper Nene Valley Special Protection Area

Trees on Development Sites

Planning Out Crime in Northamptonshire

Parking

SUMMARY OF REPLIES TO CONSULTATIONS/REPRESENTATIONS RECEIVED

1. Northamptonshire Highways - recommends subject to the highway standards and planning conditions set out in the NCC document 'Highway Authority Standing Advice' no objection is raised to the application on highway safety or capacity grounds.

2. Northamptonshire archaeological officer - recommends that a condition should be imposed for an archaeological programme of works as per paragraph 199 of the NPPF.

3. Northamptonshire principal projects officer (ecology) - recommends that the hedgerows to be removed are not terribly ecologically interesting. However the ecological appraisal has determined that the barns do have potential bat roost features and that a single activity survey is needed to rule out their use by bats. To satisfy the habitats regulation a condition should be imposed requiring the applicant's ecologist to determine whether or not a licence is required following the completion of a single activity survey.

4. Northamptonshire Police - recommends that conditions should be imposed in relation to the implementation of the boundary treatment scheme and details of the lighting of the unadopted areas.

5. Natural England - recommends the proposed development is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified. Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document. If the applicant agrees to this payment, then no Habitats Regulations Assessment report is required for this application.

6. The council's design and conservation officer - has no objections to this application on conservation grounds.

7. The council's environmental protection officer (contamination) - recommends that due to the previous equine use of the site a condition should be imposed requiring a risk assessment and any necessary mitigation measures.

8. The council's landscape officer - recommends that a detailed landscape condition should be imposed to secure as much planting as possible.

9. The council's planning policy officer - recommends the proposed dwellings position within the Grendon village boundary, as defined in policy SS1 of the PBW, would be considered a small scale infill development and therefore be supported in principle by policy 11 of the JCS.

10. Grendon parish council - the amended plans do not address any of the issues raised in the parish council's objection to the original plans. The objections therefore still stand.

Original comments object to this application based on the following material considerations:-

Design/visual/layout, whilst in principle the parish council does not object to the development of this site for some infill housing it feels that 5 houses is overdevelopment of the plot, particularly the impact this will have on the highway.

Whilst the plots are of a reasonable size the traffic generated by these properties will create highway safety issues. Although the transport statement states that there will be no increase in traffic volume, the livery/stable yard has not been in full use for many years, and was only ever a private livery yard so never generated the suggested amount of traffic, and certainly not since the school became oversubscribed, which creates huge volumes of traffic on Main Road during peak hours. There is much on-road parking around the junction of Chequers Lane/Main Road and visibility as you pull onto Main Road is very poor. No matter how many houses are built on the plot the parish council would like to see improved signage warning of the t-junction.

The current design does not comply with the Northamptonshire parking standards (SPD) which requires 3 spaces per 4 - bed dwelling, and 2 spaces per 3 bed dwelling, plus as it stands a further 5 visitor parking spaces.

There is no on-road parking on Chequers Lane as an existing property (that has no off-road parking) currently uses the only 2 available spaces, if these were occupied by visitors to the new development this would have a negative impact on amenities for neighbouring properties. The road narrows to 3 metres at the entrance to the development and any on-road parking would prevent access for the bin lorry and farm traffic to the farm at the bottom of Chequers Lane. Furthermore, being a dead-end road there is no turning without using private driveways.

Plot 1 directly accesses its drive from Chequers Lane which means that a further access point is added to the lane and concerns were expressed as to what gradient this would be at as there is a large slope already? There are further concerns about the height of the properties as to what impact these would have on neighbours to both sides, potentially impacting daylight and privacy.

- The parish council is pleased to see a mix of housing on the plot but requests that careful consideration be given to materials as part of it sits within the conservation area and any development would need to fit with the mix of stone and seasoned brick properties that surround it, so that there is not a negative impact on heritage assets.

The parish council would like to request a site visit by the planning committee to fully appreciate the location and impact of this proposed development.

11. Neighbours - three letters of objection in relation to the amended scheme have been received from occupiers of properties in the vicinity of the site in Chequers Lane whom raise the following points:

- The number of properties proposed will dramatically increase the daily traffic on Chequers Lane. It is already difficult as the parked cars mean that it narrows to single lane just prior to the junction;
- It is dangerous pulling out of Chequers Lane onto Main Road. Cars parked up to the junction on the right and the property on the corner mean that it is necessary to pull out without being able to see onto Main Road. Additional cars will add to this risk and difficulty pulling out or into the junction;
- Has consideration been given by the planning office to request that the developers create residential parking on Chequers Lane to enable free flow of traffic along the lane?
- Properties 1 and 2 will directly overlook adjacent properties and affect privacy, light and also increase noise;
- It is a conservation area and property 1 will be situated close to the road and so alter the way Chequers Lane has always looked. It has always been an open space in front of the current stables and outbuildings and this will be destroyed;
- The plans are factually incorrect number 9 Chequers Lane is set at the wrong angle to the development, the boundary follows the retaining wall for our garden not the fence as the plans show, we erected the fence as a temporary measure as the retaining wall is in terrible state of repair. The erection of the fence does not negate the original boundary. The retaining wall is a joint responsibility between us and the current owner so this development risks all responsibility for this wall falling to us when the developer should also be accountable for its upkeep;
- The position of trees the garden of 9 Chequers Lane are incorrect and appear on paper to provide cover between the development and our property however in reality they do not. Plot 4 has direct vision from an upstairs window over the garden of 9 Chequers Lane which is the only area of the garden which is currently private, thereby resulting in loss of privacy compounded by the fact the tree between 9 Chequers Lane and plots 4 and 5 is being removed shortly due to disease;
- Revised site plan -although the revised site plan now shows number 26A Main Road it does not appear to match the scaling of the revised sections and plots 4 and 5 are closer to the boundary when scaled on the site plan than on the sections;
- The revised site plan also refers to the retention of the existing boundary fence, but this is belongs to the occupier of number 26A Main Road not to the applicant;
- Revised sections- questions accuracy of the revised section plan, although it now shows 26A Main Road to be slightly lower than the application site it under-represents the difference in levels;
- The scaling is defective between different drawings and has the crucial effect misrepresenting the distances from the boundary fence;
- Misrepresentation of retaining structure, the section purports to show the retaining structure at 26A Main Road, but fails to show the correct height - on the scale of plot 5 (1.50) the difference in levels is actually at least twice that shown on the plan. The section shows the retaining structure as a gentle slope it is not but rather at a very acute angle. The structure is not designed to carry the weight of a development and would be unstable;
- Light and overlooking although it is not made clear on the plan, it is assumed that the reference to a 1800mm dimension and 30-degree angle on 26A Main Road are in some way designed to show that light would not be affected unduly to ground-floor windows.

The position is wrong on a number of counts firstly the scale. As noted above, the scaling of the plan is wrong and inconsistent and accordingly does not properly represent the distances between the application site and adjacent properties and the fence and the fence and plot 5;

- Dimension and angle, the BRE guidelines reference an angle of 25-degrees (not 30) from the centre of the lowest window (not 1800mm), which on 26 a Main Road are considerably less than the 1800mm shown. The effect of showing the correct dimensions would appear to mean that the line would intersect plot 5.

12. Neighbours

The originally submitted application received seven letters of objection have been received from occupiers of properties in the vicinity of the site in Main Road and Chequers Lane whom raise the following points:

- Inconsistent with policy 2 of the JCS which requires that "proposals should protect and where possible enhance key views and vistas of heritage assets, including church spires along the Nene Valley";
- Failure to consult on the change to the village policy line;
- The site plan does not identify neighbouring properties and outbuildings abutting the boundaries;
- Levels on site and with neighbouring properties are not correctly shown;
- The effect of the development on neighbouring amenity in relation to the effects on privacy, lights and visual impact;
- Inadequate on-site parking;
- Inadequate access from Chequers Lane to serve the development;
- Risk of additional traffic generation on the junction of Chequers Lane;
- Management of surface water from the development;
- Scale of the development in relation to the surrounding area;
- Materials should be stone and clay roof tiles not brick and slate roof tiles;
- Effects on contamination;
- Loss of replacement trees and failure to provide details of replacement planting;
- Risk to health from emissions if traffic congestion;
- Additional traffic would damage the conservation area;
- Effects of construction traffic on Chequers Lane.

ASSESSMENT AND REASONED JUSTIFICATION

The proposal raises the following main issues:

- conformity with the development plan, and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- sustainability;
- effect on heritage assets;
- effect on archaeology;
- effect on flood risk and surface water drainage;
- effect on noise:
- noise on air quality;
- effect on biodiversity;
- effect on the Upper Nene Valley Special Protections Area;
- compliance with national space standard and national accessibility standards
- effect/impact on the living conditions of the neighbouring occupiers and the future

occupiers of the development;

- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- contamination;
- crime and disorder;
- conditions.

Conformity with the development plan and material considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise."

Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the revised NPPF.

The application site was originally excluded from the village confines for Grendon in the village inset map for Grendon contained within the Wellingborough Local Plan 1999 - 2004.

The red line boundary of the application site is partly within and partly outside the village boundary line for Grendon as defined in policy SS1 of the PBW. However, the location of the proposed built development on this site lies entirely within the village boundary line for Grendon.

The inspectors report into the local plan concluded that the village boundary for Grendon should include the land to the immediate west and south of the dwelling known as Hill Farm. The Inspectors views were reflected in the modifications to the plan which were consulted on in July - August 2018. The plan as modified was approved and adopted on 26 February 2019. It should be noted that both local residents and the parish council were provided with opportunities to make representations on the PBW as it proceeded through the local plan process to its ultimate adoption.

Policy 11 (2) (a) of the JCS limits rural development to that which is required to support a prosperous rural economy and that required to meet a local need. Policy 11 (2) (b) suggests that small scale infill development will be permitted on suitable sites within the village boundary, where it would not materially harm the character of the settlement, residential amenity or exceed the capacity of local infrastructure. Whilst this development would be within the village boundary it will need to be determined as to whether it represented a suitable location for this scale of infill development.

The development of the site would make a small contribution towards meeting the borough's housing targets as set out in policies 28 and 29 of the JCS. Specifically it would make a contribution towards the rural housing target of 540 over the plan period. This should be weighted against other planning considerations in any decision.

The parish council do not object to the principle of the development of the site for some infill development, but consider 5 dwellings on the plot to be overdevelopment due to the impact on the highways. Neighbour objections have been received objecting to the

principle of the development.

The proposed residential development would be acceptable in principle and would comply with policies 11 (2) (a) and (b), 28 and 29 of the JCS.

Notwithstanding the above issues of principle, there are other detailed policy considerations that the scheme should be assessed against.

Design, layout and the effect on the character and appearance of the surrounding area

JCS at policy 8 (d) (i) and (ii) describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area.

The government at paragraph 127 (a) - (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

The dwellings which lie to the west of the application site and front onto Chequers Lane consist of stone external walls with slate roofs and cream coloured windows. Numbers 7 and 9 Chequers Lane which abut part of the western boundary consist of a pair of two storey semi-detached dwelling houses. Number 7 has rendered external walls and number 9 has brick external walls with concrete roof tiles and white UPVC windows. Number 26a Main Road consists of stone external walls, plain roof tiles and wooden windows. The host bungalow consists of brick walls with plain concrete roof tiles and brown wooden windows. To the east lies Holly Lodge which consists of buff bricks with a plain concrete roof tile and white UPVC windows. To the south lies a detached bungalow consisting of buff bricks with a concrete time roof, white cladding and white UPVC windows.

The proposed amended development would consist of three two storey detached dwellings with linked doubled garages and a pair of two storey semi-detached dwelling houses. Plot 1 is proposed to be constructed in stone with a slate roof and cream wooden double glazed windows, the proposed linked garage and rear dining area would be constructed in facing brick. Plots 2-5 are proposed to be constructed in facing brick with slate roofs and cream UPVC double glazed windows. The amended scheme was accompanied by a sectional plan of the front elevation of the plot 1 in relation to the neighbouring dwellings. Plot 1 would front onto and be accessed directly from Chequers Lane. To the west the dwellings fronting Chequers Lane have been constructed in stone and to the east and south the dwellings have been constructed in

buff coloured facing brickwork. The elevational plans for plot 1 have been amended to show the main front elevation dwelling being constructed in stone to fit in with existing stone dwellings which lie to the west of the application site.

Plots 2, 3, 4 and 5 would be accessed off a shared private drive and would front onto a shared private driveway and would not be visually prominent in the main street scene along Chequers Lane. The application was accompanied by an amended sectional plan of the elevation through the proposed access drive and a sectional side elevation of plots 3 and 5 in relation to number 26a Main Road. Samples of the external materials would need to be conditioned to ensure that they fitted in with those found on dwellings in the vicinity of the site. Each dwelling would be provided with an associated area of hardstanding for the parking of vehicles. The scale, form and design of the proposed dwellings are considered by the council's design and conservation officer to be appropriate and would result in an environmental improvement to the character and appearance of the site within the immediate and wider street scene.

Each dwelling would have an enclosed garden provided to the rear and/or side. The council does not have any adopted design guidance which sets the minimum depth or area of private amenity space. The proposed rear and/or side private garden associated with each plot is considered to result in sufficient private amenity space. Gardens would be provided to the front of each dwelling to provide opportunities for new planting and soften the appearance of the development.

The parish council and neighbour objections have been received in relation to the effect on the character and appearance of the area.

The proposed layout, form and scale of the development would enhance the form, character and layout of the immediate and wider area.

Subject to the imposition of a condition in relation to samples of external materials the proposed development is considered to comply with policy 8 (d) (i) and (ii) of the JCS.

Sustainability

Policy 9 of the JCS is clear that development should incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. All residential development should incorporate measures to limit use of water to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day or alternative national standard applying to areas of water stress. To ensure compliance with this policy, a planning condition is recommended.

Effect on heritage assets: setting of listed buildings

The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Policy 2 (a) of the JCS seeks the protection, preservation and enhancement of the historic environment.

With regards the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 195 sets out its guidance where a

proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 196 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Listed buildings in the vicinity of the application site include 38 Main Road which lies adjacent to the site, number 40 Main Road and the Half Moon public house a little further down Main Road, all these buildings are Grade II listed. Further down Chequers Lane lies 29 also a building Grade II listed. At the centre of the village is the Grade II* listed St Mary's Church.

The more significant listed building is the Grade II* church which is a little further away. The church is set on the highest ground in the village and is easily visible from many points both within and on the edge of the village. The proposed plots would replace an existing open sided hay barn, stable blocks, a garage and car port block and therefore would not significantly add to the built form or detract from views from far away of the church spire. The council's design and conservation officer does not consider that the proposed development would harm the significance of the Grade II* listed church.

The closest listed building is number 38 Main Road, the part of the site that is nearest to this building would be the unaltered bungalow and stable block, the council's design and conservation officer considers that there would not be any harm to the setting of the listed building.

The council's design and conservation officer has had special regard to the desirability of preserving the setting of listed buildings which lie within the vicinity of the application site as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development is not considered to harm the setting of grade II and II* listed buildings which lie within the vicinity of the site and would comply with policy 2 (a) of the JCS.

Effect on heritage assets: conservation area

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

Policy 2 (a) of the JCS seeks the protection, preservation and enhancement of the historic environment.

Policy 2 (b) of the JCS seeks proposals to complement their surrounding historic through the form, scale and design of materials.

With regards to the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 195 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 196 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 201 informs that not all elements of a conservation area will

necessarily contribute to its significance.

The courts have held (*South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve.

Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

The application site lays on the edge of the village and a small part lies within the conservation area (plot 4). The remainder of the site borders the conservation area and as such can be considered to affect the setting of the conservation area.

The character of the conservation area generally consists of stone houses and cottages and the occasional brick built house. There are also modern twentieth century houses and cottages but these are occasional only.

The existing bungalow on the site would remain with a range of stables. The remainder of the site currently has a large open sided hay barn, some further stable blocks and a detached garage and double car port, which would be demolished as part of the proposed redevelopment of the site.

Plots 2 and 3 are roughly in the position of the open side hay barn and plot 1 is positioned nearer to Chequers Lane. Plots 4 and 5 are set to the west of the site.

The part of Grendon conservation area that encroaches onto the site seems to be a remnant of the former curtilage of number 9. There is no other reason for the conservation area to further extend onto the site.

The proposed houses, plots 1-3, and the pair of semi-detached houses, plots 4 and 5, are considered by the council's design and conservation officer to generally be in keeping with the character and appearance of the nearby conservation area.

Plot 1 has been amended and the main dwelling house would be constructed out of stone to match other stone buildings to the west of the application site. Plots 2 - 5 would be constructed out of facing brick which match the colour of other brick dwellings in the vicinity of the application site. The council's design and conservation officer considers that a mix of stone and brick would work better on this site and is satisfied with the amended use of materials which includes stone on plot 1.

The council's design and conservation officer has no objections to the proposed development on conservation grounds.

The parish council and neighbour objections have been received in relation to the effect on the character and appearance of the conservation area.

Subject to a condition being imposed in relation to samples of materials the proposed development would comply with policy 2 (a) and (b) of the JCS and special attention to

the need to preserve or enhance the character or appearance of a conservation area has been paid by the council's design and conservation officer as required Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Effect on archaeology

JCS policy 2 (d) requires that where proposals would result in the unavoidable and justifiable loss of archaeological remains, provision should be made for recording and the production of a suitable archive and report.

The application site lies to the east of the main road through the village and north of Chequers Lane. To the south of the lane, the county 'Historic Environment Record' indicates the presence of possible house platforms which were visible as earthworks in the 1980s, suggesting that there was settlement along Chequers Lane in the medieval/post-medieval period. Northamptonshire archaeological officer recommends that there is the potential for remains of archaeological interest to be present on the site, albeit truncated by more recent activity.

Paragraphs 189 and 190 of the NPPF stress the importance of pre application discussions in order to assess the significance of potential heritage assets. Normally the assessment would take the form of an evaluation prior to determination. However, in this case a condition for a programme of archaeological works is recommended.

Northamptonshire archaeological officer recommends that the proposed development will have a detrimental impact upon any archaeological deposits 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 a condition for an archaeological programme of works as paragraph 199 of the NPPF should be attached to any permission.

Subject to the imposition of for an archaeological programme of works the proposed development would comply with policy 2 (d) of the JCS.

Effect on landscape visual amenity

Policy 3 (a), (b) and (e) of the JCS states that development should be located and designed in a way that is sensitive to its landscape setting retaining and where possible enhancing the distinctive qualities of the landscape character area which it would affect.

The proposed development would result in the loss of an 8 metre high leylandii hedgerow along the eastern boundary with Holly Lodge, a part 2 metre and part 3.5 metre high hedge along the western boundary with numbers 7 and 9 Chequers Lane and number 26a Main Road. A one metre high hedge would be removed which abuts the access drive fronting Chequers Lane, two 8 metre high trees, two 6 metre high trees and one 5 metre high trees located in an area of lawn in front of the existing open sided barn. A landscape condition should be imposed to secure some environmental enhancements particularly within Chequers Lane and along the private drive to soften the appearance of hardstanding within the street scene.

The council's landscape officer advises that it is regrettable that the ornamental trees cannot be retained but they would be less visible with a building between them and Chequers Lane. However, they are in the part of the site which lies outside the Grendon conservation area

There are trees on neighbouring properties which are within the Grendon conservation area which should be taken into consideration.

The council's landscape officer recommends that a detailed landscape condition should be imposed to secure as much planting as possible

The communal areas of planting which will require maintenance and shared private driveway will be managed by an appointed management company and each occupant would contribute towards the upkeep of the shared private driveway and communal areas of planting.

Neighbour objections have been received in relation to the effect on landscape visual amenity.

Subject to the imposition of a landscape condition the proposed development would comply with policy 3 (a), (b) and (e) of the JCS.

Effect on flood risk and drainage

The JCS at policy 5 sets out a raft of sub policies aimed at preventing or reducing flood risk.

The revised NPPF at chapter 14 sets out government views on how the planning system should take into account the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.

The application site does not lie within a known flood plain. The environment agency flood map for planning shows that the application site is in an area that has a low chance of flooding from surface water. This means that each year, the area has a chance of flooding of between 1 in 1000 (0.1%) and 1 in 100 (1%).

The applicant's agent has confirmed that the application site is well served by public storm water drains and foul sewers that could accommodate run-off and waste water.

No objections have been received from neighbours in relation to effects on flood risk and drainage.

The proposed development would comply with policy 5 of the JCS.

