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**North
Northamptonshire
Council**

Meeting: Planning Committee (South)
Date: Wednesday 19th July, 2023
Time: 7.00 pm
Venue: Council Chamber, Swanspool House, Doddington Road, Wellingborough, NN8 1BP

To members of the Planning Committee (South)

Councillor Jennie Bone (Chair), Councillor Lee Wilkes (Vice-Chair), Councillor Scott Brown, Councillor Melanie Coleman, Councillor Kirk Harrison, Councillor Philip Irwin, Councillor Lora Lawman, Councillor Andy Mercer, Councillor Gill Mercer, Councillor Steven North, Councillor Bert Jackson, Councillor Barbara Jenney and Councillor Malcolm Ward.

(Substitute members: Councillors Tim Allebone, Jon-Paul Carr, Jonathan Ekins, Ken Harrington, King Lawal, Richard Levell, Dorothy Maxwell, Roger Powell, Michael Tye, Malcolm Waters and Andrew Weatherill.)

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<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer Wednesday 11 July 2023</p>			

*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.

This agenda has been published by Democratic Services.

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ITEM	NARRATIVE	DEADLINE
Members of the Public Agenda Statements	Requests to address the committee must be received by 12 Noon on the day before the meeting. Speakers will be limited to speak for 3 minutes.	12 Noon Tuesday 18 July 2023
Member Agenda Statements	A request from a Ward Councillor must be received by 12 Noon on the day before the meeting. The Member will be limited to speak for 5 minutes.	12 Noon Tuesday 18 July 2023

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If Members have any queries as to whether a Declaration of Interest should be made please contact the Monitoring Officer at – monitoringofficer@northnorthants.gov.uk

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Minutes of a meeting of the Planning Committee (South)

Held at 7.00pm on Wednesday 21st June 2023 in the Council Chamber, Swanspool House, Doddington Road, Wellingborough

Present:-

Members

Councillor Jennie Bone (Chair)	Councillor Lee Wilkes (Vice Chair)
Councillor Tim Allebone	Councillor Andy Mercer
Councillor Scott Brown	Councillor Gill Mercer
Councillor Philip Irwin	Councillor Steven North
Councillor Bert Jackson	Councillor Michael Tye
Councillor Barbara Jenney	Councillor Malcolm Ward

Officers

Karen Fossett (Interim Development Manager)
Patrick Reid (Principal Development Management Officer)
Chris Law (Senior Development Management Officer)
Nigel Bell (Legal Adviser)
Louise Tyers (Senior Democratic Services Officer)
Emma Robinson (Democratic Services Support Officer)

Observer

Councillor Melanie Coleman

1 Apologies for non-attendance

Apologies for non-attendance were received from Councillors Melanie Coleman, Kirk Harrison and Lora Lawman. Councillors Tim Allebone and Michael Tye attended as substitutes.

2 Members' Declarations of Interest

The Chair invited those who wished to do so to declare any interests in respect of items on the agenda.

Councillors	Application	Nature of Interest	DPI	Other Interest
Barbara Jenney, Andy Mercer, Gill Mercer and Steven North	NE/23/00267/FUL 31 Montague Street, Rushden	Are members of Rushden Town Council but did not take part in that Council's consideration of the application.		Yes

Steven North	NE/21/01799/FUL Bungalow, A6 Irthlingborough Bypass, Irthlingborough	Has used the business as part of his employment.		Yes
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The following informal site visits were declared:

- 31 Montague Street, Rushden (NE/23/00267/FUL) – Councillors Bert Jackson and Michael Tye.
- Bungalow, A6 Irthlingborough Bypass, Irthlingborough (NE/21/01799/FUL) – Councillor Bert Jackson.

3 Minutes of the meeting of the Area Planning Committee Thrapston held on 10 May 2023

RESOLVED:

That the minutes of the Area Planning Committee (Thrapston) held on 10 May 2023 be confirmed as a correct record and signed.

4 Minutes of the meeting of the Area Planning Committee Wellingborough held on 24 May 2023

RESOLVED:

That the minutes of the Area Planning Committee (Wellingborough) held on 24 May 2023 be confirmed as a correct record and signed.

5 Planning Application NE/23/000267/FUL – 31 Montague Street, Rushden

The Committee considered an application for the construction of a shed/workshop at the end of the garden.

The Principal Development Management Officer presented the report which detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal, providing full and comprehensive details.

It was recommended that planning permission be granted, subject to the conditions set out in the Committee report.

A request to address the meeting had been received from Alex Greengrass, the applicant and the Committee was given the opportunity to ask questions for clarification.

Mr Greengrass addressed the Committee and advised that he had now reduced the height of the building from the previous application, which now meant there was a lower roof line and therefore no loss of daylight for surrounding gardens. He would not be using the building in a commercial capacity so would not be using it during unsocial hours.

The Chair invited the Committee to determine the application.

During debate on the application, the following points were made:

- (i) This was a similar application to the previous one, where the principle of development had been established at appeal. The previous refusal reasons had now appeared to be addressed.
- (ii) It was noted that there was now a lower roof line for the development, and it was suggested that it should be conditioned that the ground levels be approved by the Planning Authority.

It was proposed by Councillor Andy Mercer and seconded by Councillor Tim Allebone that planning permission be granted, subject to the conditions set out in the report and an additional condition relating to the finished ground levels.

On being put to the vote, the motion for approval was unanimously carried.

RESOLVED:-

That planning permission be granted, subject to the conditions (and reasons numbered) in the report and an additional condition relating to the finished ground levels.

6 Planning Application NE/21/01799/FUL – Bungalow, A6 Irthlingborough Bypass, Irthlingborough

The Committee considered an application for the construction of a garden centre and plant nursery with associated parking and formation of a dedicated right turn junction on the A6.

The Principal Development Management Officer presented the report which detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal, providing full and comprehensive details.

It was recommended that planning permission be granted, subject to the conditions set out in the committee report.

Requests to address the meeting had been received from Councillor John Farrar, Irthlingborough Town Council; Councillor Dorothy Maxwell, the Ward Member and Sam Bosworth, the applicant and the Committee was given the opportunity to ask questions for clarification.

Councillor Dorothy Maxwell addressed the Committee and fully welcomed the proposed development. It would help the economy in Irthlingborough and create employment and also complement existing developments. It would also help the local schools. It would support the regeneration of Irthlingborough, and a business of this type would be a massive benefit to the local area.

