



Area Planning Committee Thrapston

Wednesday 10 May 2023

Committee Update Report

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**Committee Update Report
Area Planning Committee (Thrapston) – 10 May 2023
Index of Applications for Consideration**

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

Case Ref. No. and Page No.	Location	Officers Rec.
<p>NE/22/01472/FUL</p> <p>Page 3</p>	<p>1 Hunter Rise, Brigstock</p> <p><u>Update</u></p> <p>Correction to section 7.7, Footpath, should read as follows;</p> <p>7.7.1 Public footpath MK12 runs along the western boundary of the site and is shown as outside the red line of the application site. The physical footpath appears to vary from the definitive footpath map which shows MK12 running through the application site, towards the western edge, and not following the line of the actual footpath. As such, it would appear that the footpath has moved and has been in its current position for over 15 years. The highway authority has not raised any objection to the application, or any previous applications, nor have they taken any action against the relocation of the footpath.</p> <p>7.7.2 To the west of the public footpath is Swan Avenue which has a stepped access route on to the public footpath. This is outside the red line in the current planning application. This link is currently blocked and a number of objections have been received with respect of the blocked path and the requirements imposed on previous applications.</p> <p>7.7.3 In 2008, planning permission for a number of bungalows was granted at Swan Avenue and a condition stipulated that footpath linking the access road to the adjoining MK12 be</p>	<p>GRANT</p>

completed prior to occupation of the dwellings. The path was constructed as a stepped path with street lighting on Swan Avenue. The use of Swan Avenue footpath is currently restricted by a substantial wooden fence where the footpath link and MK12 meet.

7.7.4 Previous planning permission, 17/02567/FUL, included a condition requiring that prior to commencement of development that the access between MK12 and the Swan Avenue footpath link is enabled and kept open and useable as a footpath link in perpetuity. This condition was subject of a variation of condition application (18/01525/VAR) to remove the footpath element, which was refused and then subject to appeal, APP/G2815/W/19/3223241. The appeal was dismissed as the Inspectorate concluded that the footpath link was important, and the condition was necessary as without it the use of the route would be permanently impeded. The Inspector went on to conclude that the condition continues to serve a useful purpose have regard to the current development plan and there would be significant harm caused to future users of the footpath link and the condition was necessary to ensure that boundary treatments do not obstruct the continued use of the footpath link. It was also concluded that the condition met the tests for conditions as set out in the framework.

7.7.5 In considering the appeal, the Inspector made a reference that the appellant had control over this area of land. The current application has been submitted with a different red line and under the current application the public footpath, MK12, and the link to Swan Avenue do not form part of the application site. The applicant has confirmed in writing that the red line is accurate.

7.7.6 The footpath is now outside the application boundary and as a result the requirement to remove the barrier to MK12 from Swan Avenue could not form part of the conditions given it would not meet the 6 tests which require conditions to be necessary, reasonable, enforceable, relevant to planning, relevant to the application and precise. Only a condition requiring the submission of the boundary treatment along the footpath could be imposed to protect the Public Footpath to the eastern boundary.

7.7.7 Therefore, whilst the restriction of the footpath link to MK12 is a material planning consideration as it falls outside the site boundary of the site it would not form part of the consideration of this current application. Any complication with the footpath is a separate private/civil matter.

	<p>Copy of the definitive footpath map is attached to this update report.</p> <p>It is also suggested that Condition 7 be amended to include the siting of the western boundary to ensure that the footpath remain unobstructed;</p> <p>Prior to the progression of development above slab level, a landscaping plan shall be submitted to the Local Planning Authority for approval in writing. The plan shall include:</p> <ul style="list-style-type: none"> i) proposed soft landscaping, ii) details indicating the positions, height, design, materials and type of any new boundary treatment to be installed; iii) details of the siting, height, design, materials and type of boundary treatment along the western boundary; iv) details of any proposed hardsurfacing. <p>Thereafter, the development shall only be carried out in accordance with the agreed details. The boundary screening shall be provided/retained in accordance with the details so approved before the development is first brought into use and shall be retained thereafter in perpetuity. Any agreed planting shall be carried out in the first available planting season following the completion of the development or first occupation of the dwelling (whichever comes first). Any plants which within a period of 5 years from planting, die, become diseased, or are otherwise removed shall be replaced by plants of a similar size and species.</p> <p>Reason: To ensure adequate standards of privacy for neighbours and occupiers; to safeguard the amenity of the area.</p>	
<p>NE/23/00040/VAR</p> <p>Page</p>	<p>46 Cartrill Street, Raunds</p> <p>No update</p>	<p>GRANT</p>

NE/22/01571/FUL	<p>14 Main Street, Wakerley</p> <p>No update</p>	GRANT
NE/22/01328/FUL	<p>First Floor, 95 High Street, Rushden</p> <p><u>Update</u></p> <p>Correction to paragraph on page 1, under header 'Scheme of Delegation'. It should read, for the sake of clarity:</p> <p>Per the Local Planning Authority's adopted Scheme of Delegation, this application was referred to the Planning Committee Chairman & Vice-chairman due a sustained objection from Rushden Town Council. Both the PCC and PCVC agreed that the application be considered under delegated authority, <u>but additional concerns were raised regarding the amenity of future residents were raised and it was determined appropriate to consider the application at Planning Committee.</u></p> <p>Correction to paragraph 7.4.5:</p> <p>As the site lies within Rushden town centre, there is greater potential for residents to access and utilise more sustainable modes of transport such a walking and public transport. Given that the Rushden Neighbourhood Plan and JCS seek to encourage the use of more sustainable modes of transport, there is scope to diverge from the strict off-road parking provision identified within the Parking Standards. Were the first floor area to come back into commercial usage, <u>it would attract the need for 9 car parking spaces if considered 'Use Class B1' which specifies 1 space per square metres under the adopted Local Highways Authority Parking Standards (2016). This is a greater amount than the 7 to which the LHA refer to in their comments.</u> Additionally, the existing space is not formally allocated parking to either the first floor or commercial ground floor. It would not therefore necessarily warrant the provision of parking to the same extent to which the LHA suggests. Therefore, the provision of 3 car parking spaces, of which two are tandem and associated with the same flat thereby preventing conflict, is an appropriate car parking provision at this location.</p>	GRANT

NE/22/01569/FUL	155 Wellingborough Road, Rushden No update	GRANT

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