Effect on noise

To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (ii) states that new development should be prevented from contributing to or being adversely affected by unacceptable levels of noise.

Chapter 15 of the revised NPPF gives advice on how local planning authorities should prevent new development from being adversely affected by unacceptable levels of noise pollution. The NPPF further advises that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

The PPG offers detailed advice on Noise which was updated on 24 December 2014.

The council's environmental protection officer has identified that the construction phase of the development has the potential to cause problems in terms of dust and noise. To limit the potential detriment of construction works on residential amenity it is recommended a condition be imposed requiring a construction environmental management plan (see condition 7 below).

Neighbour objections have been received in relation to effects from noise during the construction process.

Subject to the imposition of a condition relating to a construction environmental management plan the proposed development would comply with policy 8 (e)(ii) of the JCS.

Effect on air quality

The JCS at policy 8 amongst other things, requires development not to result in an unacceptable impact on neighbours by reason of pollution.

To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (i) requires development not to have an unacceptable impact on amenities by reason of pollution, whilst 8 (e) (ii) goes further by stating that both new and existing development should be prevented from contributing to or being adversely affected by unacceptable levels of air pollution.

The East Midlands region is looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance.

As the proposed development includes the provision for vehicle parking a key theme of the revised NPPF is that developments should enable future occupiers to make "green" vehicle choices and paragraph 110 (e) "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Policy 15 (c) of the JCS seeks for the design of development to give priority to sustainable means of transport including measures to contribute towards meeting the modal shift targets in the Northamptonshire Transportation Plan.

An informative should be added to any permission seeking any gas fired boilers to meet a minimum standard of 40 mgNOx/Kwh. To prepare for the increased demand for electric vehicles in future years a condition should be imposed for appropriate infrastructure for electric vehicle charging points to be included within the development.

Subject to the imposition of an informative in relation to any gas fired boilers meeting the minimum standard and a condition in relation to infrastructure for electric charging points to be included within the development the proposed development would comply with policies 8 (e) (ii) and 15 (c) of the JCS.

Effect on biodiversity

Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of

those functions, to the purpose of conserving biodiversity."

The JCS at policy 4 - biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.

The revised NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

Protected species

The application was accompanied by an ecological appraisal dated 29 October 2019 which concluded that there was no evidence of badgers, amphibians, reptiles, breeding birds or bats found during the survey. However, access points and features suitable for bats were found. There was only a low likelihood of presence of bats, a negligible presence of badgers, reptiles and amphibians, and a high level of breeding birds during the nesting season, in buildings B1, B2 and B3 and in the scattered trees and hedgerows. Disused nests were found in all three buildings.

The ecological appraisal recommended that when buildings B1, B2 and B3 are to be demolished, as well as the removal of any tree(s) or hedgerow, these should be performed outside of the breeding season for birds, which is between March and August. If this is not achievable, nest checks by an ecologist would be required. If nests are found a buffer zone would be required around said nest(s) and works could then resume once the nest has been used.

Presence/likely absence surveys are required with two surveyors per building to cover all elevations of B1, B2 and B3. A single dusk survey is required and should be completed between the months of May and August. Should bats be discovered, two further surveys will be required, one - dusk and one pre - dawn, followed by an application for an EPS License.

Northamptonshire principal projects officer (ecology) recommends that the hedgerows to be removed are not terribly ecologically interesting. However, the ecological appraisal has determined that the barns do have potential bat roost features and that a single activity survey is needed to rule out their use by bats. To satisfy the habitats regulation a condition should be imposed requiring the applicant's ecologist to carry out a single activity survey between the months of May to August to determine whether or not an EPS licence is required.

Biodiversity enhancements

The ecological appraisal recommends the following mitigation and enhancements should be incorporated into the development including open fronted bird boxes for a variety of species, a variety of insect boxes for example urban bee nesting box or bug biome, bat boxes installed in the building or on posts. A condition should be imposed requiring details of insect, bat and bird boxes and bricks.

No neighbour or parish council objections have been received in relation to the effects on protected species and biodiversity enhancements.

Subject to the imposition of conditions in relation a detailed insect, bat and bird boxes and or bricks the proposed development would comply with policy 4 of the JCS.

Effect on the Upper Nene Valley Special Protection Area

The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

Policy 4 of the JCS on biodiversity and geodiversity states that developments likely to have an adverse effect either alone or in-combination on the Upper Nene Valley Gravel Pits Special Protection Area must satisfy the requirements of the Habitat Regulations and avoid or mitigate any impacts identified.

The Upper Nene Valley Gravel Pits Supplementary Planning Document (SPD) has been produced to help local planning authorities, developers and others ensure that development has no adverse effect on the SPA, in accordance with the legal requirements of the Habitats Regulations. The SPD has been developed with Natural England and the RSPB. A Mitigation Strategy adopted as an addendum to the SPA SPD provides further guidance for development within the 3km zone of the SPA and details a specific financial contribution for each new dwelling towards Strategic Access Management and Monitoring (SAMM) to avoid and mitigate impact.

Since these policies were adopted there has been a ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17). This requires development relying on mitigation in relation to the Habitats Regulations to no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained.

A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken as the applicant has made an SPA mitigation payment of £1,347.20 (£269.44 per dwelling) under section 111 of the Local Government Act 1972 and the development meets the criteria set out in the SPA SPD for this approach to be taken.

The proposed development would comply with policy 4 of the JCS and with the requirements of the SPA SPD. The contribution provided will be used for measures to reduce the impacts of the proposed development and allows a conclusion of no adverse effect on the integrity on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site.

Housing mix, national space standards and national accessibility standards

Policy 30 (a) (ii) of the JCS seeks to ensure there would not be an overconcentration of a single type of housing where this would adversely affect the character or infrastructure of the area.

The proposed development includes the provision of three four bedroom and two three bedroom market dwellings. The proposed development would not result in an overconcentration of a single type of housing or adversely affect the character or infrastructure in the area.

The JCS at Policy 30 (b) requires the internal floor area of new dwellings to meet the National Space Standards as a minimum.

The applicant has confirmed on amended drawing numbers B57-100 G (proposed site plan); B57-101 C (floor plans plot 1); B57-102 C (floor plans plot 2); B57-105 (floor plans plot 3) and B57-103 C (floor plans plots 4 and 5) that the minimum gross internal floor area for each unit and built in storage area would meet the technical housing standards. The width and area of the single bedrooms and double bedroom would meet the technical requirements.

The development would comply with policy 30 (b) of the JCS.

Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility Standards as a minimum.

All units should achieve category 2 of the National Accessibility Standards as a minimum with at least one being wheelchair accessible. A condition would be imposed on any planning permission to ensure that the dwellings met category 2 of the National Accessibility Standards.

Effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development

The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers.

At paragraph 127 of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users.

There are a number of properties in the vicinity of the site whose garden abuts the application site and who have an outlook from habitable rooms onto the application site. In addition there is a change in levels from west to east. The applicant's agent has submitted amended sectional plans from west to east along Chequers Lane and from 26A Main Road to plots 5 and 3. Please note the amended plans relocated plots 4 and 5 a further 4 metres away from the common shared boundary with number 26A Main Road. A sectional plan has also been provided from north to south. The effects of the proposed development on neighbouring amenity in relation to loss of light, privacy and outlook is a material planning consideration which is addressed in detailed below:

Effect on 26A Main Road lays on ground approximately 2 metres lower than the application site. There is a two metre high retaining wall on the boundary between number 26A Main Road and the application site. A 1.8 metre high close boarded fence sits on top of the retaining wall. An amended site plan and sectional plans have been submitted which show the relationship between plots 4 and 5 and number 26A Main Road, in addition the proposed footprint of the dwellings have been sited 4 metres further away from the boundary with number 26A Main Road. The proposed dwellings would be sited a minimum of 8 metres and maximum of 9.6 metres from the boundary with number 26 A Main Road. In the eastern side elevation of 26A Main Road, at ground floor there are secondary lounge and study windows and a cloakroom window. At first floor there is a bedroom and ensuite window. These are the sole windows to these rooms.

The dimensions on the proposed site plan reference B57-100H and the sectional side elevation showing plots 3, 5 and 26a Main Road are correct. The revised site plan confirms that the existing boundary treatment along the western boundary with number 26A Main Road is being retained and a section line has been added to this plan. The 25 degree angle from the ground floor window at 26a Main Road has been shown on the amended site plan.

The repositioning of plots 4 and 5 by 4 metres further into the application site would increase the spacing and separation distance to 17 metres at the closest point and would have less of a visually intrusive effect when viewed from the flank elevation and side rear garden of number 26A Main Road. The repositioning of plots 4 and 5 would lessen the effects of any reduction in light in the early mornings particularly in the winter months. The rear elevation of plots 4 and 5 would contain a kitchen/dining room which would be screened by an existing 1.8 metre high fence positioned along the boundary with number 26A Main Road. At first floor level only an ensuite window in each dwelling would be proposed. These windows should be conditioned to be obscurely glazed. The proposed amended siting of plots 4 and 5 would not have an adverse effect on the amenities of number 26A Main Road in relation to unacceptable loss of privacy, light or visual outlook.

Effect on 7 Chequers Lane, this is one of a pair of semi-detached properties which front onto part of the western boundary of the application site. An existing 1.8 metre high close boarded fence screens the two ground floor windows serving habitable rooms however, two first floor bedroom windows enjoys an open outlook. The flank side elevation of plot 1 would face number 7 Chequers Lane. The flank elevation of the garage of plot 1 would be positioned 18.6 metres from the front elevation of 7 Chequers Lane. No windows are proposed in the first floor flank elevation of plot 1. In the ground floor a secondary window serving a lounge is proposed which would be positioned 24 metres from the front elevation of 7 Chequers Lane. A ground floor dining room window would be located 29 metres from the front elevation of 7 Chequers Lane. Plot 2 would not have any direct effect on numbers 7 Chequers Lane. The siting and positioning of plot 1 and 2 in relation to number 7 Chequers Lane would not result in unacceptable loss of outlook, privacy or light.

Effect on 9 Chequers Lane this is one of a pair of semi-detached properties which front onto part of the western boundary of the application site. An existing 1.8 metre high close boarded fence screens the two ground floor windows serving habitable rooms however, two first floor bedroom and landing windows enjoys an open outlook. A ground floor kitchen and first floor bathroom window is located in the northern side elevation of 9 Chequers Lane. A 1.8 metre high fence encloses the northern boundary of 9 Chequers Lane. Planning permission reference WP/19/00244/FUL was granted on 18 June 2019 for "the moving of internal staircase and removal of external door/canopy in east elevation and installation of 2 windows; the removal of a first floor single pane window and replacement with a three pane window; The removal of an existing ground floor window and addition of a new front door and canopy". This permission has not been implemented but is still extant.

A front to front spacing and separation distance of 25 metres would be retained between the front elevation of plot 2 and the front elevation of 9 Chequers Lane. This is considered to be an acceptable front to front spacing and separation distance so as not to result in unacceptable loss of privacy or light. There are three existing deciduous

trees in the garden of 9 Chequers Lane which would reduce views into the garden from the first floor bedroom windows in plot 2.

The southern flank elevation of plot 4 would face the side elevation of 9 Chequers Lane. A flank to flank spacing and separation distance of 17 metres would be retained. A ground floor window serving a kitchen/dinner and a secondary lounge window is proposed in the southern elevation. These would be screened by a 1.8 metre high close boarded fence. A first floor bedroom window is proposed in the southern elevation. The positioning of this window 17 metres from the flank elevation of number 9 Chequers Lane would not result in any unacceptable loss of privacy or light. The occupier of 9 Chequers Lane has raised concerns about the perception of loss of privacy into the rear garden from the proposed first floor bedroom window in plot 4, a spacing and separation distance of 8 metres would be retained to the southern boundary fence with 9 Chequers Lane, the existing deciduous trees in the rear garden of this property would obscure views from the bedroom window into the rear garden. Occupants are only likely to approach this window in the early mornings and late evenings to either open or close windows or curtains. It is considered that the application could not be refused on the basis of loss of privacy to a neighbouring garden.

An issue has been raised in relation to a shared responsibility of a boundary retaining wall and the structure not being designed to carry the weight of the proposed development. The applicant needs to determine the need if any to engage the services required to meet the party wall act 1996. These are civil matter and not a material planning consideration.

Effects on Holly Lodge, Chequers Lane, the siting of plots 1 and 2 would not have any adverse effects on the amenities of this dwelling in terms of loss of outlook, light and privacy. The amended plans show a 1.8 metre close boarded fence would be positioned along the shared eastern boundary with plots 1, 2 and Holly Lodge this would replace a conifer hedge currently located along this boundary. The southern boundary of plot 2 with the rear garden of Holly Lodge would be enclosed by a 1.8 metre high close boarded fence, which would replace an existing 1.2 metre high fence.

Effects on 12 Chequers Lane, the siting of plot 1 would not have any adverse effects on the amenities of this dwelling in terms of loss of outlook, light and privacy.

Neighbour objections have been received in relation to the effects on neighbouring amenity in terms of loss of light, outlook and privacy.

The amended proposed development would not have an unacceptable effects on neighbouring amenity in relation to light, outlook or privacy and would comply with policy 8 (e) (i) of the JCS.

Effect/Impact on highway safety in relation to the proposed access arrangement and parking provision

JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters.

JCS policy 8 (b) (ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The application was supported by a transport statement by Stirling Maynard transportation consultants, which assesses the potential transport impacts associated with the change of use. These are discussed below:

Sustainability

In terms of walking all of Grendon is within walking distance for most people from the site. For potential residents this means the church, primary school, public house, community hall and local park are all within walking distance from the site. The site is connected to these facilities by existing footways on Chequers Lane and Main Road.

In addition to Grendon, the settlements of Bozeat, Wollaston and Earls Barton are all within the cycling catchment. These settlements offer a wide range of facilities including local shops, health, financial services, employment and secondary schools.

The nearest bus stops to the site are on Manor Road, within a 400 metre walk from the site. These bus stops are served by the Northampton - Wollaston village hopper bus route, which according to the updated bus timetable effective from 7 October 2019 run four times a day in each direction Monday to Saturdays and at no time on a Sundays or public holidays. This service provides access to Northampton and Wellingborough town centres and a wide range of services including the hospital, Northampton university, mainline rail services a wide range of retail facilities and employment.

The site is located in a relatively sustainable location with accesses to facilities within the village on foot, to surrounding village which offer wider range of services, facilities and employment opportunities by cycle or bus.

Access

The site is located on the northern side of Chequers Lane and contains a vacant single residential dwelling and vacant stabling formerly used for the breeding of horses. The site is served by an existing access to Chequers Lane. At its junction with Main Road the carriageway of Chequers Lane is 5.3 metres wide and there are footways on either side of the carriageway at the junction. The northern footway terminates at the access to the site. Outside of the site Chequers Lane measures approximately 4.8 metres wide and from this point to the east it is a shared surface lane.

There have been no recorded injury accidents on Chequers Lane or within 100 metres of its junction with Main Road in the last 5 years.

It is proposed to replace the current stables and ancillary buildings on the site with a residential development comprising 5 of dwellings. The existing dwelling on the site will be retained making a total of 6 dwellings on the site. A shared private drive will serve the existing dwelling and 4 of the proposed dwellings. Access to the private drive will be taken from the existing access point serving the site. It is also proposed to create a new access to Chequers Lane to serve plot 1.

Northamptonshire highways have raised no objections in highway safety or capacity terms to the modification of the existing entrance and widening of the access drive to serve the existing dwelling and plots 2 -5 or to the formation of a new vehicular access and driveway to serve plot 1. A condition is recommended to ensure that the shared access drive would be hard paved for the first 5 metres back from the highway and a

drainage channel is provided to prevent surface water draining directly into the highway.

Traffic Impact

As this proposal is for the replacement of the former equine uses on the site, it is the net change between the existing and proposed uses that will provide an indication of the likely traffic impact.

The buildings on site have been utilised for a private equine use, most recently consisting of the stabling of horses and for breeding (stud) activities. The applicant's highway consultant in the transport statement which accompanied this application considered that the most likely re-use of the site, should it be used for equine-related activities, be for livery stabling.

The current buildings could accommodate 10-12 independently leased livery stables and this has been used for comparison purposes in the submitted transport statement. The TRICS database does not include information regarding livery stables or breeding activities therefore the appointed transport consultant has made assumptions.

For each stabled horse it is assumed that combined trips are not made (i.e. each stable is leased to separate individuals); each stable is visited twice per day, once in the morning and once in the afternoon/evening (1 arrival trip and 1 departure trip per visit); at any one time 10 of the potential 12 stables are occupied; all visits would be conducted by vehicle; other trips, such as deliveries, vet visits and collection/return of horses for shows are not included within these assumptions.

When comparing the figures in table 3 with those in table 2 in the transport assessment the change of use from equine activities to residential would reduce the traffic potentially generated daily by the site from around 40 trips to around 26 trips.

A change of use from an equine use to a residential use would also potentially reduce the impact of vehicles such as horse boxes, horse trailers and HGV delivery vehicles on the local highway network.

Northamptonshire highways have confirmed that there would be no objections to the scheme on the basis of highway capacity or high safety grounds.

Pedestrian Access

Northamptonshire highways recommend that a condition should be imposed to ensure that pedestrian to vehicle visibility of 2.0 metre x 2.0 metre above a height of 0.6 metres can be provided and maintained on both sides of the vehicular accesses.

Parking

On-plot parking provision should be in accordance with the standards set out in the Northamptonshire parking standards (2016). The three bedroom dwellings should be provided with two allocated on plot parking spaces and a covered cycle store to enable three cycles to be stored. The four bedroom dwellings should be provided with three allocated on plot parking spaces and a covered cycle store to enable four cycles to be stored. Northamptonshire highways recommend that four bedroomed dwellings only with a double garage may be regarded as one parking space. The internal dimensions of garages should be 5.8 metres x 6 metres for a double garage.

In addition two unallocated visitor parking spaces should be provided.

The amended site layout plan includes provision of areas of hardstanding for up to 12 vehicles to park (10 on plot and 2 unallocated spaces), in addition the 4 bedroomed dwellings would have one parking space for a vehicle and space for the parking of 4 cycles inside the double garage. A covered cycle store would be provided in the gardens of plots 4 and 5 which would be accessible from a dedicated private footpath to each dwelling. There is adequate on-site parking for the proposed dwellings to comply with the Northamptonshire parking standards.

Any proposed scheme only needs to provide adequate allocated and unallocated parking on the site to serve the proposed development. The council cannot seek the applicant as part of this scheme to provide additional residential parking along Chequers Lane to resolve currently experienced parking problems along the lane.

Northamptonshire highways have not raised any objections to the proposed development on highway capacity or highway safety grounds.

The parish council and neighbour objections have been received in relation to inadequate on-site parking and the effects of the development on highway safety and capacity.

The above content demonstrates that there would be no material transportation issues associated with the proposed development and it would therefore be consistent with both national and local transport policies. In relation to paragraph 109 of the NPPF there are no residual impacts of the development which could be considered severe.

Subject to conditions in relation to details of hard surfacing and surface water drainage channels to prevent the discharge of surface water directly onto the highway and pedestrian to vehicular visibility The proposed development would comply with policy 8 (b) (i) and (ii) of the JCS and advice contained within paragraphs 109 and 110 of the NPPF.

Contamination

The JCS at policy 6 says that local planning authorities will seek to maximise the delivery of development through the re-use of suitable previously developed land within the urban areas. Where development is intended on a site known or suspected of being contaminated a remediation strategy will be required to manage the contamination. The policy goes on to inform that planning permission will be granted where it can be established that the site can safely and viably be developed with no significant impact on either future users of the development or on ground surface and waters.

The revised NPPF at paragraphs 178 and 179 sets out policies on development involving contaminated land. The planning practice guidance also offers detailed government advice on this topic.

The council's environmental protection officer (contamination) recommends that due to the use of the site for equine purposes a condition should be imposed requiring a preliminary risk assessment and any remediation measures to be provided before any construction work commences (see condition 13 below).

Neighbour objections have been received in relation to the effects of contamination.

Subject to the imposition of a condition in relation to a preliminary risk assessment and remediation measures the proposed development would comply with policy 6 of the JCS.

Crime and disorder

Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area.

The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime.

The adopted designing out crime supplementary planning guidance gives detailed advice this issue.

The revised NPPF at paragraph 127 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

Northamptonshire Police have the following comments, which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring. This is in the interest of the security and quality life of future occupants of the development in accordance with policy 8 (e) (iv) of the JCS.