Councillor John Farrar addressed the Committee and stated that the development would bring greater diversity to the town. The Town Council would ask that if any

S106 was generated that it be split between the town's three schools for sustainability/environment issues.

Mr Bosworth addressed the Committee and stated that he was the third generation of his family to run the business. It was a family run business with supportive staff. Garden centres were unique businesses and plants would be the central core business. Growth was restricted at the current site and they had looked to relocate a number of years ago. The new development would be positive to the economy of the local area. There would also be a range of job opportunities. There were currently 70 employees and it was envisaged to grow, especially in catering. He welcomed the positive recommendation.

The Chair invited the Committee to determine the application.

During debate on the application, the following points were made:

- (i) In response to a question as to whether an additional condition was required in case there was any evidence of reptiles on the site, officers confirmed that if there were any reptiles, they would be protected by other legislation and an additional condition was not needed.
- (ii) There was no reference in the conditions for the drainage system to be maintained in perpetuity. Officers advised that an additional sentence could be added to condition 10.
- (iii) A number of the conditions in the report were duplicated. Officers undertook to remove any duplicated conditions.
- (iv) In relation to condition 31, it did not mention that fire suppression systems should be maintained and tested. Officers undertook to add that systems should be maintained and tested at scheduled intervals.
- (v) All of the existing boundary hedges should be retained as they had considerable value. Officers undertook to make it clear about what the Council's expectations would be as an informative.
- (vi) No mention was made in the report on mitigation required for the Upper Nene Valley Gravel Pits Special Protection Area (SPA). Officers advised that the SPA referred to residential development only. With regards to biodiversity net gain, mitigation was proposed on land in control of the applicant.
- (vii) The proposed turning lane would have an impact on the Addington turn. Officers stated that re-consultation had happened with the Highways Authority and they had made a recommendation about a speed limit change on part of the A6.
- (viii) The application was a good example of the continuation of a rural business which would provide employment. It was a well thought out application.
- (ix) Condition 32 referred to the opening house of the garden centre. Would the Planning Authority be sympathetic to any requests to change the opening hours for specific events? Officers advised that the condition had been worded to be relatively flexible. The applicants would have a number of seasonal events and the condition was considered a suitable solution.
- (x) In response to a question about S106 and whether anything could be done to support the local schools, officers advised that it had been considered but the application did not meet the tests required for S106.

It was proposed by Councillor Lee Wilkes and seconded by Councillor Tim

Allebone that planning permission be granted subject to the conditions set out in the report, Committee Update Report and amendments to the conditions.

On being put to the vote, the motion for approval was unanimously carried.

RESOLVED:-

That planning permission be granted, subject to the conditions (and reasons numbered) in the report, the Committee Update report and the amendments to the conditions.

7 Delegated Officers Report

There were no Delegated Officers report.

8 Close of Meeting

The Chair thanked members, officers and the public for their attendance and closed the meeting.

The meeting closed at 8.15pm.

Chair

Date

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North Northamptonshire Area Planning Committee (South Area)

Application Reference	NW/22/00712/FUL	
Case Officer	Mr Chris Law	
Location	Car Park Doddington Road Wellingborough	
Development	Construction of 12 no. residential flats, in the form of 6 no. one bedroom flats and 6 no. two bedroom flats over three floors (revised scheme of NW/22/00148/FUL)	
Applicant	Mr D Waite	
Agent	Matthew Sharpe	
Ward	Croyland and Swanspool Ward	
Overall Expiry Date	5 January 2023	
Agreed Extension of Time	24 July 2023	
Checked	Senior Development Management Officer	Debbie Kirk

Scheme of Delegation

This application is brought to committee because it falls outside of the council's scheme of delegation because North Northamptonshire Council is the applicant and landowner.

1. Recommendation

- 1.1 That planning permission be **GRANTED** subject to the conditions listed at the end of the report.

2. The Application Proposal and Background

2.1 This application seeks planning permission for the redevelopment of the site for 12 flats. The proposed building would be three storeys high and consists of 6 x 1-bedroom units and 6 x 2 bedroom units. The application proposes two cycle stores, a communal bin store area, hard and soft landscaping and a diverted footpath/cycleway. There is no off-street parking provision proposed as part of the development.

2.2 The application was accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Heritage Statement
- Transport Assessment
- Parking Beat Survey
- Flood Risk Assessment
- Ecological Appraisal
- Tree Survey and Plan
- Landscaping Plan
- Sustainability Statement

2.3 The flood risk assessment has been updated during the consideration of the application following consultation with the NNC surface water drainage assessment team in their capacity as the local lead flood authority (the LLFA). This has resulted in the finished floor level of the building being raised by 0.3 metres, amended elevation plans have been submitted to reflect this.

2.2 This application is a re-submission of a withdrawn scheme (reference NW/22/00148/FUL). The previous application was withdrawn due to the need to make some minor changes to the materials proposed and to provide an up to date flood risk assessment.

2.3 The Borough Council of Wellingborough's Planning Committee resolved on 3 October 2018 to grant planning permission for an almost identical scheme under reference WP/18/00161/FUL. This planning permission lapsed on 4 October 2021. North Northamptonshire Council has reapplied for the scheme, the previous planning permission is however, a material planning consideration in the determination of this scheme. It should be noted that there are no substantial changes to the proposed development, other than those mentioned above, however, since planning permission was granted for reference WP/18/00161/FUL the council adopted the Plan for the Borough of Wellingborough (the Local Plan Part 2) in February 2019 and therefore there are new adopted development plan policies that the current scheme needs to be assessed against.

3. Site Description and Surroundings

3.1 The application site is located within Wellingborough Town Centre close to the junction of Doddington Road and Sheep Street, and opposite the entrance to NNC main office in Wellingborough, Swanspool House to the east.

3.2 The site is within the Wellingborough Town Centre Conservation Area and there are a number of listed buildings in close proximity to the site as well as buildings bordering the site to the north east which are identified as buildings of townscape merit in the Wellingborough conservation area appraisal. The site also borders Swanspool Brook to the south and Croyland Gardens to the west.

3.3 The site measures 824 square metres and is currently used as a car park with around 30 unmarked spaces originally reserved for NNC employees only. However, the automated barrier has been removed and the public are also able to use the car park on an informal basis during the day. Previously the barrier was used up until 19:00 and the car park was available for the public after that time.

