

BOROUGH COUNCIL OF WELLINGBOROUGH

Planning Committee -

3 October 2018

Report of the Head of Planning and Local Development

WP/18/00161/FUL Car Park, Doddington Road, Wellingborough

Update

BCW Housing Team comments

The proposed development is for 12 residential units which according to the planning information will be set across 3 storeys in the form of 1 and 2 bed flats.

According to policy 30 of the JCS there would be a requirement on scheme of over 14 units to provide 30% affordable housing. As this scheme is below the threshold, there is no planning obligation to provide affordable units under this policy. However under paragraph 64 of the revised NPPF (July 2018), where major developments involving the provision of (over 10 units of) housing is proposed, planning decisions should expect at least 10% of homes to be available for affordable home ownership.

This means that at least 1 unit should be provided as an affordable home on this development. The definition of an affordable home is as set out in annex 2 of the revised NPPF and can include starter homes, discounted market sales, shared ownership or rent to buy;

Sequential Test – Flooding

In accordance with paragraph 33 of the National Planning Practice Guidance (NPPG) when applying the 'sequential test', a pragmatic approach on the availability of alternative sites should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. For nationally or regionally important infrastructure the area of search to which the sequential test could be applied will be wider than the local planning authority boundary.

Any development proposal should take into account the likelihood of flooding from other sources, as well as from rivers and the sea. The sequential approach to locating development in areas at lower flood risk should be applied to all sources of flooding, including development in an area which has critical drainage problems, as notified to the local planning authority by the Environment Agency (EA), and where the proposed location of the development would increase flood risk elsewhere.

It has been suggested that the area of search for alternative sites in relation to the sequential test for this site was too limited.

It is for local planning authorities, taking advice from the EA as appropriate, to consider the extent to which sequential test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.

In this case, as it is a town centre site and puts forward sustainability as one of the key benefits of the proposed development, the view was taken that the area of search should also be a sustainable site for example a town centre site, within close proximity to services, facilities, bus stops and the train station. The sequential test provided by the applicant includes allocated housing sites within the town centre of Wellingborough. It may be the case, that other sites are available (at less risk of flooding) within a wider search area than has been assessed as part of the sequential test submitted by the applicant. However, they may not be comparable with respect to sustainability criteria/central location.

It is be noted that the EA raise no objections to the scheme on flooding grounds and state that the local planning authority should satisfy themselves in respect of the adequacy of the sequential test and whether there are other sites available. The EA also refer to standing advice. Additional work and information was carried out as per the requirements of the Local Lead Flood Authority – they also raise no objections to this proposal.

It is therefore for members to determine whether or not they consider further information is required for this proposed development with respect to the sequential test for flooding or whether they agree with the assessment set out within the committee report.

WP/18/00350/OUT Ryehill Farm, 76 Orlingbury Road, Isham

Update

An email was received on 2 October 2018 from the applicant's agent requesting the application be withdrawn.

WP/18/00453/FUL 34 Nest Lane, Wellingborough

Update

Two late letters have been received from the occupier of a property in the vicinity of the application site raising the following points:

- the activities being carried out in and around 34 Nest Lane do not fit the definition of what should be undertaken from a residential property;
- two white vans and an 18 tonne lorry were parked on the forecourt of 34 Nest Lane and a white van and car were parked in the verge of nursery on Thursday 27 September 2018. Requested the commercial activity at 34 Nest Lane is reviewed;

- the following conditions are imposed on any planning permission;

1. This planning consent for 34 Nest Lane is for private residential use only. No consent for commercial use of any kind has been given, nor will it be given in the foreseeable future;
2. The verge area in Nursery Drive adjacent to 34 Nest Lane has been modified by the applicant by the clearing of all vegetation and the placing of granular material to create a parking area/alternative access to the rear garden of 34 Nest Lane. This has been carried out without the consent of the residents of Nursery Drive or WBC. This area shall be restored prior to any further works on the house extension. All granular material shall be removed and replaced by clean weed free topsoil to a minimum depth of 20 centimetres to the full satisfaction of the building inspector;
3. No access via or parking on Nursery Drive, including the verge adjacent to 34 Nest Lane, shall be permitted at any time, both during the building works and subsequently. Access to 34 Nest Lane shall be via the property's entrance on Nest Lane only;
4. The plastic sheeting attached to the iron railings at the property frontage creates a visual block and is an unacceptable modification to the approved layout. This shall be removed;
5. Working hours on site shall be limited to 08:00 to 18:00 hours Monday to Friday, 08:00 to 13:00 hours Saturday. No work shall be carried out on Sundays or Public Holidays. No deliveries to site shall be permitted outside these working hours;
6. Disposal of waste shall be via designated waste recycling centres only. The disposal of waste on site by burning, or liquid waste by pouring down the drain, shall not be permitted.

Considerations

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 suggested conditions above do not meet the tests set out in the NPPF and the provisions of the PPG and are an attempt to use the planning system to resolve a civil dispute.

It is only possible to impose planning conditions that relate to the development under consideration and in this case that is a rear extension which is a resubmission of a previously approved scheme. The council cannot intervene in a civil dispute, if a breach of planning has occurred it will be dealt with on its individual merits in line with the council's adopted planning enforcement policy.

The enforcement officer visited the site again on Tuesday 2 October 2018, having visited the site on a number of occasions previously and confirmed that the building works have begun with a deep excavation to the rear of the bungalow. The inside of the bungalow was viewed and is very evidently used as a family home with one room used as a home office for the transport business as previously. There are currently 5 family members at the property, over 3 generations. The proposed extension would be used residentially.

The outdoor areas are a mess. Some of this, piles of dug out soil, displaced garden

items, planks for shuttering, steel posts for fence replacement and other materials may be expected within a confined construction site such as this especially as the works are being done on a self-build basis.

The other issues of potential material change of use of the site and of the verge to Nursery Drive (which is outside of the site and in a separate ownership) have been reviewed. However, to date officers have not found any activities taking place where it is considered expedient to take enforcement action, however, the site will be regularly monitored.