- All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of third party accredited products. An informative should be added to any permission to ensure that all doors and windows the dwellings meet the requirements of Approved Document Q of the Building Regulations.

- When the lighting scheme has been produced it is important that as well as adopted areas being considered that unadopted areas are similarly treated for safety and security reasons. A condition should be imposed requiring details of the lighting to be provided to unadopted areas.

- Internal fence panels should be 1.8m high for the length of the garden. This can be made up with various configurations. The site layout plans as proposed confirms that the internal fence panels would be 1.8 metres high for the length of the garden.

No parish or neighbour objections have been received in relation to the effects of the development on crime and disorder.

Subject to the imposition of conditions in relation to the implementation of the boundary treatment scheme and details of the lighting of the unadopted areas the proposed development is considered to comply with policy 8 (e) (iv) of the JCS.

Conditions

The revised NPPF at paragraph 56 requires conditions to only be imposed where they are: necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The PPG re-iterates this advice.

It is considered that the proposed conditions meet the tests set out in the NPPF and the provisions of the PPG.

CONCLUSION

The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF specifically in relation to promoting sustainable development, raising design standards, conserving and preserving the setting of listed buildings and the setting of the conservation area, no harmful effects on protected species, includes the provision of biodiversity enhancements, satisfactorily mitigates against the effects on the SPA, included the provision of adequate allocated and unallocated parking, the provision of electric charging points, no unacceptable effects on highway safety and capacity. Other than noise disturbance during the construction process the development would not have unacceptable harmful effects on the neighbouring amenity in terms of loss of light, outlook and privacy. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

RECOMMENDATION

Approve subject to the following conditions.

CONDITIONS/REASONS:

1. The development hereby approved shall be carried out in accordance with the following drawings/details:
Location plan scale 1:1250 received 30 October 2019;
B57-100 Rev H (site plan as proposed) received 9 December 2019;
B57-101 Rev C (plot 1 floor plans and elevations as proposed) received 8 November 2019;
B57-102 Rev C (plot 2 floor plans and elevations as proposed) received 8 November 2019;
B57-103 Rev D (plots 4 & 5 floor plans and elevations as proposed) received 20 December 2019;
B57-105 (plot 3 floor plans and elevations as proposed) received 8 November 2019;
B57-104 Rev D (site elevations as proposed) received 9 December 2019;
Ecological appraisal by Cherryfield ecology dated 29 October 2019 (39 pages) received 6 November 2019.

Reason: To define the permission and to conform with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

2. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3. Notwithstanding the submitted details, no development above slab level shall take place until full details of the materials to be used in the construction of the external surfaces (including facing brick, roof treatment, cladding and render) and architectural detailing (including windows, doors, reveals and cills, rainwater goods, flue/vent extracts, soffits/fascia/bargeboards/verge trim and design/location of meter boxes) of the dwelling 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.

Reason: To ensure that the development does not detract from the appearance of the locality in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

4. The hereby approved dwellings on plot 1 and plots 2-5 shall not be occupied until the vehicular areas that are within 5 metres from the boundary of the site where it meets the public highway have been constructed and surfaced in a stable and durable manner in accordance with samples of the surfacing submitted to and approved in writing by the local planning authority. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of extraneous material or surface water in the interests of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure a satisfactory parking of vehicles outside of highway limits in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of plot 1 and plots 2 - 5, pedestrian to vehicle visibility of 2.0 metre x 2.0 metres above a height of 0.6 metres must be provided and maintained in perpetuity on both sides of the vehicular access.

Reason: In the interests of highway safety in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

6. The dwellings hereby approved shall be built to meet the requirements of the national Accessibility Standards in category 2 (accessible and adaptable dwellings) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).

Reason: To ensure that the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

7. No development shall take place including any works of demolition until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include site procedures to be adopted during the course of construction including:
- working hours;
 - Procedures for emergency deviation of the agreed working hours;
 - routes for construction traffic;
 - method of prevention of mud being carried onto highway;
 - location of site compound;
 - lighting and security;
 - control of dust and other emissions;
 - proposed temporary traffic restrictions;
 - parking of vehicle of site operatives and visitors.

The development shall be carried out in accordance with the approved CEMP.

Reason: To ensure there are adequate mitigation measures in place and in the interests of amenities of existing and future residents in accordance with policies 8 (b) (i) and 8 (e) (ii)] of the North Northamptonshire Joint Core Strategy.

8. Prior to the first occupation of any associated dwelling the boundary treatments detailed on drawing number B57-100 H (site plan as proposed scale 1:200) received on 9 December 2019 shall be installed and the approved fence and railings shall subsequently be retained thereafter.

Reason: To ensure a suitable form of boundary treatment is constructed in accordance with Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

9. The dwellings hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

- 10.No dwelling shall be occupied until the car/vehicle parking area shown on the hereby approved plans has been constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

- 11.No dwelling hereby permitted shall be occupied until the refuse stores, as shown on approved plan number B57-100 Rev H (site plan as proposed scale 1:200) received 9 December 2019 have been completed in accordance with the approved details. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or

pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

12.No dwelling hereby permitted shall be occupied until the cycle parking provision shown on the approved plans has been completed. Thereafter, the cycle parking provision shall be kept free of obstruction and shall be available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with policy 8 (b) (i) of the North Northamptonshire Joint Core Strategy.

13.No development shall take place until an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of the site has been carried out in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination'. The results of this survey detailing the nature and extent of any contamination, together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use, shall be submitted to and approved by the local planning authority before construction works commence.

Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior to first occupation of the development. Should any unforeseen contamination be encountered the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the local planning authority.

Reason: To ensure that the site is fit for its proposed purposes and any potential risks to human health, property, and the natural and historical environment, are appropriately investigated and minimised in accordance with policy 6 of the North Northamptonshire Joint Core Strategy.

14.No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the local planning authority full details of both hard and soft landscape works. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, plant supply sizes and proposed densities; Development shall be carried out in accordance with the approved details. If within a period of 2 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity.

The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the

completion of the development whichever is the sooner.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area in accordance with policy 3 (a), (b) and (e) of the North Northamptonshire Joint Core Strategy.

15.No development shall take place until the applicant 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 by the planning authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the planning authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the planning authority, completion 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, in accordance with the North Northamptonshire Joint Core Strategy policy 2 (d) and advice contained within paragraph 199 of the National Planning Policy Framework.

16.No development shall take place above slab level until samples of the materials to be used in the areas of hardstanding within the development hereby permitted 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.

Reason: To protect the character and appearance of the area and to minimise the effect of development on the area in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

17.Prior to the commencement of the construction of any dwellings details of the proposed lighting scheme for the lighting of the shared private driveways and shared parking courts shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the lux levels of each light and a plan showing the position, type and extent of the lighting over the area to be lit. The approved scheme shall be implemented prior to the first occupation of the associated dwelling and shall be retained in that form thereafter or such other details that shall have been submitted to and approved in writing by the local planning authority and thereafter retained in that form.

Reason: To ensure that there is adequate lighting over the associated private driveways and to reduce the fear of crime through the creation of a safe environment and accord with policy 8 (e) (iv) of the North Northamptonshire Joint Core Strategy.

18.Prior to the construction of the development above slab in level in each phase details of a charging point for electric vehicles to be installed in each dwelling shall

be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed prior to the first occupation of each associated dwelling in that phase.

Reason: To negate the impact of the development on local air quality and accord with policy 8 (e) (ii) of the North Northamptonshire Joint Core Strategy and advice contained within the Northamptonshire parking standards (2016).

19.No construction works shall be undertaken above slab level until details of new nesting opportunities for insects, birds and bats either integral to or mounted to the buildings or mounted on suitable trees has been submitted to, and approved in writing by the local planning authority. The scheme shall include details of external bat roosting boxes, insect boxes for bees and ladybirds, a robin box, swift bricks or boxes and general nesting boxes and the development shall thereafter be carried out in accordance with the approved details prior to the occupation of associated building.

Reason: To maintain and enhance local biodiversity and ecology in accordance policy 4 of the North Northamptonshire Joint Core Strategy.

20.All mitigation and compensation recommendations set out in the ecological appraisal by Cherryfield ecology dated 29 October 2019 shall be implemented at the appropriate stage of the development and no later than one year after the final occupation of the development.

Reason: To maintain and enhance local biodiversity and ecology in accordance with policy 4 (a) (ii) and (iii) of the North Northamptonshire Joint Core Strategy.

21.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging/parking of private motor vehicles and ancillary domestic storage associated with the residential occupation of the property without the specific grant of planning permission from the local planning authority.

Reason: To ensure adequate parking is provided, in the interests of highway safety and in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

22.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 2015 (or any order revoking, re-enacting or modifying that Order), the proposed first floor rear (western) elevation ensuite windows serving plots 4 and 5 shall be glazed with obscure glass and thereafter maintained in this condition at all times. The level of obscurity shall be a minimum level 3 of the Pilkington range of Textured Glass or equivalent. The ensuite windows in the proposed rear (western) elevation of plots 4 and 5 shall not be altered to clear glazing without the specific grant of planning permission from the local planning authority.

Reason: To preserve the amenity and privacy of the adjoining residential occupiers in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

23. Demolition of buildings identified in drawing B57-100G as 'to be removed' shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
- b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
- c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider.

Reason: To ensure that no harm is caused to bats in accordance with the Conservation of Habitats and Species Regulations 2017.

INFORMATIVE/S:

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.
2. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property. Application forms for Street Naming and Numbering are available at www.wellingborough.gov.uk
3. The Borough Council of Wellingborough encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.

To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours:

0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

4. All gas fired boilers should meet a minimum standard of 40 mgNO_x/Kwh.

5. All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of third party accredited products.
6. The existing vehicular crossing must be modified as appropriate, the vehicular crossing into plot 1 constructed and all highway surfaces affected by the proposals reinstated in accordance with the specification of the local highway authority and subject to a suitable licence/agreement under the Highways Act 1980.
7. Works to remove, accommodate or protect existing street furniture or features such as street lighting columns, trees, traffic signs or the apparatus of service providers must be agreed with the local highway authority or statutory undertaker and carried out at the cost of the applicant.
8. The existing boundary/retaining wall is a joint responsibility between the owner of the development land and the adjacent owner at 26A Main Road, Grendon. The local planning authority therefore advises the applicant, to determine the need if any to engage the services if required to meet the party wall act 1996.

BOROUGH COUNCIL OF WELLINGBOROUGH

Planning Committee

22 January 2020

Report of the Principal Planning Manager

Extension of time (if applicable): 24 January 2020

Case Officer **Mr Matthew Brown**

WP/19/00556/FUL

Date received	Date valid	Overall Expiry	Ward
20 September 2019	24 September 2019	19 November 2019	Victoria

Applicant **Mr Mayur Rajani**

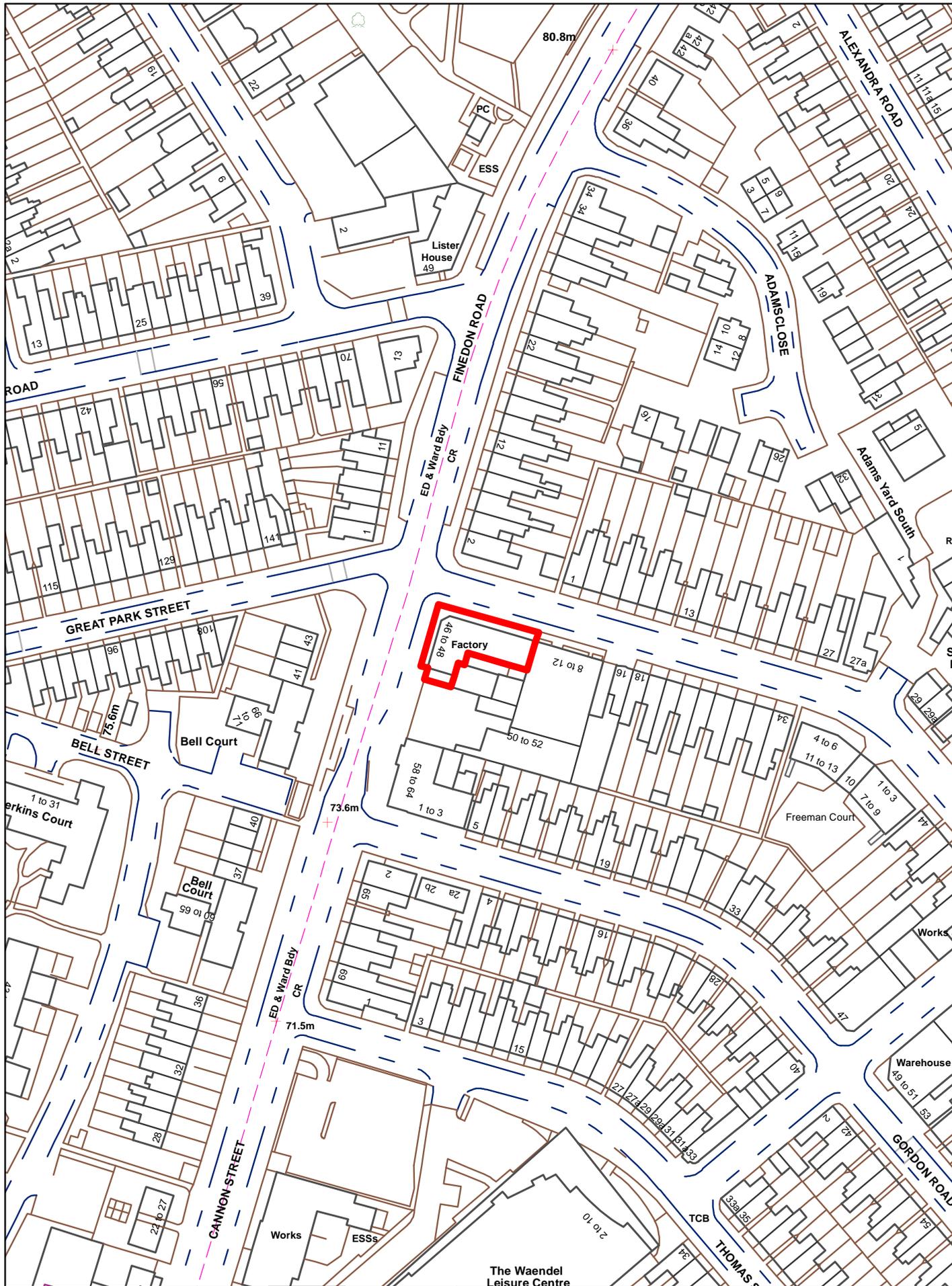
Agent **Mr Dipesh Surti**

Location **46 - 48 Cannon Street Wellingborough Northamptonshire NN8 4DT**

Proposal **Change of use from A1 to C3 and conversion to create 9 bedroom self-contained residential apartments bed. New mansard roof to replace the existing - Amended plans and description**

PLANNING HISTORY

WP/19/00556/FUL	Determination pending. Change of use from A1 to C3 and conversion to create 9 bedroom self-contained residential apartments bed. New mansard roof to replace the existing - Amended plans and description	
BW/1978/0676	Refused Change of use of workshop and shop to private social club	06.09.1978
BW/1977/0975	Approved New shop front and alterations to form shop and workshop	23.01.1978
BW/1977/0753	Approved with conditions Change of use of ground floor and basement of building from light industrial to retail sales of motorcycles including repair and maintenance	10.11.1977
WU/1967/0204	Approved with conditions Erection of store, toilet and office accommodation	06.12.1967
BW/1976/0526	Approved with conditions Proposed change of use of 75 sq. ft. office area for retail use	19.08.1976



<p>Borough Council of Wellingborough <small>Making Wellingborough a place to be proud of</small></p>	<p>N Scale: 1:1,250</p>	<p>ICT Services This map is accurate to the scale specified when reproduced at A4</p>	<p>© Crown Copyright and database right 2019, Ordnance Survey 100018694. Cities Revealed Aerial Photography copyright: GetMapping PLC 1999</p>	<p>Legend  WP/19/00556/FUL 46 - 48 Cannon Street Wellingborough</p>
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Reason for committee consideration:

- **The application has attracted 4 or more written objections from households local to the application site.**

THE SITE AND SURROUNDINGS

The application site is located at the junction of Stanley Road and Cannon Street, Wellingborough. The building appears to be a Victorian era industrial building which is two storey, red brick and render and has a frontage on both Cannon Street and Stanley Road.

The building has recently been occupied by a Curtain and Blind company retail outlet on the ground floor.

The site is outside of the Town Centre area action plan. The surrounding area is predominantly residential with the exception of the two adjoining sites. The site directly to the east of the application site (on Stanley Road) is Juice House (an office building association with a juicer business) and immediately to the south (on Cannon Street) is a car sales yard.

The application site appears to have some informal parking space to the front and side of the building.

The building is not listed and nor is it within a conservation area.

APPLICATION PROPOSAL AND BACKGROUND

This amended application seeks planning permission to convert the building into 9 x 1 bedroom flats.

To facilitate the proposed conversion a new roof is required. The new roof will have dormer windows in all elevations.

It is also proposed to make some fenestration changes such as new windows, external doors and a 400mm dwarf brick wall to support a 500mm high cast iron railing.

No off street parking is proposed.

The application was accompanied by a design and access statement, bat survey, daylight sunlight report, noise assessment, geoenvironmental assessment and a traffic survey dated Sunday 28 April 2019.

NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

North Northamptonshire Joint Core Strategy (JCS) part 1 of the local plan

Policies:

- 1 (presumption in favour of sustainable development)
- 2 (Historic Environment)

- 3 (landscape character)
- 4 (biodiversity and geodiversity)
- 5 (water environment, resources and flood risk management)
- 6 (development on brownfield land and land affected by contamination)
- 7 (community services and facilities)
- 8 (North Northamptonshire place shaping principles)
- 9 (sustainable buildings and allowable solutions)
- 11 (network of urban and rural areas)
- 22 (Delivering Economic Prosperity)
- 28 (housing requirements and strategic opportunities)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

Borough Plan For Wellingborough (PBW) part 2 of the local plan

E3 (Employment Outside Established Employment Sites)

Supplementary planning documents/guidance:

Sustainable Design

Biodiversity

Upper Nene Valley Special Protection Area

Trees on Development Sites

Planning Out Crime in Northamptonshire

Parking

SUMMARY OF REPLIES TO CONSULTATIONS/REPRESENTATIONS RECEIVED

1. Northamptonshire Highways - the proposal makes no provision for off street parking accommodation. Unless otherwise agreed, parking accommodation should be provided in accordance with the Northamptonshire Parking Standards and satisfy policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy. Single bedroomed dwelling units require one car parking space each with cycle parking provided at one secure covered space per bedroom.

The results of the parking survey carried out in support of the application is noted and indicates that sufficient spaces are available on-street to serve the parking needs of the proposed development. It should be acknowledged that, except for the major route of Cannon Street and Finedon Road where it is suggested that on-street parking should not be encouraged, available spaces are extremely scattered and would take some time and effort to locate.

This form of parking provision imposes demands upon car owners and will oblige them to seek spaces possibly at some distance from their homes. It is generally noted that where parking provision for a development is inadequate or not conveniently located, residents and visitors will park on verges and streets that have not been designed for that purpose, leading to unsightly and possibly dangerous roads in and around developments.

2. Surface Water Drainage Assessment Team - no comments to make.

3. Natural England - no objection subject to SPA mitigation payment.

4. Northamptonshire archaeological advisor - no objection subject to the imposition

of a condition requiring a programme of archaeological work

5. Northamptonshire Police - no objection but advice is given which is contained within an informative.

6. Planning policy officer - the proposal is within the growth town of Wellingborough where the majority of the borough's housing growth outlined in policies 28 and 29 of the JCS are, and therefore the site could be considered an acceptable site in principle in accordance with the overall spatial strategy in the JCS.

The principle of redevelopment of the site should be considered in the context of criteria A - E of policy E3 of the PBW. The scheme will need to be assessed against the criteria in policy 8 of the JCS, in particular whether the scheme provides satisfactory levels of parking and access.

The Parking Survey submitted alongside this application should be considered in this regard.

The scheme should be in accordance with policy 30 (b) and (c) of the JCS in terms of National Space Standards and National Accessibility Standards.

7. Environmental Health (noise) - no objection subject to the imposition of a condition in relation to noise mitigation.

8. Education - no s106 contributions will be required.

9. NCC Principal Project Officer (Biodiversity) - the Bat survey has been reviewed and neither a licence nor mitigation is required in this case.