3.4 The site is located within Flood Zone 2 which is an area having a medium probability of flood risk from rivers (or the sea).

4. Relevant Planning History

WP/18/00161/FUL	Approved with conditions Proposed 12 no. residential flats, in the form of 1 and 2 bedrooms over three floors. DRAINAGE STRATEGY AND AMENDED DRAWINGS. NOISE AND ODOUR ASSESSMENTS - Further flood information	04.10.2018
NW/22/00148/FUL	Application withdrawn/undetermined Construction of 12 no. residential flats, in the form of 6 x 1-bedroom flats and 6 x 2 bedrooms over three floors	30.09.2022
WU/1967/0145	Approved Covering of part of yard	24.08.1967
WU/1962/0104	Refused Petrol Service station	10.10.1962
BW/1975/0935	Approved with conditions Construction of new vehicular barrier and staff car park to serve Council offices on Doddington Road	23.12.1975
WU/1963/0016	Refused Petrol Station	06.03.1963
BW/1974/0220	Approved with conditions Demolition of warehouse premises and construction of staff car park to serve Council offices	05.07.1974
BW/0086/0007	Approved with conditions Extension of existing temporary use of land as staff car park to serve Council offices	30.01.1986

BW/1980/1052	Approved with conditions Extension of existing temporary use of land as staff car park to serve Council offices for a further 5 years	10.12.1980
WP/2000/0119	Approved Erection of 60 lighting columns with son-t 70w lamps to give a level of illumination to category 3/2 6m high columns in association with new cycleway.	26.04.2000

5. Consultation Responses

A full copy of all comments received can be found on the Council's Website
<https://www.wellingborough.gov.uk/viewplanningapplications>

5.1 Wellingborough Town Council

No objections. Although the car park does get used at weekends and evenings there is alternative parking in the town available to compensate. The town council thought favourably that the application was for 1 and 2 bed dwellings which are good for starter homes, and that the footpath will be re-routed so access to Croyland Park is maintained.

5.2 Neighbours/Responses to publicity

4 letters of objection have been received from residents/businesses in the vicinity of the application site. The issues raised can be summarised as below:

- lack of parking for residents of the new flats in an area where there are parking issues already;
- people do not use the multi-storey for town centre parking and use Doddington Road instead;
- concerns regarding surface water flooding already occurring at the bottom of Doddington Road and Sheep Street;
- the public right of way will be more of an alley which would make people using it more vulnerable;
- customers of takeaways on Sheep Street use the car park as there is no parking outside them on Sheep Street.

5.3 Local Highway Authority (LHA)

No objections on highway safety or capacity grounds. The parking survey submitted in support of the application indicates that sufficient, though limited, on street accommodation can be found in the vicinity of the application site.

5.4 NNC Senior Built Heritage Consultant

No objections subject to conditions being imposed in relation to details of external materials, windows/doors, hardstanding and boundary treatments being submitted to and approved in writing by the local planning authority.

5.5 NNC Assistant Archaeological Advisor

There is potential for remains of archaeological interest to be present on the site and therefore the proposed development may have a detrimental impact upon surviving sub-surface archaeological remains. A standard archaeological condition is

recommended for a phased programme of archaeological measures comprising trial trench evaluation in advance of development with the potential for further mitigation measures during the groundworks phase of the development depending on the results of the evaluation.

5.6 Wellingborough Civic Society

Objected to the previous scheme and can see no reason to support this application. 18 people will live there, and it would be unusual if most do not have a vehicle. The car park is well used especially at night and by walkers and dog walkers. NNC must realise this is an amenity for the residents of the town of Wellingborough. No green space or balconies are provided. Expect better from our new council.

5.7 Natural England

No objections subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European Sites).

Officer note: the application site is within 2 kilometres of the Upper Nene Valley Gravel Pits Special Protection Area (SPA).

5.8 NNC Principal Project Officer- Ecology

The submitted ecology report is from 2018 but does not need updating due to the habitats on site in this case. The site is in the red zone for great crested newts but am satisfied that newts are not likely to be on site.

Due to the proximity to Swanspool Brook it is recommended that pollution measures be included in the construction management plan as well as a condition for a detailed external lighting plan which is sensitive to bats and ensures the surrounding trees and watercourse are kept dark.

5.9 NNC Landscape Officer

No objections, however, the re-routed footpath over the roots of the nearest tree would require no-dig construction. The proposed wildflower area including the seed mix and maintenance would need to be carefully considered.

5.10 Environment Agency

No objections subject to the development being carried out in accordance with the submitted flood risk assessment and finished floor levels being set no lower than 300 millimetres above the 0.1% Annual Exceedance Probability event including an allowance for climate change.

5.11 Lead Local Flood Authority

First response dated 09.02.23

Insufficient information is available within the submitted flood risk assessment to comment on the acceptability of the proposed surface water drainage scheme.

Second response dated 17.05.23

Concerns are raised relating to the potential displacement of flood water thereby increasing flood risk elsewhere if the proposed lattice brickwork is not maintained in perpetuity of the proposed development. A planning condition is recommended to ensure that no loss of floodplain capacity occurs, and the development is implemented and maintained in accordance with the submitted details. Three further conditions are recommended regarding full details of the surface water drainage

scheme, the maintenance and upkeep of the scheme and a verification report for the installed scheme which should be submitted to and approved in writing by the local planning authority.

5.12 Anglian Water

No objections subject to making the applicant aware of Anglian Water assets in the vicinity and recommended informatives relating to the used water network.

5.13 NNC Environmental Protection Officer (Land Contamination)

Due to the previous use of the land as a boot and shoe factory, it is recommended that a condition is imposed requiring a contaminated land investigation, assessment and remediation strategy.

5.14 NNC Environmental Protection Officer (Noise, Odour and Air Quality)

Due to the proximity of the site to the town centre roads and commercial premises, including restaurant/takeaway premises backing onto the site, a condition is recommended in relation to odour, noise and other disturbances, to ensure the development can be integrated effectively with the existing businesses. Where significant adverse effects are identified suitable mitigation should be required before the development is completed. Further conditions are recommended for a scheme for achieving noise levels outlined in BS8233:2014 with regards to the residential units and a construction environmental management plan. An informative regarding low NOx boilers is also recommended.

5.15 NNC Principal Project Officer- Developer Contributions

Based on the proposed dwelling mix of 6 x 1 bed units and 6 x 2 bed units the following s106 planning obligations are required in accordance with the 'Creating Sustainable Communities – Planning Obligations Framework and Guidance Document':

Education

Early Years – there is insufficient evidence available at this stage to justify a S106 contribution towards early years provision.

Primary Education – no financial contributions required, it is expected that there will be sufficient capacity within the local area to be able to accommodate the number of pupils of Primary school age likely to be generated by this development, which is expected to be minimal based on the proposed dwelling mix.

Secondary Education – a financial contribution of £7,206.00 is required.

In terms of Secondary Education, there are a number of schools within the vicinity of the site which would potentially serve the development. However, as at October 2022 the majority of these were operating at 96% and above, exceeding the Department for Education's recommended capacity thresholds.

It is therefore expected that additional housing development coming forward in the area will place further pressures on Secondary Education capacity in the area. A S106 planning obligation towards provision of additional Secondary Education capacity will therefore be required in order to adequately mitigate the impact of the proposed development and to ensure that children residing in the properties can be accommodated in a local school.

Libraries

A financial contribution of £1,710.00 (index linked) is required towards expansion of and/or improvements to Wellingborough library serving the development, on which this development would have an impact. Contributions from this development will help to ensure that library services are well placed in the heart of the community and that the service delivered to the growing population can be improved and/or extended.

Digital Infrastructure

An informative is recommended to ensure provision for high speed broadband is provided within the development.

5.16 NNC Housing Development Officer

There is a requirement for 10% of units on sites over 10 units to be affordable, this application should therefore provide 1 unit in the form of a 'First Home'. This would need to be built to the nationally described spaces standards and provide maximised bed spaces i.e. 1 bedroom/2-person occupancy, 2 bedroom -3 person occupancy. Alternatively, a commuted sum can be provided in place of the 1 unit to provide an affordable home elsewhere.

5.17 NHS (Primary Healthcare)

The Integrated Care Board can confirm that there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increased demand from the proposed development. Based on the housing mix and occupancy, this gives an increased patient population size of 29.16. This equates to a contribution of £22,453.20.

5.18 NNC Senior Planning Policy Officer (Open Space and Sport)

The following contributions are recommended based on the Open Space: Developer Contributions SPD and the Sports Provision: Developer Contributions SPD.

Open Space - £24,545.23

Playing Pitches - £9,337.00

Indoor Sports (Sports Halls and Swimming Pools) - £8,479.00

5.19 Infrastructure Planning Manager (Northants Police and Fire and Rescue Service)

Satisfied that risk of flooding has been addressed by the LLFA and given the location of the site no fire hydrants will be required.

A contribution towards the improvement or enhancement of police service infrastructure, either through improvements to Wellingborough Police Station or improved vehicles or technology for policing is required at £397 per dwelling (total £4,764.00).

5.19 Northamptonshire Police -Crime Prevention Design Advisor

Full details of the design and security functions of the gates, bike store and letter boxes within the lobby area should be provided. The security details provided on the site plan in relation to the doors and windows should be implemented in the final built form. Concerns were raised regarding the lack of parking which should be provided

in accordance with the parking standards to avoid neighbour disputes and inappropriate parking. Cars left at some distance from the dwellings can be left more vulnerable to crime. Policy 8 (e) (iv) of the JCS seeks to design out antisocial behaviour and crime and security measures should have regard to 'Secured by Design' principles.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 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)
- 10 (provision of infrastructure)
- 11 (network of urban and rural areas)
- 12 (town centres and town centre uses)
- 28 (housing requirements and strategic opportunities)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

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

Policies:

- GI 4 (enhancement and provision of open space)
- GI 5 (enhancement and provision of sport and recreation facilities)
- TC1 (town centre boundary)
- TC5 (public realm)
- TC6 (town centre car parking)
- TC7 (town centre opportunity sites)

6.5 Other Relevant Documents:

Sustainable Design
Biodiversity
Upper Nene Valley Special Protection Area
Planning Out Crime in Northamptonshire
Trees and Landscape SPD
Parking

7. Evaluation

7.1 The proposal raises the following main issues:

- principle of development and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- heritage assets;
- archaeology;
- landscape character and visual amenity;
- flood risk and surface water drainage;
- foul sewage;
- noise:
- air quality;
- biodiversity;
- the Upper Nene Valley Special Protections Area;
- housing mix;
- affordable housing;
- living conditions of future occupiers (compliance with national space standard, national accessibility standards);
- living conditions of the future occupiers and neighbouring occupiers of the development;
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- contamination;
- crime and disorder;
- sufficiency of the planning obligations to secure community benefits and mitigate existing infrastructure;
- conditions.

Principle of Development and material considerations

7.2 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.”*

7.3 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.

7.4 In addition to the specific NPPF requirements set out above, paragraph 132 states that ‘applicants will be expected to work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably’.

7.5 The application site is located within the growth town of Wellingborough as defined by policy 11 (1) (a) of the JCS. Growth towns are where the majority of development are focused in the spatial strategy and this is supported by policy 29 of the JCS which directs new housing to these sustainable locations and this

development will contribute to the housing delivery target set in table 5 of the JCS for the growth town of Wellingborough.

7.6 The site is also within the town centre boundary as defined by policy TC1 of the PBW. Policy 12 (a) of the JCS is clear that the vitality and viability of town centres in North Northamptonshire will be supported by securing and maintaining a vibrant mix of uses and supporting the provision of additional housing on appropriate sites.

7.7 Policy TC7 of the PBW also supports redevelopment proposals on existing vacant or underutilised sites within the town centre provided they can (A) contribute to the vitality and viability of the town centre, (B) conserve or enhance the cultural heritage and contribute to creating a distinctive place, (C) provide a mix of uses within the town centre as a whole, contributing to its vitality and viability, (D) provide services or facilities to support the local community, and (E) do not conflict with the strategy of concentrating most retail uses in the Primary Shopping Area. The site is not located within the 'primary shopping area' as defined by policy TC2 of the PBW. The supporting text to policy TC7 also states that the 2016 'Wellingborough Town Centre and Retail Study' by White Young Green was commissioned to identify how best to meet the challenge from other competing centres; this suggested that increased residential development can have a positive impact on the town centre by increasing activity and footfall.

7.8 The application site is positioned on the edge of Wellingborough town centre on an underutilised site and the proposal for a residential use on this site is considered to be in accordance with policies 11 (1) (a), 12 (a) and 29 of the JCS and policies TC1 and TC7 of the PBW.