10. Council's conservation officer - the building dates from the very start of the C20 and is a brick construction. The Cannon street elevation is part painted render.

The proposal site is outside of the conservation area and is not a listed building or near to any other listed buildings.

The proposed windows as shown on the plan and described in the DAS are an improvement on the existing.

11. Housing Development Officer - no objection as it below the contribution threshold for affordable housing contributions.

12. Neighbours - **45 letters of objection have been received. Within those 45 letters there are a number of duplications (13) due to the fact that revised plans were submitted reducing the overall numbers of units from 12 to 9.**

The following points have been raised:

- There is limited on street parking available.
- The proposal would exacerbate existing parking problems.
- Adjacent uses are not compatible with the proposed residential use. There are garages and workshops nearby.
- Anti-social behaviour will arise from the lack of parking provision.

- The proposal would result in an increase in litter.
- The proposed flat scheme would damage the character of the area.
- The proposed wall would result in the potential for anti-social behaviour.
- The plans will impact negatively upon the viability of neighbouring occupiers.

7 letters of support have been submitting raising the following points:

- The proposed development will bring investment to the area and bring much needed economic support to the town.
- It is likely that the property would remain empty without this investment.
- Modern business is hard to operate in a predominantly residential area.
- Market demand for an A1 unit of this size is low.

Non Material matters:

- Noise during construction.
- Access rights.

ASSESSMENT AND REASONED JUSTIFICATION

The proposal raises the following main issues:

- conformity with the development plan and material considerations;
- effect on archaeology;
- design, layout and the effect on the character and appearance of the surrounding area;
- effect on flood risk and drainage;
- foul sewage;
- noise;
- effect on the Upper Nene Valley Special Protections Area;
- national space standards and national accessibility standards;
- effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development;
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- crime and disorder.

Conformity with the development plan and material considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that *"If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise"*.

Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the NPPF.

The proposal site is a two storey building which has recently been used as a blind and curtain shop (A1) with some storage and manufacturing. The shop is located outside of a shopping area within the growth town and therefore the site could be an acceptable site in principle for residential use in accordance with the overall spatial strategy in the JCS.

Policy 22 of the JCS is of particular relevance. Policy 22 (b) of the JCS seeks to prioritise the enhancement of existing employment sites and the regeneration of previously developed land. Policy 22 (c) seeks to safeguard existing and committed employment sites for employment unless it can be demonstrated by the applicant that there is no reasonable prospect of the site being used for that purpose and that an alternative use would:

- not be detrimental to the mix of uses within a Sustainable Urban Extension; and or
- resolve existing conflicts between land uses.

The applicant has provided documents that state they have attempted to market the building as a going concern but as there is no policy protection afforded to this building in regard to retail or employment use, its loss cannot be guarded against. It is stated that the use of the building is A1 and not an employment generating use. The business that has vacated the premises remains within the authority and is located within Finedon Industrial Estate.

Policies 28 and 29 of the JCS seek to direct the majority of the borough's housing growth to the growth town and as such residential developments on sustainable sites within the town would be supported in principle. The development would make a contribution towards the borough's housing targets as set out under policies 28 and 29 of the JCS, although it should be noted that the borough has a five year housing land supply and as such relevant policies for the supply of housing are considered up-to-date.

The principle of developing the site for housing would comply with policies 22, 28 and 29 of the JCS. However, the acceptability of developing the site for housing needs to be assessed against other more detailed policies in the JCS, the assessment of the application against relevant detailed policies in the JCS is set out in detail below:

Effect on archaeology

JCS policy 2 (d) requires that where proposals would result in the unavoidable and justifiable loss of archaeological remains, provision should be made for recording and the production of a suitable archive and report.

The application is located on the eastern side of Cannon Street, and the junction with Stanley Street. The building proposed for conversion is a former shoe factory and is listed in the English Heritage Boot and Shoe Survey; the survey indicated that the factory building dates from 1895 and is suitable for further recording. The significance of the building lies in its place in the history and development of Wellingborough and of the Boot and Shoe industry in Northants, as well as its historic fabric.

Paragraph 199 of the NPPF states that the 'local planning authority should require the developer to record and gain an advance understanding the significance of heritage assets to be lost due to development. Northamptonshire archaeological officer recommends that a condition is imposed for building recording to level 2 as defined in Historic England: Understanding Historic Buildings (2016).

No neighbour objections have been received in relation to the effect on archaeology.

Subject to the imposition for building recording to level 2 the proposed development would comply with policy 2 (d) of the JCS.

Design, layout and the effect on the character and appearance of the surrounding area

JCS at policy 8 (d) (i) and (ii) describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area.

The proposal site is outside of the conservation area and is not a listed building or near to any other listed buildings.

The applicant proposes to convert the now vacant shop and warehouse into 9 self-contained flats. Several external changes are proposed. The largest of the changes relate to a new roof with an increased roof height with a number of dormer windows, the replacement of a door with a window at ground floor, it is also proposed to install railings which will front Cannon Street and Stanley Road, Wellingborough.

The proposed new roof is described as being mansard in design, this in our opinion is not entirely accurate and is probably better described as a new roof with an increased overall height with bonneted dormer windows which are set to be centralised above the existing window arrangement.

The proposed roof would increase the overall building height from 8.6 metres to 9.3 metres. This would not result in a development that is detrimental to the character and appearance of the original building or the wider character of the area. The dormer windows proposed are proportionate to the proposed roof and set roughly within the middle third of the roof plane providing balance.

Minor changes are also proposed to all façades. All windows are to be replaced with aluminium coated windows. A condition would be attached to ensure that samples of windows are submitted for written approval prior to the commencement of the development.

Finally, the applicants propose to enclose the threshold on the Stanley Road and Cannon Street elevation with a porch veranda with black cast iron railing above. This will fit to some extent with that of the neighbouring property. The materials of which would be required to be submitted as part of a pre commencement condition.

Neighbour objections have been received in relation to the effect of the proposed development on the character and appearance of the area.

Subject to the imposition of a condition requiring window details the proposed development would be in accordance with to policy 8 (d) (i) and (ii) of the JCS.

Effect on flood risk and drainage

The JCS at policy 5 sets out a raft of sub policies aimed at preventing or reducing flood risk.

The revised NPPF at chapter 14 sets out government views on how the planning system should take into account the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.

The environment agency mapping system indicates that the site lies in an area that has a low chance of flooding from rivers. This means each year the chance of flooding would be between 1 in 1000 (0.1%) and 1 in 100 (1%).

Policy 9 of the JCS requires all residential development to incorporate measures to limit water use to no more than 105 litres/person/day within the home and external water use of no more than 5 litres/person/day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015). A condition should be imposed to ensure the development complies with policy 9 of the JCS.

No neighbour objections have been received in relation to the effect on flooding risk and drainage.

Subject to the imposition of a condition limiting water usage the proposed development would comply with policies 5 and 9 of the JCS.

Foul sewage

JCS Policy 10 (b) requires new development to minimise increases in the demand for additional/expanded water infrastructure. Whilst policy 10 (c) states that planning permission will only be granted if it can be demonstrated that there will be sufficient infrastructure capacity provided within an agreed timescale to support and meet all the requirements which arise from the proposed development. Policy 10 (d) continues by saying that the council and developers should work with infrastructure providers to identify viable solutions to deliver infrastructure where appropriate by phasing conditions, the use of interim measures and the provision of co-located facilities.

The NPPF at paragraph seven and elsewhere identifies the provision of infrastructure as part of the economic role as one of the three dimensions of sustainable development.

The PPG under the chapter entitled 'water supply, wastewater and water quality' at paragraph 20 provides advice on the particular considerations that apply in areas with inadequate wastewater infrastructure. The PPG explains that if there are concerns regarding the capacity of wastewater infrastructure, applicants will be asked to provide information as to how wastewater will be dealt with. The PPG goes on to provide advice on a number of scenarios regarding the preference to connect to the public sewerage system and the acceptable alternatives. No foul sewerage issues have been raised by internal or external consultees.

No neighbour objections have been received in relation to the effect on foul sewerage.

The proposed development would comply with policy 10 (b), (c) and (d) of JCS.

Noise

To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (ii) states that new development should be prevented from contributing to or being adversely affected by unacceptable levels of noise.

Chapter 11 of the NPPF gives advice on how local planning authorities should prevent new development from being adversely affected by unacceptable levels of noise pollution. The NPPF further advises that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

The PPG offers detailed advice on Noise which was updated on 24 December 2014.

The council's environmental protection officer has advised that a condition is imposed to ensure that noise emanating from outside of the building is acceptable. A satisfactory submission would address concerns relating to the proposals compatibility with surrounding uses.

Neighbour consultation responses have been received in relation to disturbance caused by noise during the construction process.

Once construction works are completed the proposed development is unlikely to result in unacceptable noise disturbance to occupiers of neighbouring residential properties and subject to the imposition of a noise mitigation condition would comply with policy 8 (e) (ii) of the JCS.

Effect on the Upper Nene Valley Special Protection Area

The Upper Nene Valley Gravel Pits Special Protection Area/Ramsar site was formally classified by the UK government in 2011. It covers 1358 hectares in four local authorities: South Northamptonshire, Northampton, Wellingborough and East Northamptonshire. It is a composite site comprising 20 separate blocks of land and water fragmented by roads and other features, and located adjacent or close to urban areas.

SPAs are the most important sites for wildlife in Europe. It is a European designation, classified under the 'birds directive' (council directive 79/409/EEC) to provide increased protection and management for areas which are important for breeding, feeding, wintering or migration of rare and vulnerable species of birds.

A 'ramsar' site is a wetland of international importance designated under the convention of wetlands of international importance especially as waterfowl habitat. The SPA and ramsar site boundaries for the Upper Nene Valley Gravel Pits are identical, although the qualifying features are slightly different. References to the SPA should therefore be interpreted as including the ramsar site.

The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

A supplementary planning document has been produced to help local planning authorities, developers and others ensure that development has no significant effect on the SPA, in accordance with the legal requirements of the habitats regulations. The SPD has been developed with Natural England and the RSPB.

Policy 4 of the JCS on biodiversity and geodiversity states that developments likely to have an adverse effect on the special protection area must satisfy the requirements of

the Habitat Regulations and states that all new residential development within 3km of the SPA will result in a significant effect on the SPA. The 'in-combination' impact of proposals involving a net increase of one or more dwellings within the 3km radius of the SPA are concluded to have an adverse effect on its integrity unless avoidance and mitigation measures are in place.

An addendum to the SPA SPD provides further guidance for development within the 3km zone of the SPA and details the specific contributions that each new dwelling will be required to pay.

A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken once a mitigation payment of £2,424.96 has been made under section 111 of the Local Government Act 1972. The applicant is to make an SPA mitigation payment. The receipt of payment will be confirmed as an update at committee.

The mitigation strategy has now been formally adopted and can be used by developers to mitigate impacts to the special protection area. Provided the contribution is made Natural England advises that there is not likely to be a significant effect to the special protection area, and following this approach provides an efficient and proportionate means to demonstrate compliance with the Habitats Regulations.

National space standards

The JCS at Policy 30 (b) requires the internal floor area of new dwellings to meet the National Space Standards as a minimum.

It is proposed to convert the building into 6 x 1 bedroom, 1 person flats and 3 x 1 bedroom, 2 person flats. All of the units proposed are comfortably within the minimum internal floor area as prescribed by the National Space Standards.

Some concern has been raised as to whether the 6 x 1 bedrooms units are in fact too big to be genuinely 1 bed, 1 person units (all of which are well in excess of the 39m² required) but as they are very well proportioned and the internal layout is largely dictated by the external layout, positioning of existing windows and such like, the larger bedroom and gross internal area is considered acceptable.

Properties 7, 8 and 9 are larger still but are effectively 1 bedroom 2 person dwellings. It is noted that these dwellings have a study. The study's could not readily be converted into a bedroom as the useable floor space is too small.

The proposed development would largely comply with the national space standards and would not be contrary to policy 30 (b) of the JCS.

National Accessibility Standards

Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility Standards as a minimum.

All units should achieve category 2 of the National Accessibility Standards as a minimum. A condition would be imposed on any planning permission to ensure that the dwellings met category 2 of the National Accessibility Standards.

Effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development

The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers.

The proposal would not result in conditions which are detrimental to the occupiers of neighbouring properties or neighbouring uses by way of overlooking.

The proposed roof would result in a building that is marginally higher (0.7m) than the existing roof. The applicant has provided a Daylight and Sunlight Report dated July 2019 which concludes that there is no significant overshadowing of neighbouring properties generated by the roof proposed.

Some concern has been raised with regards to the compatibility of other surrounding uses in connection with noise. The council's environmental protection team leader has requested a condition regarding the noise emanating from surrounding uses and details need to be submitted to comply with British Standard 8233:2014.

The flats are large 1 bedroom units which are well appointed with open plan kitchen living areas. The general standard of amenity is good.

Neighbour objections have been received in relation to the impact of the development on residential amenities.

The proposed development would not be contrary to policy 8 (e) (i) of the JCS.

Effect/Impact on highway safety

JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters.

JCS policy 8 (b)(ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Northamptonshire highways recommend that unless otherwise agreed, parking accommodation should be provided in accordance with the Northamptonshire parking standards adopted by Northamptonshire County Council (NCC) and satisfy policy 8 (b) (ii) of the JCS. One parking space would be required to be provided for each of the one bedroom units and one cycle space per bedroom.

The proposal makes no provision for off street parking accommodation. Covered cycle parking is available within the building at ground floor.

Northamptonshire highways recommends that the decision maker should satisfy themselves that the use of on street parking to serve the development will provide sufficiently safe and convenient accommodation to comply with policy 8 (b) (ii) of the JCS. It should be noted that on street parking cannot be allocated or assigned to any individual person or property and its availability to accommodate the parking requirements of the development cannot be assumed or relied upon.

The results of the parking survey carried out in support of the application is noted and indicates that sufficient spaces are available on-street to serve the parking needs of the proposed development. It is be acknowledged that, except for the major route of Cannon Street and Finedon Road where it is suggested that on-street parking should not be encouraged, available spaces are extremely scattered and would take some time and effort to locate.

It is officer opinion, in line with the findings of the parking survey, that the units proposed would not generate a demand for parking that cannot be accommodated off street. As such parking matters are not considered to constitute a robust reason for objecting to the proposal. Matters of on- street parking has arisen previously in the town centre or close to town centre sites and members are reminded of the application at Mill Road, Wellingborough WP/16/00737/FUL. The planning inspector under ref. APP/H2835/17/3191201 considered that the parking standards adopted by NCC incorrectly treat one bedroom flats as family homes which typically have higher levels of car ownership. Furthermore, the standards do not differentiate between proposed developments with good access to services, facilities and public transport such as the application site or the appeal site. The planning inspector was not persuaded that the parking standards comply with the NPPF which advises that in setting parking standards such matters should be taken into account. It should be noted that each planning application should be considered on its own merits.

The application site is located in a sustainable location within walking distance of the town centre, a doctor's surgery, a leisure centre, primary and secondary schools, the community hospital, an industrial estate and Wellingborough Station. Bus stops are located on either side of Cannon Street.

Objections have been received from residents in relation to the effect of the development on highway safety and capacity.

Taking all of the above matters into account, including views expressed by Northamptonshire highways it is considered that the proposed development would not generate demand for on street parking that would harm demand for on street parking that would harm highway safety and surrounding amenity. The proposed development would comply with policy 8 (b) (i), and (ii) of the JCS. Based on the sites sustainable location and the recent appeal decision for an almost identical conversion located on the edge of the town, it would be difficult for the council to defend an appeal on highway safety and capacity grounds alone.

Crime and disorder

Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area.

The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime.

The adopted designing out crime supplementary planning guidance gives detailed advice this issue.

The NPPF at paragraphs 58 and 69 state that decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and

the fear of crime, do not undermine quality of life or community cohesion.

This area of Wellingborough has historically and periodically still does suffer from incidences of robbery, burglary, theft of and from motor vehicles, criminal damage and issues of anti-social behaviour. The Crime Prevention Design Advisor has made a number of recommendations which include:

- The railings should not have a solid top. This will encourage passers-by to leave litter, such as bottles and cans on top as well as walking/sitting on it. The boundary treatment should also recess back into the building to create a truly defensible space (fire escape should be considered).
- The bin store will need to be very secure to prevent ABS, habitation and arson. The doors should comply with the Loss Prevention Certification Board (LPCB) security standard LPS1175 SR 2 or 3 and doors manufactured in accordance with the standard must be installed.
- The Design and Access statement (D&A) mentions 'Post will be delivered through a hole in the wall where the entrance door is' this does not appear on the plans.
- A secondary internal lobby door should be installed. Due to the location of the site and precedence set at exiting flats within the area this will greatly reduce the incidences unauthorized access and of habitation of communal areas.
- All Glazing below 1.8 metres should be provided with security grade glazing of P2A standard as minimum requirement.
- A vandal resistant colour Audio visual entry system should be installed, each resident or visitor should only have access to the floor they are visiting.
- All doors and windows in to individual apartments should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products.

Due to the omission of a security statement the Northamptonshire police recommend that a condition is imposed requiring details of crime prevention measures to be provided.

Neighbour objections have been received in relation to ant-social behaviour.

Subject to the imposition of a condition requiring details of crime prevention measures the development would comply with policy 8 (e) (iv) of the JCS.

Due to the omission of a security statement I would suggest a condition should be added to the application regarding crime prevention and security, this is in the interest of the security and quality life of future occupants of the development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

CONCLUSION

The proposed development complies with the relevant development plan policies and is consistent with the provisions in the NPPF specifically in relation to promoting sustainable development, raising design standards, conserving the environment, meeting the national space standards, although no on site parking is proposed there is adequate space on street to take the capacity generated by this development, and would provide smaller units close to the town centre. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions:

RECOMMENDATION

Approve subject to conditions:

CONDITIONS/REASONS:

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawings/details:

46CS : PA01-revE/01 received 20 December 2019

46CS : PA01-revE/04 received 20 December 2019

46CS : PA01-revE/05 received 20 December 2019

Reason: To define the permission and to conform with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

3. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the local planning authority. Once approved the scheme shall be implemented before first occupation of the residential units and therefore maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

Reason: Details are required prior to the commencement of development in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the first occupation of any hereby permitted dwelling a 9 cycle spaces shall be installed in the position shown on drawing number and shall be retained in that form thereafter. Unless an alternative scheme is approved in writing by the local planning authority.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with policy 8 (b) (i) of the North Northamptonshire Joint Core Strategy.

5. The dwellings hereby approved shall incorporate measures to limit water use to no more than 110 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

6. Prior to the installation of any new rainwater goods, full details of proposed rainwater goods shall be submitted to, and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved particulars.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

7. The premises shall be used for C3 (a) use only and for no other purpose including any other purpose in Class C3 of Part C of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: Other uses within this Use Class may not be appropriate in these premises by reason of restricted parking provision.

8. No development shall take place above until the applicant has submitted details to the local planning authority for approval which demonstrate the security measures for the building and the site and evidence to show how these measures will be adequately installed and maintained. The security measures shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In order to reduce crime and disorder and the fear of crime in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

9. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion 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 local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with policy 2 (d) North Northamptonshire Joint Core

Strategy and advised contained within paragraph 199 of the revised National Planning Policy Framework.

10. Prior to the installation of any new windows, full details of the proposed windows shall be submitted to and approved in writing by the local planning authority. Details shall include window elevation drawings, horizontal and vertical cross sections at a scale of at least 1:5 and details of specific mouldings at a scale of at least 1:2. Details shall confirm the finish of the windows, depth of reveal (to facing brickwork) and include their opening method and sill. The works shall thereafter be carried out in accordance with the approved particulars.

Reason: To preserve the character and special interest of the original three storey Victorian building in accordance with policy 2 (b) of the North Northamptonshire Joint Core Strategy.

11. The external surfaces of the development hereby permitted shall be constructed only of materials of a type and colour which match those of the existing building except where indicated otherwise on the approved drawings.

Reason: To ensure that the new work harmonises with the existing building and to ensure the development does not detract from the appearance of the locality in accordance with policy 8 (d) (ii) of the North Northamptonshire Joint Core Strategy.

12. The residential units hereby approved shall be built to meet the requirements of the National Accessibility Standards in category 2 (accessible and adaptable dwellings) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).