7.9 The development proposed in this location is therefore considered broadly acceptable in principle, however it would still need to be assessed against other development plan policies and material considerations which are discussed in the following sections of this report.

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

7.10 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.

7.11 The government at paragraph 130 (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.

7.12 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.

7.13 The application proposes a three-storey building set back from but facing onto Doddington Road. The same scale of the building was approved under the original planning permission reference WP/18/00161/FUL which took into account the mass and scale of the immediate buildings bordering the site on Sheep Street and from the historic maps which showed a former boot and shoe factory comprising three storeys. The roof is proposed with a central section and two lower sections to either side with 5 different sized front facing gables visible within the street scene. This design is considered to respect the character and form of surrounding development in both the immediate and wider context and would therefore be considered acceptable.

7.14 The building is positioned centrally within the site and is proposed to be constructed with facing bricks (golden purple and light buff) under a grey slate roof with black rainwater goods and off-white coloured aluminium windows and doors. Concerns were raised by the NNC senior built heritage consultant under the previously withdrawn scheme (reference NW/22/00148/FUL) regarding the use of some sections of render within the elevations however this has been addressed with the inclusion of the buff brick in place of the render. The materials proposed are considered acceptable however a condition is recommended requiring samples of the external materials proposed for the building to be submitted to and approved in writing by the local planning authority.

7.15 The submitted site plan shows the boundary treatments for the site which includes a 1.1 metre high bow top metal railings to the front perimeter with planting behind to the height of the railings and a 1.8 metre close board fencing on top of the existing wall to the west boundary of the site and the existing timber fence to the rear replaced with new close board fencing. New gates for pedestrians are located at the main entrance to the site at the front, a service entrance at the side of the building and at the west boundary from the existing footpath. The materials proposed for the boundary treatments are considered acceptable in relation to their materials and design however a condition for full details of the specification of the boundary treatments is recommended to be submitted to and approved in writing by the local planning authority.

7.16 No concerns have been raised from any interested parties or consultees regarding the effect of the development on the character and appearance of the area.

7.17 Subject to conditions requiring details of external materials and boundary treatments, the development would be acceptable and in accordance with policy 8 (d) (i) & (ii) of the JCS.

Landscape character and visual amenity

7.18 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.

7.19 The application site is currently laid completely to hardstanding with simple low metal railings to the front and no soft landscaping existing other than planting/ivy that

has grown over from the adjacent sites. There are a number of mature trees to the west and north sides of the site which overhang the application site, some of which are in the ownership of NNC within Croyland Gardens. The application site is within the Wellingborough town centre conservation area and any works to trees would therefore require a Section 211 notice to be submitted or be approved as part of a planning application. The applicant has submitted a tree survey which includes an arboricultural impact assessment, method statement and tree protection plan. A landscape plan which shows the proposed hard and soft landscaping for the site (excluding the boundary treatments) has also been submitted.

7.20 The tree report details how the existing mature trees around the site will be protected during the construction period in accordance with BS5837:2012, however as the site is currently laid to hardstanding it is not possible to confirm all the details required for tree protection at this stage.

7.21 The submitted landscape plan is detailed and shows planting plans and species with example photographs. The soft landscaping includes 5 extra heavy standard trees along the frontage of the site, areas of shrub planting, evergreen hedgerows, two magnolia trees to the rear, turfed areas, planters with seasonal shrubs and an area of wildflower planting with timber knee rail fencing adjacent to the realigned footpath/cycleway at the south of the site. The hard landscaping which is shown partly on the landscape plan and partly on the proposed site plan includes Yorkstone paving, gravel pathways, bench seating, two secure cycle storage areas and refuse area in the communal areas surrounding the building.

7.22 NNC landscape officer has provided the following comments on this application:

“Do not object to the proposals, but the re-routed path over the roots of the nearest tree which is within the conservation area is a concern. No-dig construction would be required.

The proposed wildflower area at the bottom corner of the site includes blue bells with an unspecified seed mix. Blue bells are a woodland plant, and this will be a relatively shady corner. The seed mix and maintenance need to be considered carefully as this will be open to the public passing through and it is not obvious who would be responsible for maintaining it.”

7.23 The submitted tree survey includes recommendations to protect the trees in accordance with BS5837:2012 and confirms that all trees will suffer no structural damage provided the findings within the report are complied with. However, a detailed arboricultural method statement and tree protection plan will be required, as recommended within the report. The tree referenced by the NNC Landscape Officer requiring a no-dig construction technique is also referenced within the report.

7.24 Conditions are recommended to ensure the hard and soft landscaping scheme are implemented and maintained in accordance with the submitted details and the recommendations in the arboricultural method statement are followed, including the requirement for a detailed arboricultural method statement and tree protection plan being submitted to and approved in writing by the local planning authority.

7.25 Subject to the aforementioned conditions the development would comply with policy 3 (a), (b) and (e) of the JCS.

Effect on heritage assets

7.26 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.

7.27 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.

7.28 Policy 2 of the JCS sets out the policy background for the protection, preservation and enhancement of the historic environment.

7.29 With regards the NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 201 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 202 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 207 informs that not all elements of a conservation area will necessarily contribute to its significance.

7.30 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.

7.31 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.

7.32 Historic maps show a shoe factory once stood on the site and that the garden behind was bordered with trees that were possibly those that are there now. As discussed in the earlier section of this report, the height and massing of the proposed building has been carefully considered to reflect those buildings in the locality, including numbers 21 to 23 Sheep Street which form the eastern boundary of the site. The applicant has submitted a heritage statement which concludes that the reintroduction of a building in this position will help define and reinforce the hard edge of the town in this position whilst providing a degree of enclosure to the parkland behind the commercial properties on Sheep Street. The careful consideration of the form, scale and detail is drawn from the exposed gable of the remaining factory building on Sheep Street.

7.33 NNC senior built heritage consultant has provided the following comments on this application:

“The proposed development site is located within the Wellingborough Town Centre (Outer) conservation Area, and within close proximity to several

heritage assets which have the potential to be impacted through change within their setting.

Planning permission was granted for an identical scheme in 2018 under reference WP/18/00161/FUL. This consent has recently expired. As such a further application was submitted for the 'construction of 12 no. residential flats, in the form of 6 x 1 bedroom flats and 6 x 2 bedrooms over three floors under reference NW/22/00148/FUL which was withdrawn following concerns raised by the senior built heritage consultant regarding the proposed palette of materials.