Reason: To ensure that the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

13. No development shall take place including any works of demolition until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include site procedures to be adopted during the course of construction including:

- working hours;
- Procedures for emergency deviation of the agreed working hours;
- routes for construction traffic;
- location of site compound;
- lighting and security;
- control of dust and other emissions;
- proposed temporary traffic restrictions;
- parking of vehicle of site operatives and visitors.

The development shall be carried out in accordance with the approved CEMP.

Reason: To ensure there are adequate mitigation measures in place and in the interests of amenities of existing and future residents in accordance with policies 8 (b) (i) and 8 (e) (ii) of the North Northamptonshire Joint Core Strategy.

INFORMATIVE/S:

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.
2. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property. Application forms for Street Naming and Numbering are available at www.wellingborough.gov.uk
3. The Borough Council of Wellingborough encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.

To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours:

0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

4. All gas fired boilers should meet a minimum standard of 40 mgNO_x/Kwh.
5. Please advise your clients to check the conditions on the planning consent to determine which dwellings these optional requirements apply to, as failure to comply with planning conditions may result in enforcement.

BOROUGH COUNCIL OF WELLINGBOROUGH

Planning Committee

22 January 2020

Report of the Principal Planning Manager

Extension of time (if applicable): 23 January 2020

Case Officer **Mr Matthew Brown**

WP/19/00621/FUL

Date received	Date valid	Overall Expiry	Ward	Parish
30 October 2019	30 October 2019	25 December 2019	Earls Barton	Earls Barton

Applicant **Parrott Holdings Limited**

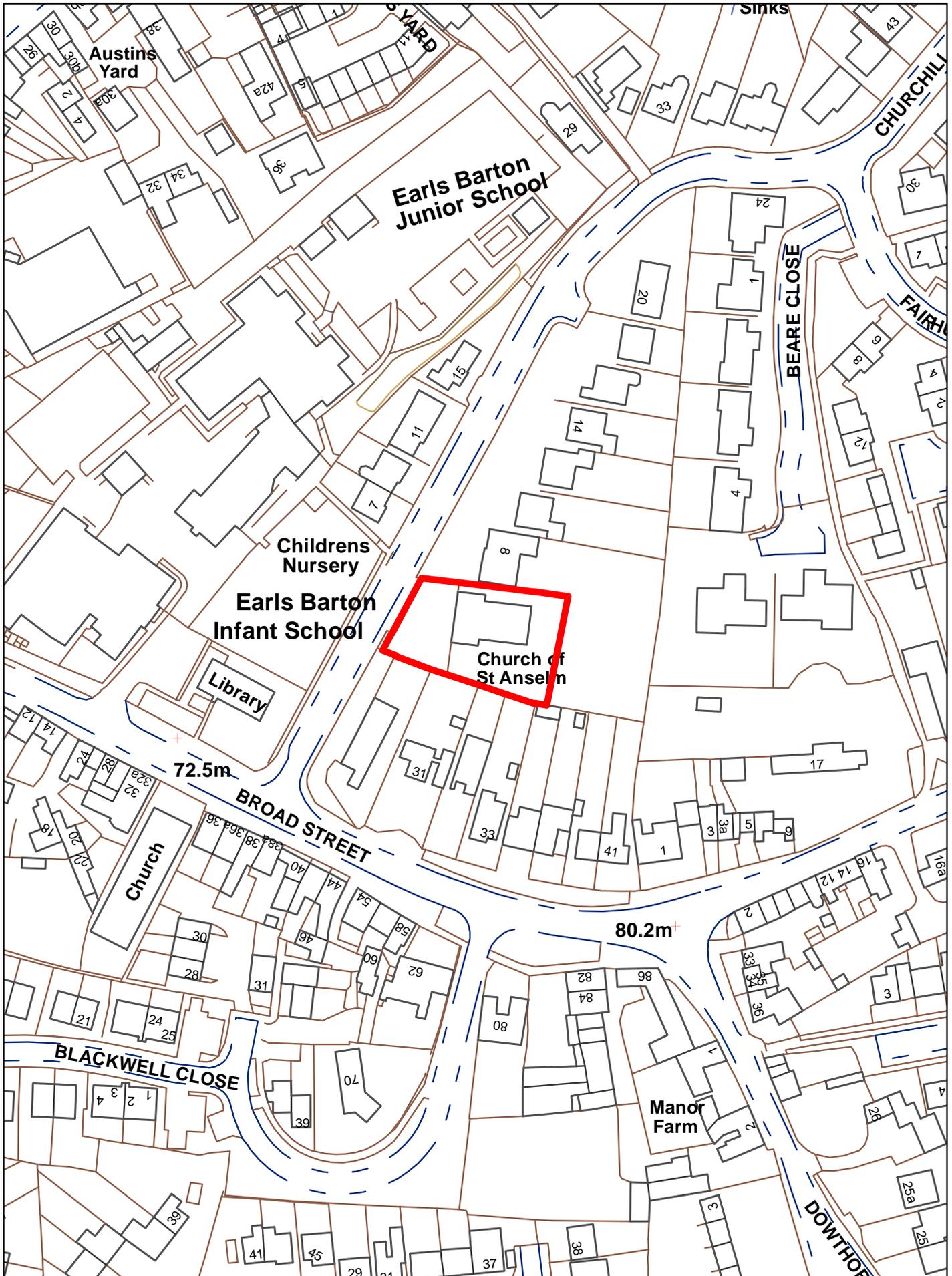
Agent **Admin**

Location **Church Of St Anselm (RC Church) Churchill Road Earls Barton
Northampton Northamptonshire**

Proposal **Demolish the single storey church on the site and construct 2 no. two storey, four bedroom dwellings with single integral garages, hardstanding for parking and landscaping**

PLANNING HISTORY

WP/19/00621/FUL	Determination pending. Demolish the single storey church on the site and construct 2 no. two storey, four bedroom dwellings with single integral garages, hardstanding for parking and landscaping	
WR/1967/0024	Approved Roman Catholic church	17.03.1967
WR/1965/0167	Approved Church and car park	11.08.1965
WR/1960/0164	Approved with conditions Church and car park	08.09.1960
WR/1966/0139	Approved with conditions Catholic church	20.07.1966



Reason for committee consideration:

- **The application has attracted more than four objections from households local to the application site.**

THE SITE AND SURROUNDINGS

The application site is located in the village of Earls Barton to the south west of the Borough. The site is located within the village and lies outside of the Earls Barton Conservation Area, but within the Earls Barton Neighbourhood Plan Area.

The site ascends from the road side to the back boundary fence.

The application site currently accommodates a single storey building which is used as a church. To the front of the church there is gravelled car park area.

APPLICATION PROPOSAL AND BACKGROUND

Planning permission is sought for the erection of two, two storey 4 bedroom detached dwellings.

The two dwellings proposed are staggered within the plot in an attempt to mimic the built form pattern of detached properties which is established along Churchill Road, Earls Barton.

The application was accompanied by an arboricultural survey received 10th December 2019 and a design and access statement received 30th October 2019.

NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

North Northamptonshire Joint Core Strategy (JCS)

Policies:

- 1 (presumption in favour of sustainable development)
- 4 (biodiversity and geodiversity)
- 7(Community services and facilities)
- 8 (North Northamptonshire place shaping principles)
- 11 (network of urban and rural areas)
- 15 (well connected towns, villages and neighbourhoods)
- 20 (Nene and Ise valleys)
- 28 (housing requirements and strategic opportunities)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

Plan for the Borough of Wellingborough - (PBW)

Policies

- SS1 (villages)

Neighbourhood plans:

Earls Barton Neighbourhood Plan:

Policies:

EB.GD1 (residential infill sites)

EB.D1 (design, layout, building techniques)

EB.:LB1 (Village Centre)

Supplementary planning documents/guidance:

Sustainable Design

Biodiversity

Upper Nene Valley Special Protection Area

Planning Out Crime in Northamptonshire

Parking

SUMMARY OF REPLIES TO CONSULTATIONS/REPRESENTATIONS RECEIVED

1. Northamptonshire County Council Highways - no objection subject to the provision of two vehicular crossings.

2. Earls Barton Parish Council - no comments.

3. Northamptonshire County Council Archaeological Advisor - no objection to the proposals on archaeological Grounds.

4. Landscape Officer - no objection subject to a tree protection condition.

5. Natural England - the proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified. Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document. If the applicant agrees to this payment, then no Habitats Regulations Assessment report is required for this application.

6. BCW environmental protection officer - no comments or objections from a land contamination perspective.

7. Archaeology - no objection.

8. Crime Prevention Design Advisor - all doors and windows in domestic dwellings (including the integral door from the garage) should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products. Internal fence panels should be 1.8m high for the length of the garden.

9. Comments from households local to the site - 8 letters of objection have been submitted raising the following points:

- The proposal would result in the loss of a community facility.
- There are serious parking issues near the school.
- Earls Barton has enough 4 bedroom dwellings.

- Lack of open space.
- Negative impact on privacy.
- The land should be used for the wider community.

Non planning matters -

- The church does not need the money from the sale of the land.

ASSESSMENT AND REASONED JUSTIFICATION

The proposal raises the following main issues:

- conformity with the development plan, and material considerations;
- loss of the church;
- design, layout and the effect on the character and appearance of the surrounding area;
- effect on the Upper Nene Valley Special Protections Area;
- compliance with national Space and national accessibility standards
- effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development;
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision; and
- housing need and mix.

Conformity with the Development Plan and Material Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that *"If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise"*.

Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the NPPF.

The application site lies within the Earls Barton village boundary, and proposes the creation of a new dwelling on an infill site. Policy 11 of the JCS at part 2 (b) is clear that small scale infill development will be permitted on suitable sites within the villages where this would not materially harm the character of the settlement and residential amenity, or exceed the capacity of local infrastructure and services. The policy goes on to note that part 2 Local Plans and/or Neighbourhood Plans may identify sites within or adjoining villages to help meet locally identified needs or may designate sensitive areas where infill development will be resisted or subject to special control.

Policy EB.GD1 of the Earls Barton Neighbourhood Plan, generally supports the principle of new dwellings within the built up areas of the village, however the policy is clear that any proposals must also satisfy all of the listed criteria. As such, whilst the principle of development is generally supported by policy 11 (2) (b) of the JCS and policy EB.GD1 of the EBNP, it is still necessary for the proposal to be considered in light of all of the specific criteria associated with these policies and the other development plan policies, the NPPF and other material considerations which are discussed below.

Loss of the Church

Policy 11 (2) (a) of the JCS limits rural development to that which is required to support a prosperous rural economy, or to meet a locally arising need. Policy 11 (2) (b) supports small scale infill developments where they would not materially harm the character of the settlement. Policy EB.GD1 of the EBNP also supports infill developments in Earls Barton where they are of a mass, density and design which is in keeping with local character, result in no loss of amenity, traffic and parking impacts that are acceptable, and where it provides a mix of dwelling types and sizes. The site is located within the village boundary of Earls Barton, and as such the principle of residential development in this location is acceptable.

The scheme could make a small contribution towards meeting the housing targets for the borough set out in policy 28 and policy 29 of the JCS. These policies give a target of 250 houses in Earls Barton over the plan period. It should be noted however that this target is already being met by existing/committed development in the village.

The importance of delivering additional dwellings must also be weighed against the resultant loss of a community facility, the church. Policy 7 (c) of the JCS seeks to protect and safeguard existing facilities unless; the asset is no longer viable, the asset is no longer needed by the community it serves, or it is not needed for any other community use or that the facility is relocated and improved to meet the needs of the new and existing community. Policy EB.LB1 also seeks to support the diversity of the village centre and seeks an enhancement to the range of local shops, services and community facilities that exist within it. It is noted however that the site falls outside the defined village centre.

The applicant's agent has set out in the DAS that the Church is no longer viable and by virtue of the land being in private ownership it is unlikely that the land will be used in the foreseeable future as another community use. The Diocese of Northampton have confirmed that the church is unsustainable and is due to close. Historically, it does not appear that the church has any wider community use other than to serve its specific congregation, as such the buildings loss would not result in an unreasonable or negative impact on the wider community.

It is noted that there have been a number of objections raised to this proposal, by local residents. There is a general consensus from the comments received that the church should be retained for community use and options considered as to how this could be achieved as required by policy 7 (c) of the JCS.

The principle of developing the site for housing would comply with policies 22, 28 and 29 of the JCS. However, the acceptability of developing the site for housing needs to be assessed against other more detailed policies in the JCS, the assessment of the application against relevant detailed policies in the JCS is set out in detail below:

Design, Layout and the Effect on the Character and Appearance of the Surrounding Area

JCS at policy 8 describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area. The policy at Part (d) (i) requires that development should create a distinctive and local character by responding to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character

without stifling innovation. Part (ii) of the policy also notes that development should respond to the local topography and overall form, character and landscape setting of the settlement.

Policy EB.GD1 of the EBNP requires development to be of a scale, massing, density and design in keeping with the local character of neighbouring buildings and the village generally. In addition Policy EB.D1 of the EBNP is clear that any development proposals should be of a high standard of design and layout in keeping with the local character and should seek to utilise sustainable building techniques and materials wherever practical. The policy goes on to list a number of criteria that any new development must achieve including requiring development to perform well against all relevant locally adopted design guidance, including all of the criteria of the North Northamptonshire Sustainable Design Supplementary Planning Document.

The proposed new dwellings are two storey in height and incorporate a number features which are prevalent on Churchill Road, such as front and side gable end features, off street parking and integral gardens. The proposed dwellings are set within plots which are similar to established plot widths on Churchill Road. The applicant has also attempted to stagger the properties in line with the established pattern of development on the street.

A street scene elevation demonstrates (Despite the scale being shown as 1:200 it is 1:100) that the proposed dwellings would have a ridge height similar to that of the property at number 8 Churchill Road, Earls Barton. It is acknowledged that the land levels within the site change from the front of the site to the back, it is clear from the topographic section that quite a vast amount of land will be removed from the site so that the proposed properties would not appear substantially different in height terms to that of the neighbouring dwellings.

Properties on Churchill Road have gardens which vary in size and layout some of which have larger front gardens than rear. The proposed dwellings would have an ample garden size for a four bedroom dwelling.

As the plans provide very little by way material detail conditions would be included to ensure that the proposed dwellings are constructed of materials that accord with the established character of the area.

No neighbour objections have been raised in relation to the effect of the proposed development on the character and appearance of the area.

The proposal is considered to be in accordance with policy 8 (d) (i) and (ii) of the JCS and policies EB.GD1 and EB.D1 of the EBNP.

Effect on the Upper Nene Valley Special Protection Area

The Upper Nene Valley Gravel Pits Special Protection Area/Ramsar site was formally classified by the UK government in 2011. It covers 1358 hectares in four local authorities: South Northamptonshire, Northampton, Wellingborough and East Northamptonshire. It is a composite site comprising 20 separate blocks of land and water fragmented by roads and other features, and located adjacent or close to urban areas. SPAs are the most important sites for wildlife in Europe. It is a European designation, classified under the 'birds directive' (council directive79/409/EEC) to

provide increased protection and management for areas which are important for breeding, feeding, wintering or migration of rare and vulnerable species of birds.

A 'ramsar' site is a wetland of international importance designated under the convention of wetlands of international importance especially as waterfowl habitat. The SPA and ramsar site boundaries for the Upper Nene Valley Gravel Pits are identical, although the qualifying features are slightly different. References to the SPA should therefore be interpreted as including the ramsar site.

The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

A supplementary planning document has been produced to help local planning authorities, developers and others ensure that development has no significant effect on the SPA, in accordance with the legal requirements of the habitats regulations. The SPD has been developed with Natural England and the RSPB.

Policy 4 of the JCS on biodiversity and geodiversity states that developments likely to have an adverse effect on the special protection area must satisfy the requirements of the Habitat Regulations and states that all new residential development within 3km of the SPA will result in a significant effect on the SPA. The 'in-combination' impact of proposals involving a net increase of one or more dwellings within the 3km radius of the SPA are concluded to have an adverse effect on its integrity unless avoidance and mitigation measures are in place.

An addendum to the SPA SPD provides further guidance for development within the 3km zone of the SPA and details the specific contributions that each new dwelling will be required to pay.

A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken as the required mitigation payment of £538.88 has been made under section 111 of the Local Government Act 1972.

The proposed development would comply with policy 4 of the JCS.

Compliance with National Space and National Accessibility Standards

The JCS at Policy 30 (b) requires the internal floor area of new dwellings to meet the National Space Standards as a minimum.

The proposal is compliant with the requirements of the policy 30 (b).

Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility. A condition would be imposed on any planning permission to ensure that the dwellings met category 2 of the National Accessibility Standards.

Effect/Impact on the Living Conditions of the Neighbouring Occupiers and the Future Occupiers of the Development

The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of

neighbouring occupiers. The policy is clear that development should ensure quality of life and safer healthier communities by protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area by reason of noise, vibration, smell, and light or other pollution, loss of light or overlooking.

The location of the dwellings within the plot would ensure that the proposal would not result in a development that is to the detriment of surrounding properties.

Despite projecting beyond the front of the property at number 8 Churchill Road it would not have a detrimental impact on the neighbour by way of unreasonable overshadowing, overlooking and nor would it overbear the existing dwelling.

It is acknowledged that there would be a degree of additional overshadowing created by the property closest to number 8 Churchill Road but it would not be dissimilar to that created by the in situ church building. The dwellings would not have any windows at first floor level in the flank elevations as such the properties to both the north and the south of the application site would not suffer from overlooking. Any overlooking created by first floor windows would be minimal and would not overlook private amenity areas or habitable room windows. This accords with policy EB.GD1 of the EBNP which states that any proposals for residential development on infill sites must not result in an unacceptable loss of amenity for neighbouring uses through loss of privacy, loss of daylight or visual intrusion.

Neighbour objections have been received in relation to the effects on neighbouring amenity.

On balance it is considered that the new dwelling would not result in an unacceptable impact upon the amenity of the occupiers, it is not considered to have an overbearing appearance despite it being set on much higher land than properties to the south and east of the application site. The application is therefore considered to broadly accord with policies 8 (e) (i) of the JCS and policy EB.GD1 of the EBNP.

Effect/Impact on Highway Safety in Relation to the Proposed Access Arrangement and Parking Provision

JCS policy 8 gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters. The policy is clear at part (b) (i) that development should make safe and pleasant streets and spaces by prioritising the needs of pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety. Part (ii) of the policy notes that development should ensure a satisfactory means of access and provision of parking, servicing and manoeuvring in accordance with adopted standards.

The County's Highways officer has not objected to the proposal from a highway safety and parking capacity perspective but has stated that a new kerb would need to be submitted at the front frontage. This is actually outside of the redline site and is within the ownership of the County Council as such the requirements put forward by the Highways officer would have to be addressed by the applicant and the County council directly.

Neighbours have raised concerns regarding parking capacity. The proposed scheme would not exacerbate existing parking issues and three off street can be provided off street within the front forecourt area of the dwellings proposed. The proposed development would comply with policy 8 (b) (i) and (ii) of the JCS.

Housing Need and Mix

Policy 29 of the JCS notes that new housing will be accommodated in line with the spatial strategy with a strong focus on the growth towns as the most sustainable locations for developments followed by the Market Towns. The policy goes on to say that other than small scale infilling (Policy 11) or rural exceptions schemes (Policy 13), levels of housing development in excess of the identified requirements for the named Villages and Rural Areas will only be permitted where tested and supported through Part 2 Local Plans or Neighbourhood Plans.

Table 5 of the JCS identifies specific housing requirements for the named settlements of Earls Barton, Finedon, Irchester and Wollaston and sets an overall requirement for the remainder of the rural area. These figures are derived from local evidence of need. The Neighbourhood Plan for Earls Barton was made on 19 January 2016 and has allocated a site for approx. 280 dwellings, which if delivered will meet their housing requirement as established by the JCS.

The Neighbourhood Plan acknowledges the role that windfall development can make to the housing supply in the village, and policy EB.GD1 allows for infill development, subject to it being demonstrated that it is in keeping with the local character, and will have no adverse effects on the amenity of neighbouring properties; through loss of privacy, loss of daylight, visual intrusion by a building or structure, loss of car parking, and additional traffic resulting from the development.

It is noted that some comments have been received on the basis that the proposed dwellings, by virtue of their size(4 bedrooms) are not required within Earls Barton but smaller or larger properties on this plot would be considered incongruous and out of keeping with the established character of the immediate area. As such the mix of dwellings proposed are considered acceptable and is broadly in compliance with neighbourhood plan policy EB.GD1.

CONCLUSION

The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF specifically in relation to promoting sustainable development, raising design standards, no harmful effects on protected species, satisfactorily mitigates against the effects of the SPA, included the provision of off street parking, no unacceptable effects on highway safety and capacity. Other than noise disturbance during the construction process the development would not have an unacceptable harmful effects on the neighbouring amenity in terms of loss of light, outlook and privacy. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

RECOMMENDATION

Approve subject to conditions.

CONDITIONS/REASONS:

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawings/details:

18158 (B) 02 Revision A received 30th October 2019;

18158 (B) 100 (B) 100 30 October 2019;

18158 (B) 101 received 30 October 2019;

18158 (B) 103 received 30 October 2019;

18158 (B) 104 received 30 October 2019

18158 (B) 102 received 30 October 2019.

Reason: To define the permission and to conform with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

3. No development above slab level shall take place until details and samples of the external materials to be used in the construction of the development have been submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details

Reason: To ensure the development fits with the character and appearance of the area to accord with policy 8 (d) (c) and (i) of the Joint Core Strategy.

4. Notwithstanding the detail shown on the approved plans, prior to the first occupation of the new dwelling hereby approved, details of screen walls/fences and boundary treatments shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance therewith unless alternative details are submitted and approved by the local planning authority. The details shall include a boundary treatment plan (at a minimum scale of 1:200) detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition, appearance and installation method of boundary treatment throughout the site.

Reason: In the interests of the amenity of future occupiers and to accord with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

5. No development shall take place until details of the levels of the building(s), road(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the local planning authority. Existing and proposed.

The development shall thereafter be implemented in accordance with the details as

approved under this condition and retained as such thereafter.

Reason: In the interests of neighbouring occupiers to accord with policy 8 (e) and (i) of the North Northamptonshire Joint Core Strategy.

6. No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory and accord with policy 3 (a) (b) and (e) of North Northamptonshire Joint Core Strategy.

7. The existing trees and/or hedgerows shown to be retained on the plans hereby approved shall be protected in accordance with BS 5837:2012 and shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without the prior written consent of the local planning authority.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area in accordance with policy 3 (b) and (e) of the North Northamptonshire Joint Core Strategy.

8. The residential units hereby approved shall be built to meet the requirements of the National Accessibility Standards in category 2 (accessible and adaptable dwellings) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).

Reason: To ensure that the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

9. The residential units hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external use of no more than 5 litres a day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

10. Prior to the occupation of the development hereby approved a positive means of drainage must be installed to ensure that surface water runoff from the driveway does not discharge onto the highway.

Reason: In the interests of highway safety in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

INFORMATIVE/S:

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.
2. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property. Application forms for Street Naming and Numbering are available at www.wellingborough.gov.uk
3. The Borough Council of Wellingborough encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.

To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours:

0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

4. All gas fired boilers should meet a minimum standard of 40 mgNO_x/Kwh.
5. To prepare for the increased demand for electric vehicles in future years appropriate infrastructure for electric vehicle charging points should be included within the development.

BOROUGH COUNCIL OF WELLINGBOROUGH

Planning Committee

22 January 2020

Report of the Principal Planning Manager

Extension of time (if applicable):

Case Officer **Debbie Kirk**

WP/19/00642/VAR

Date received	Date valid	Overall Expiry	Ward
11 November 2019	11 November 2019	10 February 2020	Queensway

Applicant **R Samrai**

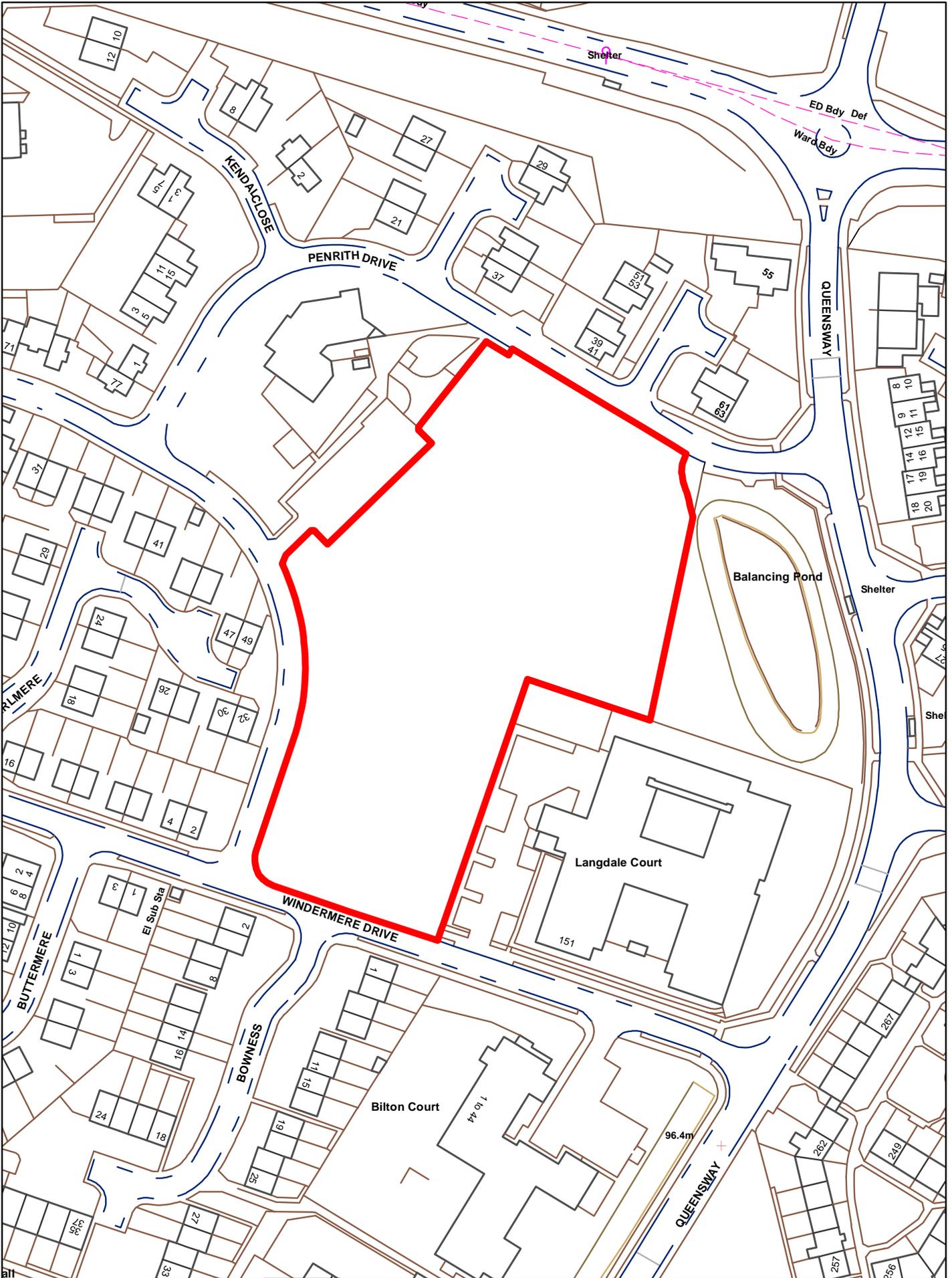
Agent **Ryan Pritchard**

Location **Vacant Land Off Windermere Drive/ Penrith Drive Wellingborough Northamptonshire**

Proposal **Variation of condition 19 of planning permission ref: WP/16/00806/FUL for variation of Category 3 (wheelchair use) to (wheelchair adaptable) from: Prior to construction a detailed plan should be submitted and approved by the local planning authority identifying which dwellings would meet the requirements of the national accessibility standards in category 2 (accessible and adaptable dwellings) and category 3 (wheelchair use) in accordance with the schedule of the approved Document M of the Building Regulations (2015). The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body. To: Prior to construction a detailed plan should be submitted and approved by the local planning authority identifying which dwellings would meet the requirements of the national accessibility standards in category 2 (accessible and adaptable dwellings) and Category 3 (wheelchair ADAPTABLE) in accordance with the schedule of the approved Document M of the Building Regulations (2015). The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body**

PLANNING HISTORY

WP/16/00806/FUL	Approved with conditions Housing development for 40 dwellings (2 no. 1 bedroom/30 no. 2 bedroom/8 no. 3 bedroom) on infill site (Amended description, plans and information)	07.09.2017
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WP/19/00209/CND	Part discharged Details submitted pursuant to conditions 3 (external materials), 15 (Ground investigation report), 16 (Air quality) and 21 (Tree protection) of planning permission ref: WP/16/00806/FUL	18.06.2019
WP/19/00248/CND	Part discharged Details submitted pursuant to conditions 4 (finished levels), 18 (archaeology), 19 (national accessibility standards) and 20 (water use limits) of planning permission ref: WP/16/00806/FUL	21.05.2019
WP/19/00283/CND	Part discharged Details submitted pursuant to conditions 9 (hardstanding), 11 (Construction Environmental Management Plan (CEMP)), 12 (soft landscaping), 14 (drainage), 17 (SuDs submission) and 24 (lighting scheme) of planning applicaion WP/16/00806/FUL	05.07.2019
WP/19/00293/CND	Part discharged Details submitted pursuant to Condition 25 (Provision of Fire Hydrant) of planning permission ref: WP/16/00806/FUL	10.07.2019
WP/19/00325/CND	Part discharged Details submitted pursuant to conditions 8 (Biodiversity enhancement scheme and management plan) 18 (archaeological evaluation report) and 26 (Surface water management strategy) of planning permission ref: WP/16/00806/FUL	27.06.2019
WP/19/00330/AMD	Approved with conditions Application for a non-material amendment for planning permission ref: WP/16/00806/FUL to allow minor changes to plot locations due to easement and to meet Cat M4(3) compliance	18.06.2019
WP/19/00642/VAR	Determination pending. Variation of condition 19 of planning permission ref: WP/16/00806/FUL for variation of Category 3 (wheelchair use) to (wheelchair adaptable) from: Prior to construction a detailed plan should be submitted and approved by the local planning authority identifying which dwellings would meet the requirements of the national accessibility standards in category 2 (accessible and adaptable dwellings) and category 3 (wheelchair use) in accordance with the schedule of the approved Document M of the Building Regulations (2015). The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body. To: Prior to construction a detailed plan should be submitted and approved by the local	

planning authority identifying which dwellings would meet the requirements of the national accessibility standards in category 2 (accessible and adaptable dwellings) and Category 3 (wheelchair ADAPTABLE) in accordance with the schedule of the approved Document M of the Building Regulations (2015). The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body

WP/19/00643/CND	Part discharged Details submitted pursuant to condition 5 (details of bicycle storage) of planning permission ref: WP/16/00806/FUL	18.12.2019
BW/1990/0857	Approved New highways	06.02.1991

Reason(s) for committee consideration:

- This is a major development exceeding the threshold of delegated authority in the constitution:

THE SITE AND SURROUNDINGS

The application site lies 1.25 miles from Wellingborough town centre. The application site lies between Windermere Drive and Penrith Drive and contains vacant scrub land. To the north of the application site lays flank elevations of two storey residential dwelling house numbers 37, 41 and 63 Penrith Drive. To the north-east lays an existing swale/drainage basin. To the south east lays Langdale Court a two storey extra care scheme for older people, which contains forty one and two bedroom residential flats, communal rooms and gardens and associated parking. To the south lays the two storey flank elevations and 1.8 metre high boundary walls of numbers 1 and 2 Bowness. To the west lays the two storey flank elevations and 1.8 metre high boundary walls of numbers 2, 32, 49 and 43-45 Thirlmere. To the north- west lays a two storey building which contains a Surestart children's centre. The associated car parking for the children's centre abuts the north eastern boundary of the application site, the car park is accessed off Windermere Drive and Penrith Drive. A 3 metre high hedgerow on the application site abuts the Surestart car park.

BACKGROUND

Planning permission reference WP/16/00806/FUL was granted on 7 September 2017 for a housing development for 40 dwellings (2 no. 1 bedroom/30 no. 2 bedroom/8 no. 3 bedroom) on infill site. This planning permission has been implemented and the development is under construction.

A non-material amendment reference WP/19/00330/AMD was granted for consent on 18 June 2019 to planning permission reference WP/16/00806/FUL to allow minor changes to plot locations due to an easement and to meet Cat M4 (3) compliance.

APPLICATION PROPOSAL

The application is made pursuant to section 73 of the Town and Country Planning Act 1990 (as amended) which allows applications to be made for permission without complying with conditions previously imposed on a planning permission. An application made under section 73 (such as this) results in a new permission (if approved) and the local planning authority can decide to grant a new permission unconditionally, grant a permission subject to different/new conditions or they can refuse the application. The expiry date for any permission remains as per the original permission (WP/16/00806/FUL) and so time limits cannot be extended under a section 73 application.

The original full planning permission reference WP/16/00806/FUL was subject to 26 planning conditions. Since the grant of this permission a number of conditions for the development have been discharged via applications for approval of details reserved by condition under references WP/19/00209/CND, WP/19/00248/CND, WP/19/00283/CND, WP/19/00293/CND and WP/19/00325/CND.

This application seeks a variation of condition 19 of planning permission reference WP/16/00806/FUL for a variation of Category M4 3 (2) (b) ((wheelchair use) to M4 3 (2) (a) (wheelchair adaptable).

Condition 19 of planning permission reference WP/16/00806/FUL states:

"Prior to construction a detailed plan should be submitted and approved by the local planning authority identifying which dwellings would meet the requirements of the national accessibility standards in category 2 (accessible and adaptable dwellings) and category 3 (wheelchair use) in accordance with the schedule of the approved Document M of the Building Regulations (2015). The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body".

The applicant is seeking the wording of the condition to be varied to state:

"Prior to construction a detailed plan should be submitted and approved by the local planning authority identifying which dwellings would meet the requirements of the national accessibility standards in category 2 (accessible and adaptable dwellings) and Category M4 3 (2) (a) (wheelchair ADAPTABLE) in accordance with the schedule of the approved Document M of the Building Regulations (2015). The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body".

The two bespoke category 3 houses on plots 35 and 36 were been increased in footprint to ensure compliance with the national accessibility standards under a non - material amendment permission reference WP/19/00330/AMD. The applicant has advised that this does have a cost implication as the scheme was tendered on the basis of all the dwellings meeting category 2 of the national accessibility standards. The main part of the cost relates to the lift implications within the plots. A lift is a requirement under the building regulations but the applicant's has raised concerns about finding suitable tenants for these houses as they may opt for bungalows or ground floor apartments elsewhere. The option of providing a lift if a suitable tenant is found rather than installing a lift and not finding a suitable tenant would ensure that the applicant

does not incur unnecessary costs and ensure the houses are in the applicant's opinion are 'fit for purpose'.

NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE

National Planning Policy Framework (NPPF) (19 February 2019)

Planning Practice Guidance (PPG)

National Design Guide (PPG) (September 2019)

North Northamptonshire Joint Core Strategy -Part 1 of the local plan (JCS)

Policies:

- 1 (presumption in favour of sustainable development)
- 4 (biodiversity and geodiversity)
- 5 (water environment, resources and flood risk management)
- 6 (development on brownfield land and land affected by contamination)
- 8 (North Northamptonshire place shaping principles)
- 9 (sustainable buildings and allowable solutions)
- 28 (housing requirements and strategic opportunities)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

Plan for the Borough of Wellingborough - Part 2 of the local plan (PBW)

Policy

H1 (urban housing allocations)

Supplementary planning documents/guidance:

Sustainable Design

Biodiversity

Planning Out Crime in Northamptonshire

Parking

SUMMARY OF REPLIES TO CONSULTATIONS/REPRESENTATIONS RECEIVED

1. **Neighbours** - no comments received.

ASSESSMENT AND REASONED JUSTIFICATION

The proposal raises the following main issues:

- conformity with the development plan, especially in relation to the and material considerations;
- compliance with national accessibility standards;
- conditions.

Conformity with the development plan and material considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise."

Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the revised NPPF.

The development of the site would assist in the delivery of the council's 5 year housing land supply and deliver 40 dwellings within the growth town of Wellingborough in accordance with policies 28 and 29 of the JCS. The principle of the development of housing on the site was established through planning permission reference WP/16/00806/FUL.

However, this proposed variation needs to be assessed against policy 30 (c) of the JCS.

National Accessibility Standards

Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility Standards as a minimum.

All units should achieve category 2 of the National Accessibility Standards as a minimum with at least one being wheelchair accessible. This is in accordance with the Housing Action Plan 2018-2023, which specifies that 5% of all affordable housing units should be wheelchair accessible. A condition was imposed on planning permission reference WP/16/00806/FUL to ensure that 95% of the proposed dwellings met category 2 and 5% met category 3 of the National Accessibility Standards.

Category 3 dwellings can be split into two types. Building Regulations M4 (3) (2) (a) relates to wheelchair adaptable buildings whereas M4(3)(2)(b) relates to wheelchair accessible. The applicant is seeking that the dwellings on this site should be designed to the adaptable standard. This broadly requires:

- Step free access to all entrances, private outdoor space and parking;
- Access to the WC and other accommodation within the entrance storey is step free and the dwelling is designed to have the potential for step free access to all other parts;
- There is sufficient internal space suitable for a wheelchair user;
- The dwelling is wheelchair adaptable such that key parts of the accommodation including sanitary facilities and kitchens could be easily altered to meet the needs of a wheelchair user;
- Wall mounted switches, control, and sockets are accessible to people who have reduced reach.

As such this does not necessarily require the provision of lifts. Even in the case of 2 storey dwellings it is possible to meet the standard by ensuring that a lift could be installed) rather than actually installing a lift.

Paragraph 3.28 of Part M states 'where the dwelling is defined as wheelchair adaptable, it should be easy to install a lift. The space for the lift can however be used for another purpose (such as storage or part of a habitable room) providing' it complies with various criteria to ensure a lift can be installed at a future point if necessary'.

The council's housing register does provide evidence of a need for Category 3 dwellings. There are currently 105 applicants on the housing register expressing a need for adaptations. Some require more than 1 type adaptation:

- 27 require a stair lift
- 19 are wheelchair users outdoors
- 17 are wheelchair users both indoors and outdoors
- 22 require widened door frames

55 require level access shower
4 require a hoist
15 require a through floor lift
68 require a wet room

The provision of dwellings to M4 (3) (2) (a) standard would allow specific adaptations by registered providers to meet the needs of specific tenants. The proposed variation to condition 19 of planning permission WP/16/00806/FUL to provide for category 3 (wheel chair adaptable dwellings) would be acceptable in this instance and would comply with policy 30 (c) of the JCS.

However, as a detailed scheme showing which dwellings are to be category 2 and category M4 3 (2) (a) have previously been agreed the following conditions should be imposed on any new planning permission:

"Plots 1-34 (inclusive), plots 37, 38, 39 and 40 shall meet the requirements of the national accessibility Category 2 (accessible and adaptable dwellings) in accordance with the schedule of the approved Document M of the Building Regulations (2015). The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body."

"Plots 35 and 36 shall meet the requirements of the national accessibility Category M4 3 (2) (a) (wheelchair adaptable) in accordance with the schedule of the approved Document M of the Building Regulations (2015). The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body."

Conditions

The revised NPPF at paragraph 56 requires conditions to only be imposed where they are: necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The PPG re-iterates this advice.

It is considered that the proposed conditions meet the tests set out in the NPPF and the provisions of the PPG.

CONCLUSION

The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF specifically in relation to promoting sustainable development and enabling 5% of the dwellings to comply with category M4 3 (2) (a) (wheelchair adaptable) of the national accessibility standards. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions and the completion of a deed of variation to the original S106 planning agreement agreed under planning permission WP/16/00806/FUL.

RECOMMENDATION;

Delegate to the principal planning manager to approve subject to the following conditions and following the completion of a deed of variation to the original s106 Planning Agreement.