The current iteration of proposals has sufficiently addressed those concerns and therefore there are no objections to the proposals, subject to conditions."

7.34 The conditions recommended are in relation to external finish materials, windows and doors, any hardstanding required and boundary treatments.

7.35 The proposed scheme is considered to have a positive impact upon the Wellingborough town centre conservation area by developing an unattractive area of hardstanding used as a car park into an attractive development with appropriate landscaping. The development would therefore enhance the conservation area and cause no harm to the setting of nearby listed buildings. The condition recommended in relation to the hardstanding is not considered to be required as these details are included within the submitted landscaping details.

7.36 Conditions are recommended in relation to external materials, windows and doors specifications and boundary treatments. Subject to the aforementioned conditions the proposed development would comply with policy 2 (a) and (b) of the JCS in this regard.

Archaeology

7.37 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.

7.38 With regards the NPPF, section 16 sets out government advice on conserving and enhancing the historic environment and in particular paragraph 194 advises that, where appropriate, when determining an application which could affect a heritage asset with archaeological interest the council should, where appropriate, require developers to submit a field evaluation.

7.39 NNC assistant archaeological advisor has also provided the following comments on the application:

"The application site lies to the south of the town centre and on the north side of the Swanspool Brook. It lies in an area of medieval settlement or related activity at the southern end of Sheep Street. In the late 19th Century the application area was part of the Trafalgar shoe factory, the street frontage of which is still extant; the proposed new build lies partly but not wholly within the footprint of the demolished part of the factory. There is the potential for remains of archaeological interest to be present on the site, albeit truncated by more recent activity.

Measures were sought in respect of similar proposals in 2018 under reference WP/18/00161/FUL and early 2022 under reference NW/22/00148/FUL. No works were undertaken in respect of either application.

In line with a previous response dated 07/4/2022 it is recommended that a phased programme of archaeological measures comprising trial trench evaluation in advance of development with the potential for further mitigation measures during the groundworks phase of the development depending on the results of the evaluation.

The proposed development may have a detrimental effect upon surviving sub-surface archaeological remains. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of any remains so affected. In order to secure this a suitable condition should be imposed on any planning permission for a programme of archaeological work as recommended above and in line with paragraph 205 of the NPPF.”

7.40 The standard condition wording is given and the advisor is happy to provide a brief for the programme of work.

7.41 Subject to the aforementioned condition the development would comply with policy 2 (d) of the JCS.

Flood risk and drainage

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

7.43 The 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.

7.44 The application site is situated within Flood Zone 2 which is an area with a medium probability of flooding. Residential development is classed as ‘more vulnerable’ in terms of flood risk and the application has been supported by a flood risk assessment (FRA).

7.45 Anglian Water has confirmed that the method of surface water drainage proposed for the development does not relate to their assets and the LLFA should be consulted.

7.46 The Environment Agency has reviewed the flood risk assessment (FRA) and recommends a condition ensuring the finished floor levels are set no lower than 300mm above the 0.1% (1 in 1000) Annual Exceedance Probability (AEP) event including an allowance for climate change. See the following paragraphs for how this has been considered by the lead local flood authority. The Environment Agency also recommends an informative is added regarding environmental permitting.

7.47 The local lead flood authority (LLFA) has provided comments on the flood risk assessment as originally submitted, as follows:

“Having reviewed the applicant’s submitted details located within the Flood Risk Assessment report reference: 857-FRA-01-0 prepared by MAC Ltd on the 5 September 2022, would advise that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

With reference to the above documents, we note that the submitted surface water drainage information fails on the following grounds:

1. The FRA states:

“The site is located in an area of high surface water flood risk... During the high-risk surface water flooding scenario, the site is located within an area where the flood depth is predicted to be between 300 millimetres to 900 millimetres.”

An area of high surface water flood risk means that the site is located within an area that has a chance of flooding of greater than 3.3% each year (i.e. less than the 1 in 30-year AEP).

It is noted that self-contained living accommodation that includes sleeping accommodation on the ground floor is proposed to be constructed at the site. This is a significant cause for concern as, if the site was to flood then, residents of the ground floor would be unable to move valuables to a first-floor refuge to avoid potential flood damage.

To mitigate this risk, the FRA proposes to raise FFL’s of the proposed building 900 millimetres above the lowest level within the site.

Whilst this approach should ensure that the proposed development will remain safe and dry during the 3.3% (AEP), raising land levels within the surface water flood extents would increase flood risk to the surrounding residential and commercial development which may include the North Northamptonshire Council offices.

This approach is therefore contrary to the NPPF:

“the National Planning Policy Framework is clear that flood risk should not be increased elsewhere, including over the lifetime of the permission not just at the point of grant of permission.”

7.48 Following discussion between the applicant and the LLFA, an updated flood risk assessment has been submitted which identifies that an open void beneath the building will be provided which, in the event of a flood, will allow flood water to pass through the void. The void proposed will be provided with a lattice brickwork front only to ensure the area cannot be used for storage and prevent rubbish from being blown in. A maintenance plan for this void is recommended within the FRA.

7.49 Updated comments from the LLFA were received as follows:

“Having reviewed the applicant’s submitted details located within the Flood Risk Assessment report reference: 857-FRA-01-A prepared by MAC Ltd on the 14 April 2023, the LLFA concerns relating to the potential displacement of flood water thereby increasing flood risk elsewhere remain if the proposed lattice brickwork is not maintained in perpetuity of the proposed development.

If the lattice brickwork is not adequately maintained, the lattice brickwork could effectively become an informal flood defence, which, in turn, will displace flood water and will result with an increased risk of flooding elsewhere.

If the void beneath the proposed finished floor level (FFL) is not adequately maintained, it will also create significant maintenance issues in perpetuity of the proposed development and would also create an ideal habitat for pests / vermin.

If the local planning permission is minded to accept the proposed lattice brickwork as an engineering solution to overcome the displacement of flood water and if the applicant / subsequent future land owners confirm they will manage and maintain the void beneath the proposed FFL in perpetuity of the proposed development to ensure that the development does not increase flood risk elsewhere, then the LLFA would advise that the following planning conditions are included as set out below.

If the applicant / subsequent future landowners are unable to confirm that they will manage and maintain the void beneath the proposed FFL in perpetuity of the proposed development, then the proposed development may pose an unacceptable risk of flooding to the site and surrounding catchment.