CONDITIONS/REASONS:

1. The development shall be carried out in accordance with the following plan numbers and documents:
 - W218 P01 (site location plan) received 23rd June 2017;
 - W218 P04 Rev B (proposed street elevations) received 12th July 2017;
 - W218 P05 Rev B (GA plans and elevs- 2B - 4P semi-brick plots 1 and 2 /3 and 4 /5 and 6 /7 and 8 /9 and 10 /14 and 15 /16 and 17 /25and 26 /29 and 30 /31 and 32 /33 and 34 /37 and 38) received 12th July 2017;
 - W218 P08 Rev A (GA plans and elevs- 2B - 4P 3H render plots 11and 12 and 13/22 and 23 and 24) received 23rd June 2017;
 - W218 P11 Rev A (GA plans and elevs- 3B - 5P (corner) semi-render plots 27 and 28/39 and 40) received 23rd June 2017;
 - W218 P12 A (GA plans and elevs- 3B - 5P and 1B 2P semi brick and render plots 20 and 21) received 23rd June 2017;
 - W218 P13 (GA plans and elevs- 3B - 5P and 1B 2P semi brick and render - mirrored plots 18 and 19) received 23rd June 2017;
 - 5818-01 Rev B (vehicle tracking) 12th July 2017;
 - 5818-02 Rev A (visibility plan) 12th July 2017;
 - DSA-19028-1B2P-C-700-C (Building Regulations information proposed ground floor plan M4 (2) compliance) dated 21.05. 2019 received 21.05. 2019;
 - DSA-19028-1B2P-BR-C-701-A (Building Regulations information proposed first floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;
 - DSA-19028-1B2P-BR-C-702-A (Building Regulations information bathroom plans & elevations) dated 15.03.2019 received 24 April 2019;
 - DSA-19028-2B4P-BR-A-700-B (Building Regulations information proposed ground floor plan M4 (2) compliance) dated 12.04.2019 received 24 April 2019;
 - DSA-19028-2B4P-BR-A-702-A (Building Regulations information bathroom plans & elevations) dated 15.03.2019 received 24 April 2019;
 - DSA-19028-2B4P-BR-A-701-B (Building Regulations information proposed first floor plan M4 (2) compliance) dated 12.04.2019 received 24 April 2019;
 - DSA-19028-2B4P-Av1-700-A (Building Regulations information proposed ground floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;
 - DSA-19028-2B4P-Av1-701-A (Building Regulations information proposed first floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;
 - DSA-19028-2B4P-Av1-702-A (Building Regulations information proposed bathrooms & elevations) dated 15.03.2019 received 24 April 2019;
 - DSA-19028-2B4P-Av2-700-A (Building Regulations information proposed ground floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;
 - DSA-19028-2B4P-Av2-701-A (Building Regulations information proposed first floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;
 - DSA-19028-2B4P-Av2-702-A (Building Regulations information proposed bathrooms & elevations) dated 15.03.2019 received 24 April 2019;

DSA-19028-2B4P-B-700-A (Building Regulations information proposed ground floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;

DSA-19028-2B4P-B-701-A (Building Regulations information proposed first floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;

DSA-19028-2B4P-B-702-A (Building Regulations information proposed bathrooms & elevations) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-D-700-A (Building Regulations information proposed ground floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-D-701 (Building Regulations information proposed first floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-D-702 A (Building Regulations information bathroom plans & elevations) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-Dv1-700 A (Building Regulations information proposed ground floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-Dv1-701 A (Building Regulations information proposed first floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-Dv1-702 A (Building Regulations information bathroom plans & elevations) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-E -700 A (Building Regulations information proposed ground floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-E -701 A (Building Regulations information proposed first floor plan M4 (2) compliance) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-E -702 A (Building Regulations information bathroom plan & elevations) dated 15.03.2019 received 24 April 2019;

DSA-19028-3B5P-E -703 A (Building Regulations information bathroom plans & elevations -03) dated 15.03.2019 received 24 April 2019;

DSA-19028-LND-PL-SL-100 (site layout overview) received on 30 May 2019;

DSA-19028-2B4P-BR-F-701-B (proposed first floor plan - M4(3) plots 36 and 35 handed) compliance received 14 June 2019;

DSA-19028-2B4P-BR-F-700-B (proposed ground floor plan - M4 (3) plots 36 and 35 handed) compliance received 14 June 2019;

DSA-19028-2B4P-BR-F-702-B (building regulations information bathroom plans & elevations plots 35 and 36) compliance received 14 June 2019;

DSA-19028-2B4P-BR-F-601-C (building regulations information proposed rear elevation plots 36 and plot 35 handed) compliance received 14 June 2019;

DSA-19028-2B4P-BR-F-600-C (building regulations information proposed front elevation plots 36 and plot 35 handed) compliance received 14 June 2019;

DSA-19028-LND-BR-HS-100-A (hard surfaces layout - overview) received on 9 May 2019;

C-1691-01 Rev C (detailed landscape proposals) dated 7 June 2019 received 7 June 2019;

9713 C 112 Rev B (cellular storage cross section) dated 31 May 2019 received on 3 June 2019;

Listers Geo ground investigation report for land off Windermere Drive, Wellingborough reference number 17.01.023 dated April 2017 (191 pages) received on 8 April 2019;

HSP consulting drawing numbers C2949 201 Rev B (engineering layout sheet 1) dated 11.04.19 received on 24.04.2019;

C2949 202 Rev B (engineering layout sheet 2) dated 11.04.19 received on 24.04.2019;

C2949 201 Rev C (engineering layout sheet 1) dated 23rd April 2019 received 9 May 2019;

C2949 202 Rev C (engineering layout sheet 2) dated 23rd April 2019 received 9 May 2019;

9713 C 112 Rev B (cellular storage cross section) dated 31 May 2019 received on 3 June 2019;

9713C 115 B (S9 flow control manhole construction details) dated 31 May 2019 received on 3 June 2019;

JPP Geotechnical & Environmental Ltd proposed residential development land off Windermere Drive/Penrith Drive, Wellingborough Flood Risk Assessment Revision 0 dated 15 May 2019 R-FRA-11053 C-01-0 (152 pages) received 3 June 2019;

Geotechnical & Environmental Ltd infiltration testing at Windermere Drive, Wellingborough dated 29 May 2019 reference 11056G/JDR/01 (12 pages) received 3 June 2019;

Hydro International technical specification reference 9713 dated 31 May 2019 received 3 June 2019;

JPP Consulting Micro drainage foul sewerage design dated 3 May 2019 (4 pages) received 3 June 2019;

JPP Consulting Micro drainage free flowing outfall details for storm 1 in 1 Year FEH dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 1 Year FSR dated 31 May 2019 (6 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 2 Year FEH dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 2 Year FSR dated 31 May 2019 (6 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 30 Year FEH dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 30 Year FEH dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 30 Year FSR dated 31 May 2019 (6 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 100 Year + 40% dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage area summary for storm 1 in 100 Year + 40% dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 30 Year FEH dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 30 Year FSR dated 31 May 2019 (6 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 100 Year + 40% dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage area summary for storm 1 in 100 Year + 40% dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage simulation criteria for storm 1 in 100 Year + 40% dated 31 May 2019 (7 pages) received 3 June 2019;

JPP Consulting Micro drainage area summary for storm 1 in 100 Year + 40% dated 31 May 2019 (6 pages) received 3 June 2019;

JPP Consulting Micro drainage storm sewer design by the modified rational method dated 3 May 2019 (5 pages) received 3 June 2019;

9713C 106 D (section 104 layout) dated May 2019 received 3 June 2019;

9713C 124 (drainage maintenance plan) received on 18 June 2019;
8400-1216 (section 38 street lighting layout) received 9 May 2019;
Letter from Northamptonshire highways entitled 'Section 38 Technical Approval' dated 3 January 2019 received 10 June 2019;
Oxford Archaeology written scheme of investigation archaeological evaluation dated 9 April 2019 issue no 1 (39 pages) received 24 April 2019;
Northamptonshire archaeological evaluation report (30 pages) dated 11 June 2019 by CgMs Heritage Issue no 2 received on 25 June 2019;
Darren Evans building energy efficiency water efficiency calculations to satisfy 17.K compliance (part G) plots 1 - 40 (inclusive) Windermere Drive Wellingborough demonstrates that total water use would be 104.0 litres per day per person dated 15 April 2019 (120 pages) received on 24 April 2019;
NMC-0053767/0554512 (proposed water mains) received on 15 May 2019;
CEMP/Environmental Enhancement Scheme for Windermere Drive/Penrith Drive, Wellingborough by Ecologist and Environmental Consultant dated May 2019 (60 pages);
DSA-19028-PL-SL-001-B (planning information -cycle storage) received on 17 December 2019.

Reason: To ensure the development is carried out in accordance with the approved plans.

2. The development shall be begun not later than 6 September 2020.

Reason: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3. The external materials facing used in the development consist of the following:
Brickwork - Red facing with contrasting plinth;
Main facing brick - Ibstock Oakmoor Orange (2968);
Contrasting plinth - Wienerberger Terca Old Ecclestone Blend;
Red Engineering bricks to splash course;
Render - through colour; Monocouche Chalk with Blue Engineering plinth;
Cladding - weatherboard; Cedral Eternit C03 Grey Brown;
Roof - slimline profile concrete tile; Marley Modern Smooth Brown tiles;
Hard landscaping - permeable & non-permeable paving blocks; Brindle with cement grey for demarcation;
External Windows - uPVC White;
Doors - composite White (example of design);
Rainwater goods - black uPVC;
Porches - Apex GRP with matching concrete tiles (as above); Stormking.

Reason: To ensure that the development does not detract from the appearance of the locality in accordance with policy 8 (d) (i) of the North.Northamptonshire Joint Core Strategy.

4. The finished ground floor levels for each dwelling and finished ground levels shall be in accordance with the details shown on HSP consulting drawing numbers C2949 201 Rev B (engineering layout sheet 1) dated 11.04.19 and C2949 202 Rev B (engineering layout sheet 2) dated 11.04.19 received on 24.04.2019.

Reason: To protect the character and appearance of the area and to minimise the effect of development on the area in accordance with policy 8 (d) (ii) of the North Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of the each associated dwelling the bicycle parking shown on drawing number DSA-19028-PL-SL-001-B (planning information -cycle storage) received on 17 December 2019 shall be provided and be retained thereafter.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

6. No dwelling hereby permitted shall be occupied until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans has/have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials in accordance with policy 8 (b) (i) and (e) (i) of the North Northamptonshire Joint Core Strategy.

7. No dwelling hereby permitted shall be occupied until the car/vehicle parking area shown on the approved plans has been constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

8. Prior to the first occupation of any associated dwelling the biodiversity enhancement scheme shown on CEMP/Environmental Enhancement Scheme for Windermere Drive/Penrith Drive, Wellingborough by Ecologist and Environmental Consultant dated May 2019 (60 pages) shall be implemented.

Reason: To maintain and enhance local biodiversity and ecology in accordance with policy 4 (b) (c) of the North Northamptonshire Joint Core Strategy.

9. Prior to the first occupation of any associated dwelling the areas of hardstanding within the development hereby permitted shall accord with Design Studio Architects drawing number DSA-19028-LND-BR-HS-100-A (hard surfaces layout - overview) received on 9 May 2019.

Reason: To protect the character and appearance of the area and to minimise the effect of development on the area in accordance with policy 8 (d) (ii) of the North Northamptonshire Joint Core Strategy.

10. The boundary treatments shown on drawing number W218 P03 Rev H shall be erected before the occupation of each associated plot or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the hereby approved details and thereafter retained in that form.

Reason: To provide adequate privacy, to protect the external character and appearance of the area and to minimise the effect of development on the area in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

11. The development shall be carried out in accordance with Galliford Try Penrith Drive, Wellingborough Construction Environmental Management Plan Issue v2 24/06/19 (6 pages) received on 24 June 2019 for the duration of the construction works.

Reason: To ensure there are adequate mitigation measures in place and in the interests of amenities of existing and future residents in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

12. Within the first planting season following the completion of the associated dwelling the soft landscaping details shown on PDP Associates drawing number C-1691-01 Rev C (detailed landscape proposals) dated 7 June 2019 received 7 June 2019 shall be implemented. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, including any retained trees on site as part of the landscaping scheme, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. All hard and soft landscape works shall be carried out prior to the occupation of the building(s) or the completion of the development whichever is the sooner or in accordance with a programme agreed in writing with the local planning authority.

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area in accordance with policy 8 (d) (ii) and 3 (e) of the North Northamptonshire Joint Core Strategy.

13. Prior to the first occupation of any associated dwelling the air quality mitigation measures shown on Ideal installation and servicing logic combi ESP1 24 30 35 dated February 2018 (2 pages) and a specification for the installation of infrastructure to enable fast charger mode 2 charging (type 1, 2 or Commando tethered or untethered unit) for future EV charging facility to be connected from an externally placed junction box and details to be provided to the occupier of each dwelling in either a Home User Guide or hand over pack to understand and facilitate the future installation of the

electric car home charging point. (1 page) shall be implemented unless alternative measures are submitted to and approved in writing by the local planning authority.

Reason: In order to protect nearby and future occupiers of the development from unacceptable levels of air pollution in accord with policy 8 (e) (ii) of the North Northamptonshire Joint Core Strategy.

14. Before the development is completed the surface water drainage scheme shall be implemented in accordance with the following documents:
- HSP Consulting Ltd drawing number C2949 201 Rev C (engineering layout sheet 1) dated 23rd April 2019 received 9 May 2019;
 - HSP Consulting Ltd drawing number C2949 202 rev C (engineering layout sheet 2) ref dated 23rd April 2019 received 9 May 2019;
 - JPP Geotechnical & Environmental Ltd drawing number 9713 C 112 Rev B (cellular storage cross section) dated 31 May 2019 received on 3 June 2019;
 - JPP Geotechnical & Environmental Ltd drawing number 9713C 115 B (S9 flow control manhole construction details) dated 31 May 2019 received on 3 June 2019;
 - JPP Geotechnical & Environmental Ltd proposed residential development land off Windermere Drive/Penrith Drive, Wellingborough Flood Risk Assessment Revision 0 dated 15 May 2019 R-FRA-11053 C-01-0 (152 pages) received 3 June 2019;
 - Geotechnical & Environmental Ltd infiltration testing at Windermere Drive, Wellingborough dated 29 May 2019 reference 11056G/JDR/01 (12 pages) received 3 June 2019;
 - Hydro International technical specification reference 9713 dated 31 May 2019 received 3 June 2019;
 - JPP Consulting Micro drainage foul sewerage design dated 3 May 2019 (4 pages) received 3 June 2019;
 - JPP Consulting Micro drainage free flowing outfall details for storm 1 in 1 Year FEH dated 31 May 2019 (7 pages) received 3 June 2019;
 - JPP Geotechnical & Environmental Ltd drawing number 9713C 106 D (section 104 layout) dated May 2019 received 3 June 2019;
 - Letter from Northamptonshire highways entitled 'Section 38 Technical Approval' dated 3 January 2019 received 10 June 2019.

Reason: To reduce the risk of flooding both on and off site by ensuring the satisfactory means of surface water attenuation and discharge from the site in accordance with policy 5 of the Joint North Northamptonshire Core Strategy and advice contained within the National Planning Policy Framework.

15. Plots 35 and 36 shall meet the requirements of the national accessibility Category M4 3 (2) (a) (wheelchair adaptable) in accordance with the schedule of the approved Document M of the Building Regulations (2015). The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body.

Reason: To ensure that the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

16. Plots 1-34 (inclusive), plots 37, 38, 39 and 40 shall meet the requirements of the national accessibility Category 2 (accessible and adaptable dwellings) in accordance with the schedule of the approved Document M of the Building Regulations (2015).

The approved scheme shall be implemented prior to the first occupation of each associated dwelling in accordance with the details thereby approved by the appointed building control body.

Reason: To ensure that the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

17. Prior to the first occupation of the associated dwelling the lighting scheme shown on drawing number 8400-1216 (section 38 street lighting layout) received 9 May 2019 shall be implemented and shall be retained in that form thereafter.

Reason: To ensure that there is adequate lighting over the associated private driveways and to reduce the fear of crime through the creation of a safe environment and accord with policy 8 (e) (iv) of the North Northamptonshire Joint Core Strategy.

18. The dwellings hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36(2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

INFORMATIVE/S:

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.
2. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property. Application forms for Street Naming and Numbering are available at www.wellingborough.gov.uk
3. The Borough Council of Wellingborough encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.

To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours:

0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

4. This site should be built to achieve the security element of Secured by Design.
5. The developer is required to enter into a suitable agreement under the Highways Act 1980, for the ways giving access to the proposed development to be adopted as highway maintainable at the public expense.
6. Footway crossings must be constructed in accordance with the specification of the local highway authority and subject to a suitable licence/agreement under the Highways Act 1980.
7. 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.
8. Anglian Water has confirmed in writing that the sewerage system at present has available capacity for flows generated from the hereby approved development. If the developer wishes to connect to Anglian Water's sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will then advise the developer of the most suitable point of connection.
9. 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>).

or further information on the project please visit www.superfastnorthamptonshire.net or contact:

Tom Smith: Broadband Delivery Team
Tel: 01604 365351 / Email: tsmith@northamptonshire.gov.uk

PLANNING COMMITTEE - 22 January 2020

The following applications dealt with under the terms of the Principal Planning Officers delegated powers.

WP/19/00519/REM

- Location** Route 10, Adjacent Neighbourhood Centre, Off Irthlingborough Road, Stanton Cross.
- Proposal** Reserved matters application pursuant to planning permission ref: WP/15/00605/VAR - Roadwork and Drainage work for the construction of part of the road network known as Route 10
- Decision** Application Permitted

WP/19/00554/FUL

- Location** 58A-59 Oxford Street, Wellingborough, Northamptonshire, NN8 4JJ.
- Proposal** Part conversion of the 1st floor and 2nd floor to staff accommodation ancillary to restaurant use comprising one bedroom, shower room/wc, and staff dining room on 1st floor and two bedrooms on the 2nd floor (Amended description and plans)
- Decision** Application Permitted

WP/19/00601/FUL

- Location** Orlingbury Hall, 1 The Green, Orlingbury, Kettering.
- Proposal** Proposed grounds maintenance store, workshop and garage
- Decision** Application Permitted

WP/19/00603/FUL

- Location** 9 Orient Way, Wellingborough, Northamptonshire, NN8 1AF.
- Proposal** Conversion of existing offices to 1 no. 1 bedroom residential unit and form openings in existing walls for new windows and doors
- Decision** Application Permitted

WP/19/00606/FUL

Location 2 Oakway, Wellingborough, Northamptonshire, NN8 4SB.
Proposal Single storey side extension
Decision Application Permitted

WP/19/00607/ADV

Location 51 Cheese Lane, Market Street, Wellingborough, Northamptonshire.
Proposal Display of 4 no. fascia signs and 2 no. projecting signs
Decision Application Permitted

WP/19/00613/FUL

Location 23A Silver Street, Wellingborough, Northamptonshire, NN8 1AY.
Proposal Conversion of the existing first/second floor dwelling above the takeaway into two apartments
Decision Application Permitted

WP/19/00614/FUL

Location 22 Fullwell Road, Bozeat, Wellingborough, Northamptonshire.
Proposal Existing conservatory, shower room and rear porch demolished, previous side entrance reinstated. Construction of a 3 bedroom detached house including new dropped kerb and widening of existing dropped kerb and hardstanding for the provision of parking for the proposed and host dwelling - re-submission
Decision Application Refused

WP/19/00619/FUL

Location 44 Cambridge Street, Wellingborough, Northamptonshire, NN8 1DW.
Proposal Change of Use from retail shop into A3/A5 restaurant/takeaway use and installation of steel duct
Decision Application Refused

WP/19/00622/FUL

- Location** 49 Fourth Avenue, Wellingborough, Northamptonshire, NN8 3NE.
- Proposal** Demolition of single storey garage, enclosed passageway and store. Residential Development of 1 no. detached, 2 bedroom dwelling on under-utilised garden land including access, hardstanding for proposed and host dwelling, shed (in rear gardens) for proposed and host dwelling, amenity space and landscaping - re-submission
- Decision** Application Refused

WP/19/00623/FUL

- Location** The Mill House, Mill Lane, Doddington Road, Earls Barton.
- Proposal** Erection of replacement dwelling, annexe, detached studio and associated development following demolition of existing dwelling, Mill House; Mill Barn; the Annexe and two outbuildings - re-submission.
AMENDED PLANS
- Decision** Application Permitted

WP/19/00626/LBC

- Location** 1A London End, Irchester, Wellingborough, Northamptonshire.
- Proposal** Listed Building Consent for the demolition of dilapidated conservatory and proposed 600mm high brick built garden wall
- Decision** Application Permitted

WP/19/00628/TCA

- Location** 1 South Street, Isham, Kettering, Northamptonshire.
- Proposal** T1 - Mature Copper Beech. 20% crown reduction and canopy thin.
Excessive shading also to balance tree as power utility company have reduced one side.
- T2 - Mature Maple. Fell tree due to sparse foliage and a large amount of deadwood throughout the crown. Retain stem at 2-3m for habitat conservation value.
- Decision** Application Permitted

WP/19/00631/FUL

Location 1 Weldon Close, Wellingborough, Northamptonshire, NN8 5UQ.
Proposal Single storey side extension and rear extension to garage
Decision Application Permitted

WP/19/00641/FUL

Location 39 Shelley Road, Wellingborough, Northamptonshire, NN8 3DB.
Proposal Two storey rear extension. New detached garage - re-submission
Decision Application Permitted

WP/19/00644/TCA

Location 9 Orchard Road, Finedon, Wellingborough, Northamptonshire.
Proposal T2 Birch Crown reduce by approximately 2.0 metres in height and laterally to balance pruning to suitable growth points to retain the flowing lines of the canopy. Crown clean removing all dead, diseased, dying, crossing, rubbing and duplicate branches.
T3 Birch Crown reduce by approximately 2.0 metres in height and laterally to balance pruning to suitable growth points to retain the flowing lines of the canopy. Crown clean removing all dead, diseased, dying, crossing, rubbing and duplicate branches
Decision Application Permitted

WP/19/00647/FUL

Location 18A Church Way, Grendon, Northampton, Northamptonshire.
Proposal Two storey front extension, first floor balcony to rear, removal of existing front door and porch, porch extension with realignment of front roof to include 2 no. velux rooflights, addition of window to front elevation, alteration of first floor rear window to full height window, addition of patio door + enlarging first floor window + window and door to ground floor on the north east elevation, addition of window to south east elevation, addition of external staircase to north elevation and new retaining wall to rear
Decision Application Permitted

WP/19/00648/TPO

Location The Coach House, 25 Finedon Hall, Mackworth Drive, Finedon.
Proposal T1 - magnolia - to crown raise to 2.5 metres and prune away from the garage roof by 2 metres
Decision Application Permitted

WP/19/00649/TPO

Location Recreation Ground, Main Road, Wilby, Wellingborough.
Proposal Maple referenced T27 - crown reduce by up to 40% because of alleged tree related subsidence in the adjacent pavilion
Decision Application Permitted

WP/19/00652/TPO

Location 9 Orchard Road, Finedon, Wellingborough, Northamptonshire.
Proposal T1 Acer; Crown reduce by approximately 1.0 metre in height and laterally to balance pruning to suitable growth points to retain the flowing lines of the canopy. Crown clean removing all dead, diseased, dying, crossing, rubbing and duplicate branches. Works to be carried out in the interest of sound arboricultural practice
Decision Application Permitted

WP/19/00673/LDP

Location 7 Shurville Close, Earls Barton, Northampton, Northamptonshire.
Proposal Application for a lawful development certificate for a proposed single storey rear extension
Decision Application Permitted

WP/19/00679/AMD

Location 1 Finedon Hall, Mackworth Drive, Finedon, Wellingborough.
Proposal Application for a non-material amendment to planning permission ref: WP/16/00717/FUL to allow the raising of floor levels by 400mm
Decision Application Permitted

WP/19/00681/PNX

Location 9 Redwell Road, Wellingborough, Northamptonshire, NN8 5AZ.
Proposal Notification for prior approval for a proposed larger home extension for a single storey rear extension with flat roof and roof lanterns
Decision Prior Approval/Notification Not Required

WP/19/00701/TCA

Location 16 Avenue Road, Finedon, Wellingborough, Northamptonshire.
Proposal T1, sycamore, Crown reduce of up to 30%, remove all deadwood to reshape to create a better aesthetic and improve stability
Decision Application Permitted

WP/19/00703/TCA

Location 10 Hickmire, Wollaston, Wellingborough, Northamptonshire.
Proposal Elder tree referenced T11 on plan: remove because of alleged tree related subsidence
Decision Application Permitted

WP/19/00705/TCA

Location 39 High Street, Finedon, Wellingborough, Northamptonshire.
Proposal T1 - overgrown holly tree - fell due to reduced light levels.
T2 - yew - prune to shape or fell if damaged by holly tree or still blocking light levels.
T3 - laburnum - treat for woodworm or fell
Decision Application Permitted

WP/19/00718/TCA

Location 72 High Street, Great Doddington, Wellingborough, Northamptonshire.
Proposal 1 x mature sycamore tree situated to the side of the house overhanging the roof. To crown lift as required and to reduce back the branches overhanging the building's roof to good reduction points
Decision Application Permitted

- Location** Gas Metering, Millers Park, Wellingborough, Northamptonshire.
- Proposal** Prior notification for the proposed demolition of redundant brick-built gas governor housing at the end of Millers Park, outside of prison boundary (see Location Plan and photographs in Manterfield Drilling Ltd document ref MDL/WP/Kiosk/MS).
- Decision** Prior Approval/Notification Not Required

BACKGROUND PAPERS

The background papers for the planning and building applications contained in this report form part of the relevant files appertaining to individual applications as referenced.

Borough Council of Wellingborough, Principal Planning Officer, Swanspool House, Doddington Road, Wellingborough.

BUILDING REGULATIONS FULL PLAN DECISIONS ISSUED

09 Dec 2019 To 05 Jan 2020

App No	Location	Description	Decision	Rec'd Date	2 Month Date	Decision Date	Within 2 months
FP/2019/3982	Flat 6 North Road Earls Barton Northampton Northamptonshire NN6 0LW	Conversion of shop to flat	Approve conditions BCW	31/10/2019	Yes	20/12/2019	Yes

1

Received appeals

Appeal Site	Ref. No.	Date Received	Status	Type of procedure
Land Adjacent Railway & 136 Cornerfield Nursery High Street Station Road Irchester	WP/19/00140/FUL	19/12/2019	Appeal in progress	Written Representations



Appeal Decision

Site visit made on 3 September 2019

by C Beeby BA (Hons) MI PROW

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2020

Appeal Ref: APP/H2835/W/19/3232297

74 Ecton Lane, Sywell, Northampton NN6 0BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Murphy against the decision of the Borough Council of Wellingborough.
 - The application Ref WP/18/00639/FUL, dated 8 October 2018, was refused by notice dated 9 January 2019.
 - The development proposed is the demolition of an existing bungalow. The new build of a 4-bedroom, two storey, detached house with three first floor balconies and a separate quadruple garage. The formation of hardstanding to the front.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the appeal form. Whilst neither of the main parties has provided written confirmation that a revised description of development has been agreed, the proposal was amended before the Council determined it. The amended proposal was consulted on and the **Council's report and decision** were produced on that basis. The description within the appeal form consequently forms a more accurate description of the proposal. Therefore I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of No 72 Ecton Lane with regard to sunlight, daylight and outlook, and the living conditions of the occupiers of No 76 Ecton Lane with regard to outlook.

Reasons

Character and appearance

4. The appeal site is a single storey property and garden which lie within a linear series of dwellings along a rural lane. The property has a neutral effect on the character and appearance of the area due to its limited scale and muted design.

5. The design of other properties in the vicinity is diverse in scale, layout and materials. However, the appearance of the area is partially characterised by substantial dwellings within large gardens and the surrounding mature woodland. These factors contribute positively to the spacious and verdant appearance of the area.
6. Dwellings within the row are well set back from the highway, behind a lengthy stone wall of some age which runs along property frontages. Views of natural form within front gardens and the woodland to the rear are available above the wall as a result of the set back position of properties. These views contribute positively to the area's **appearance**. There is a loose building line to development within the row, however this is not so uniform that minor **deviations within it cause any significant harm to the area's appearance**.
7. A number of detached garages are positioned to the front of plots in the vicinity. Whilst these are generally visible above the frontage wall, they occupy a limited area, thereby avoiding any undue prominence of built form within close proximity to the highway.
8. The appeal proposes the construction of a garage of approximately 15 metres in length and 7.8 metres in width. This would lie immediately behind the roadside wall. It would occupy a significant proportion of the width of the site within views from the highway due to its scale. This would result in views of a considerable mass of built form within close proximity to the highway. It would additionally be substantially larger than other garages in the vicinity. These factors would cause it to appear incongruous and intrusive within the street scene. Furthermore, it would cut off the views of natural form above the wall **which contribute positively to the area's appearance**. The proposed garage would cause moderate harm to the character and appearance of the area as a result of these factors.
9. Turning to the effect of the proposed dwelling, this would be a substantial two storey property between single storey dwellings. Whilst it would consequently have a greater height than its immediate neighbouring properties, its wider context includes several substantial detached dwellings of a similar or larger scale. These lie nearby within the row to both directions, and consequently form part of the setting of the appeal site. The row additionally contains a number of examples of adjacent one and two-storey development. The comparative scales of surrounding neighbouring properties are consequently already diverse. The ownership of these properties at the time of construction of the larger dwellings has only minimal bearing on the effect of the appeal scheme on the appearance of the area.
10. Furthermore, the footprints of the neighbouring dwellings at Nos 72 and 76 Ecton Lane are of a generous size, so that whilst the height of the proposed dwelling would be greater, its floor area would not be so dissimilar from its neighbours as to appear out of keeping with the prevailing pattern of substantial dwellings. The proposed dwelling would additionally be set farther back within its plot than Nos 72 and 76, which would reduce its prominence. This set back would be in keeping with the prevailing loose building line and hence would not cause unacceptable harm. The frontage wall and garage would additionally screen the majority of the proposed dwelling within immediate views from the highway. As a result of the above factors the

proposed dwelling would have an acceptable effect on the character and appearance of the area.

11. However, its garage would cause moderate harm in this regard. This harm would conflict with Policy 8 (d) (i) and (ii) of the North Northamptonshire Joint Core Strategy (2016) (**"the CS"**), which state that development should respond to the site's context and local character.

Living conditions

12. No 72 Ecton Lane is the adjacent property to the north of the appeal site. As the proposal entails the replacement of a single storey dwelling with one of two storeys, it may result in a reduction in the levels of sunlight and daylight reaching parts of the dwelling and garden to No 72 at some times of the year.
13. A number of wall openings lie within the side and rear elevations to No 72, and some additional shadowing of these may occur. However, I concur with the submission that the dual aspect design of the majority of the rooms likely to be most affected would allow for the admission of light from an alternative source, and hence would reduce any harm to living conditions in this regard.
14. Whilst some additional shadowing of the garden to No 72 may occur, the considerable area of garden which would be unaffected by shadowing and would remain available for use would serve to mitigate any harm.
15. Furthermore, any additional harm by shadowing to both the dwelling and garden at No 72 would be limited by the reasonable distance between the proposed dwelling and the common hedgerow with No 72.
16. The appellants have submitted shadow studies which suggest that the proposal would result in a limited degree of additional shadowing of part of the house and garden at No 72 on the selected dates in February and October. The full study is not before me and therefore I am unable to consider whether a suitable methodology was employed, which the Council suggests may not be the case. Due to the resulting limitations of this evidence, I am able to attach only limited weight to it.
17. I attach only minimal weight to the relevance of a light study submitted in respect of the effect of the proposal on the occupiers of No 72, as it relates to the superseded scheme, for which the property had a different scale and position within the site. Therefore it cannot accurately show the effect of this scheme.
18. Thus, the evidence does not demonstrate that the proposal would cause any significant harm to the living conditions of the occupiers of No 72 with regard to sunlight and daylight.
19. The north elevation of the proposed dwelling would face the garden at No 72, and would lie within oblique views from the rear of the dwelling. It would consist of brickwork with a single central window and a chimney towards the rear. The position of the proposed dwelling would allow for a reasonable distance to the rear wall openings to No 72. Furthermore, the window and chimney within the proposed elevation would serve to relieve the visual effect of otherwise blank brickwork. Moreover, mature trees within the intervening hedgerow would limit some views of the development from the dwelling and garden at No 72. The scale of the rear garden to No 72 would additionally

- allow for a reasonable level of distance to the proposed dwelling, which would mitigate the effect on outlook from the garden, and for a significant level of generally unaffected views of the garden from the dwelling. Therefore the proposal would have an acceptable effect on the living conditions of the occupiers of No 72 Ecton Lane with regard to outlook.
20. The property No 76 Ecton Lane is similarly separated from the appeal site by relatively dense mature hedgerow and trees. Its side elevation faces the appeal site, and contains an obscure glazed window at first floor level. A ground floor window serves a bathroom according to the plans provided, and hence is similarly likely to be obscure glazed. Thus, the appeal would have an acceptable effect on the outlook from the side elevation to No 76.
21. A single window would lie towards the front of the side elevation to the proposed dwelling. The section of the side elevation which would be visible from the rear elevation to No 76 would consequently consist of blank brickwork. However, the set back of No 76 within its plot would be relatively similar to that of the proposed dwelling. Visibility would therefore be limited to approximately half of the proposed side elevation from the rear of No 76.
22. Furthermore, views of the proposed dwelling from much of the rear elevation to No 76 would be restricted by the **"L" shaped design of that dwelling, with the shorter element extending into the rear garden near the boundary with the appeal site.** The scale of the rear garden to No 76 would allow for a significant level of generally unaffected views of the rear garden from the dwelling. The garden is of a sufficient size that only the outlook from a small part of it would be particularly affected by the presence of the proposed dwelling. The dense vegetation and trees of the hedgerow would additionally offer some screening of the development from both the dwelling and garden at No 76. Thus, the proposal would have an acceptable effect on the outlook from the rear elevation and garden to No 76.
23. The proposal would consequently have an acceptable effect on the living conditions of the occupiers of No 72 Ecton Lane with regard to sunlight, daylight and outlook, and the living conditions of the occupiers of No 76 Ecton Lane with regard to outlook. Therefore it would comply with Policy 8 (e) (i) of the CS, which sets out that development should protect amenity by not resulting in an unacceptable impact on the amenities of neighbouring properties.

Other Matters

24. The Council considers that the proposal conflicts with guidance within its **"Residential Extensions: A Guide to Good Design" Supplementary Planning Guidance (2002) ("the SPG")** concerning the extent of building projection. However, as this document relates to extensions to existing dwellings rather than the construction of a new dwelling it concerns a materially different type of proposal to the appeal scheme. I therefore attach only limited weight to the relevance of the SPG in determining the appeal.
25. I have had regard to other matters raised, including concerns about privacy. However, as I am dismissing the appeal on a main issue for the reasons given above, I have not pursued these matters further.

Conclusion

26. I have found that the proposal would have an acceptable effect on the living conditions of the occupiers of neighbouring dwellings with regard to sunlight, daylight and outlook. However, this would be a neutral effect and would not outweigh the harm I have identified regarding the effect on the character and appearance of the area. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR



Appeal Decision

Site visit made on 9 December 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/H2835/W/19/3238117

Land to the rear of 21A Silver Street, Wellingborough NN8 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Woods, on behalf of EARA Property, against the decision of Borough Council of Wellingborough.
 - The application Ref WP/19/00269/FUL, dated 30 April 2019, was refused by notice dated 19 September 2019.
 - The development proposed is to construct new block of 4 residential units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of future occupiers, with particular regard to noise and odour.

Reasons

3. The proposal would be located on a rear courtyard to a three-storey terraced mixed use building. Angel Lane, adjacent to the side of the site, rises to the rear. As such the courtyard is around 2 metres lower than the road at its furthest point from the building. To the side of the site is a large refuse area to serve the nearby market. This area is enclosed by timber fencing and accessed from the adjacent highway. The Council has identified that the market operates on a Tuesday, Wednesday, Friday and Saturday. It has also informed that the refuse area is in use from 5am on those days. The refuse area therefore has the potential to be a substantial source of odour and noise at anti-social times. The refuse area seems to serve an important function for the market as a whole. Furthermore, the Council has not offered the availability of an alternative site for such a facility.
4. The proposal would present a principal outlook towards Angel Lane. The access pathway to the front of the building would run alongside the refuse area. Also, the living space of flats 2 and 3 would have balconies directly above the area. Moreover, other windows serving habitable rooms, could be affected by the proximity of the market refuse area.
5. Policy 8(e) of the North Northamptonshire Joint Core Strategy (JCS) seeks development to achieve the required quality of life for future occupiers. This policy also seeks to create safe and healthy communities partly by protecting the living conditions of future occupiers including from noise and smell.

Furthermore, the National Planning Policy Framework (The Framework) requires that where an existing business could have significant adverse effect on new development and that the applicant should provide suitable mitigation before the development has been completed.

6. The appellant refers to a lack of objection from existing dwellings in the area. On site I observed that 50 Angel Lane includes first-floor flats. However, this block is some distance from the refuse area and has a primary outlook towards Orient House. Other nearby buildings, such as 18-19 Silver Street, are further from the refuse area than the proposed front elevation. Also, these occupiers appear to have access to a dual aspect outlook. Therefore, occupiers of existing dwellings are not as affected by the refuse area as occupiers of the proposed development would be. In any event, a lack of complaint from the occupiers of local existing dwellings is not in itself reason to find the development acceptable in this context.
7. The **Council's** stall holder regulations, and its Market Rights Policy, require stall holders to not cause disturbance to nearby residential premises. However, these requirements would not preclude the proper use of the Council's refuse area, including early morning use. It is therefore essential to fully understand the noise levels and odour associated with the activity. This would allow the decision maker to consider the extent of noise attenuation, type of ventilation and window orientation which might be required within the proposal. As this could result in significant design changes, I am not satisfied that a condition would be appropriate. The proposal is therefore not supported with sufficient detail or assessment to meet this requirement.
8. As a consequence, the need for a noise and odour assessment is both necessary and reasonable. This is required to determine the extent of any mitigation and to understand the impact of adjacent noise and odour on the proposed development. This requirement is not set aside by paragraph 183 of the Framework as it does not revisit pollution controls in other regimes. Instead it relates to whether the development would be an acceptable use of the site in its proposed form. Furthermore, if the proposal were allowed without adequate mitigation, noise complaints could prevent the use of the refuse area. This would be to the disbenefit of the market as a whole. Also, it is not for the **Council's Environmental Health Officer** to undertake a survey and assessment of local noise and odour sources or offer appropriate mitigation. This duty lies with the proposer.
9. Accordingly, the proposal would be contrary to Policy 8(e) of the JCS which amongst other things, requires development to not result in an unacceptable impact on the amenities of future occupiers. Furthermore, the proposed development would fail the Framework which seeks to mitigate and reduce to a minimum, the potential adverse impacts resulting from noise.

Other matters

10. The site is within the setting of the Grade I listed 'All Hallows Church' and the Grade II listed 'Orient House'. I have a statutory duty¹ to have special regard to the desirability to preserve the setting of a listed building. The significance of 'All Hallows Church' derives from its age, dating from C12, and its extensive architectural detailing. The significance of 'Orient House' derives from its

¹ Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

historical interest and simple form. Both of these buildings are some distance from the appeal site. Due to the distance, change in topography and design benefits of the proposal, I am satisfied that the significance of both heritage assets would not be adversely affected. The proposal would therefore have a neutral impact on these heritage assets.

11. Furthermore, the statutory requirements² entail that special attention is also paid to the desirability of preserving or enhancing the character and appearance of a conservation area. The site is within the Wellingborough Town Centre Conservation Area (CA). **The Council's Character Appraisal**³ identifies that its significance derives partly from the importance of its historic core. It identifies that the church acts as a key focal point of the town centre. However, some buildings to the western edge of Market Square are poorly defined with some modern low-quality buildings. The proposal is of good design and would make a positive contribution to the CA. Consequently, due to its successful design the proposal would enhance this part of the CA and partially screen low-quality built form.
12. The site is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area. Consequently, as competent authority I am required to undertake an Appropriate Assessment (AA). Had I been minded to allow the appeal, it would have been necessary for me to seek additional information from the parties and consult Natural England in order to undertake the AA. The AA is required on a case-by-case basis to determine whether or not the project would adversely affect the integrity of the site. It would also have required a consideration of whether or not any proposed mitigation would be adequate, effective and could be appropriately secured and delivered in a timely manner. However, as I am dismissing the appeal for other reasons, I do not need to consider the matter further as it would not change the outcome of this appeal.

Conclusion

13. The Framework seeks to significantly boost the supply of housing. The proposal would provide new dwellings and would enhance the character and appearance of the CA. However, I conclude that the appeal proposal would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, that outweigh this conflict.
14. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ Wellingborough Town Centre – Conservation Area Appraisal 2009