Without these conditions, the proposed development on this site may pose an unacceptable risk of surface water flooding to the site and the surrounding catchment.”

7.50 Conditions are recommended in relation to a scheme to ensure no loss of floodplain capacity occurs, details of the surface water drainage scheme, scheme for the maintenance and upkeep of the surface water drainage scheme, a verification report for the surface water drainage scheme and finished floor levels are submitted to and approved in writing by the local planning authority.

7.51 Concerns have been raised by a resident in the vicinity of the site that the area around the site does flood and whilst this is acknowledged, the application has demonstrated how any flood risk for the development can be mitigated, through the proposed development.

7.52 Subject to the aforementioned conditions the development would comply with policy 5 of the JCS in relation to flood risk and surface water drainage.

Foul sewage

7.53 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.

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

7.55 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.

7.56 Details of the foul water drainage for the development are included within the submitted FRA. Anglian Water has commented on the application in reference to foul water, as follows:

"The foul drainage from this development is in the catchment of Broadholme Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

This response has been based on the following submitted documents: Flood Risk Assessment 857-FRA-01-0; The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will then advise them of the most suitable point of connection.

7.57 Informatives are recommended in relation to connection to the Anglian Water sewerage system.

7.58 Subject to the addition of the aforementioned informatives, the development would comply with policy 10 (b), (c) and (d) of the JCS in this regard.

Noise and Odour

7.59 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 and smells.

7.60 Chapter 15 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.

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

7.62 It should be identified that NNC environmental protection service has powers to deal with any unacceptable noise the development may create as necessary under the provisions of the Environmental Protection Act 1990.

7.63 NNC environmental protection service has powers to deal with any unacceptable noise caused by building works as necessary under the provisions of the Environmental Protection Act 1990 and it has published a leaflet entitled 'considerate contractor advice note'.

7.64 The application site is located within an area of mixed town centre uses with takeaways, retail units and residential uses bordering the site, as such the NNC Environmental Protection Officer has commented on the application as follows:

“Has reviewed the above consultation and confirm that there are some concerns about noise and odour having an adverse impact on the occupiers of the proposed dwellings due to the proximity of the proposed development to the town centre roads and commercial premises, including restaurant / takeaway premises which back onto the development site. In view of this, it would be recommended the conditions be imposed.”

7.65 Conditions are recommended in relation to a noise/odour assessment to confirm the impact of the adjacent commercial premises on the development to demonstrate that the new development can be integrated effectively with existing businesses, a noise impact assessment in relation to road traffic and a construction management plan.

7.66 Subject to the aforementioned conditions the development would be considered acceptable in relation to noise and odour impacts in accordance with Policy 8 (e) (i) and (ii) of the JCS.

Air quality

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

7.68 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.

7.69 Chapter 15 of the NPPF offers broad advice on how local planning authorities should prevent both existing and new development from being adversely affected by unacceptable levels of air pollution.

7.70 The PPG at paragraph 001 of the air quality section dated 6 March 2014 states that 'It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit'. The guidance goes on to explain the implications for local authorities if national objectives are not met which this will

include measures in pursuit of the objectives which could have implications for planning. The PPG at paragraph 009 demonstrates how considerations about air quality fit into the development management process.

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

7.72 The NNC Environmental Protection Officer has recommended an Informative be added to any permission seeking any gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh.

7.73 As no off-street vehicle parking provision is proposed for the development a condition relating to electric vehicle charging is not required.

7.74 Subject to the informative relating to low NO_x boilers being included the development would comply with policy 8 (e) (i) & (ii) of the JCS.

Sustainability

7.75 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 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.

Subject to the aforementioned water use condition the development would comply with policy 9 of the JCS.

Biodiversity

7.76 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."

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

7.78 The NPPF at chapter 15 'protect and enhance biodiversity and geodiversity' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

7.79 The applicant has submitted an ecological appraisal in support of the application. NNC Principal Project Officer – (ecology) has provided the following comments in response:

"The ecology report is from 2018 and would normally be out of date, however due to the habitats on site it does not need updating in this case. Similarly, while the site is located within a red zone for great crested newt am satisfied that newts are not likely to be on site.

As the Swanspool Brook forms the southern site boundary it would be recommended that pollution prevention measures be included in the site

construction management plan. It would also be recommended that the detailed external lighting scheme be conditioned: this should be designed to be sensitive to bats and should ensure the surrounding trees and the watercourse are kept dark.”

7.80 Subject to conditions in relation to pollution measures being included within the construction management plan and details of the external lighting scheme being submitted to and approved in writing by the local planning authority, the development would comply with policy 4 of the JCS in this regard.

Effect on the Upper Nene Valley Special Protection Area

7.81 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').

7.82 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.

7.83 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.

7.84 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.

7.85 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 £3,868.92 (based on £322.41 per dwelling as the application was submitted prior to 1 April 2023) made 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.

7.86 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

7.87 Policy 30 (a) (i) of the JCS seeks to the mix of house types within developments to reflect the need to accommodate smaller house households with an emphasis on the provision on small and medium sized dwellings (1 to 3 bedroom) including where appropriate dwellings designed for older people.

7.88 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.

7.89 The development proposes a mix of 1 and 2 bedroomed dwellings which is consistent with policy 30 (a) (i) of the JCS. There are a mix of dwelling sizes and types within the immediate and wider area and therefore it is not considered that this development would result in an overconcentration of a single house type, in accordance with policy 30 (a) (ii) of the JCS.

7.90 Wellingborough Town Council supports the provision of 1 and 2 bedroomed units which could be used as starter homes.

7.91 The development would comply with Policy 30 (a) (i) & (ii) of the JCS.

Affordable Housing

7.92 Policy 30 (d) seeks, on private sector developments of 15 or more units (net), or where the combined gross floor area of dwellings will be 1,500 square metres in the growth towns and market towns, the provision of 30% of total dwellings as affordable housing in growth towns. Wellingborough is defined as a growth town, however since the adoption of the JCS the NPPF has been updated and at paragraph 65 it states that, on major development (10 or more units), planning policies and decisions should expect 10% of the total number of homes available for affordable home ownership as part of the overall housing contribution.

7.93 NNC Housing Development Officer 'recognises this housing mix was previously approved on under planning permission reference WP/18/00161/FUL. Based on this application's proposed number of 12 units, 10% would equal 1 unit which would need to be provided in the form of a 'First Home'. This would need to be built to Nationally Described Space Standards and provide maximised bed spaces i.e. 1 bed 2 persons, 2 bed 3persons. If this unit is ground floor, it must have a level access shower (or wet room, where used to meet M4(3) accessibility requirement).

7.94 Alternatively, a commuted sum could be provided in place of the 1 unit, so NNC can utilise the funds and provide an affordable home elsewhere. There is no set monetary amount, it is calculated by working out the difference between the social housing value and the open market value (normally between 40-50%).'

7.95 The council cannot enter into a legal agreement with itself therefore the provision of 1 affordable unit should be secured via a suitably worded planning condition.

7.96 Subject to the aforementioned affordable housing condition, the development would comply with Policy 30 (d) of the JCS.

National Space Standards

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

7.98 The proposed development includes the provision of 12 units, including 6 x 1 bedroomed, 2-person occupancy dwellings and 6 x 2 bedroomed, 3 person occupancy dwellings. There are 2 x 1 bedroomed and 2 x 2 bedroomed flats on each of the three floors of the building in the same size and layout.

7.99 The submitted plans show the gross internal areas (GIA) of the 1 bedroomed flat's measure either 51 square metres or 58 square metres and the 2 bedroomed flats measure either 62 square metres or 64 square metres. These exceed the minimum GIAs for 1 bedroomed 2-person occupancy flats at 50 square metres and 2 bedroomed flats at 61 square metres. The sizes and widths of bedrooms, built-in storage requirements and ceiling heights are also complied with.

7.100 The development would therefore comply with policy 30 (b) of the JCS in this regard.

National Accessibility Standards

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

7.102 The ground floor of the building is shown as being provided with flush thresholds at the main entrance and rear entrance and a platform lift is shown providing access to all three floors of the building.

7.103 Subject to the imposition of a condition in relation to 11 of the new dwellings meeting category 2 and 1 dwelling would meet category 3 of the National Accessibility Standards, the development would comply with policy 30 (c) of the JCS.

Living conditions of the future occupiers and neighbouring occupiers of the development

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

7.105 At paragraph 130 (f) of the NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users.

7.106 The application site is situated with sufficient spacing and separation distances to the nearest residential occupiers and it is not considered that there would be any unacceptable loss of light to the nearest residential occupiers. However, the upper floors of the properties on Sheep Street which abut the site are partly used for residential and there are two small windows at the second floor level. The windows proposed on the north (side) elevation of the proposed building facing these windows serve bathrooms at each floor and therefore it is considered that a condition requiring obscure glazing for these windows be imposed to ensure no loss of privacy occurs between the buildings.

7.107 The outdoor amenity areas are considered to be well designed and allow for sufficient space for occupants for a flatted development. The site is also immediately adjacent to open spaces in the vicinity, namely Croyland and Swanspool Gardens.

7.108 Subject to the aforementioned obscure glazing condition, the development would comply with Policy 8 (e) (i) of the JCS in this regard.

Highway safety

7.109 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.

7.110 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.

7.111 The application would provide no on-site parking provision for vehicles however the site is located within walking distance from town centre uses and public transport links, both bus and rail. The existing vehicular crossing into the site would be closed and a footpath/cycleway through the site repositioned to the south west corner of the site.

7.112 The applicant has submitted a transport survey and a parking beat survey in support of the application and the site plan shows the provision of two bike stores each holding 10 bikes.

7.113 NNC development management engineer raises no objection to the application on highway safety or capacity grounds subject to the following:

‘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’.

The parking survey submitted in support of the application indicates that sufficient, though limited, on street accommodation can be found in the vicinity of the application site. 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.

The following factors should be taken into consideration when determining this application:

- This is a town centre location, relatively well served by public transport;
- Public car parking spaces cannot be relied upon for the lifetime of the development;
- The existing vehicular crossing must be closed, and all highway surfaces affected by the proposals reinstated, using similar materials to adjoining paving, in accordance with the specification of the Local Highway Authority and subject to a suitable licence/agreement under the Highways Act 1980;

- Although the cycle track does not comprise highway maintainable at the public expense, it must be diverted and constructed to an adoptable standard complete with signage, road markings and lighting as necessary;
- The extent of highway maintainable at the public expense should be ensured that the applicant has sufficient rights over intervening land to gain access to the service entrance to the site.

7.114 It is recommended that conditions are imposed in relation to the re-routing of the footpath/cycleway and to ensure that the existing vehicular access is closed, and all highway surfaces reinstated as recommended by the local highway authority.

7.115 A number of concerns have been raised by residents in the vicinity of the application site, Wellingborough Civic Society and Northamptonshire Police's Crime Prevention Design Advisor regarding the lack of parking provision. The parking beat survey submitted with the application indicates that there would be sufficient on street parking capacity available within the vicinity of the application site and Doddington Road itself as observed on Sunday 4 September 2022 between 01:15 – 02:15 when only at 55% capacity and Thursday 8 September 2023 between 01:00 and 02:30 when at only 58% capacity. The application site itself was observed as being used at 13% capacity at the time of the survey. There is one other free council car park close to the site at the Swansgate multi-storey.

7.116 Sustainability is an important consideration in the determination of this application due to the site's location close to supermarkets, shops, restaurants, leisure facilities, primary/secondary schools and support services such as doctor's surgery's and Wellingborough community hospital within or on the edge of the town centre. The Castle Theatre, Denington Road Industrial Estate and public transport options including local bus stops and Wellingborough Train Station are also within walking distance. The provision of two bike stores are included within the development and can provide for 20 bikes in total. It is recommended a condition is imposed requiring details of the enclosed proposed bike stores.

7.117 On balance it is considered that the applicant has sufficiently demonstrated that there is sufficient on street parking capacity to serve the development and due to the sustainable location of the site, available public transport links and a cycle parking condition, the development is considered acceptable and in accordance with policy 8 (b) (i) and (ii) of the JCS.

Contamination

7.118 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.

7.119 The NPPF at paragraphs 184 and 185 sets out policies on development involving contaminated land. The planning practice guidance also offers detailed government advice on this topic.

7.120 The NNC Environmental Protection Officer has identified that the site was previously used as a boot and shoe factory and has recommended a condition to identify any contamination on the site, provide a remedial strategy, implement any subsequently approved remedial strategy and provide a verification report.

7.121 Subject to the imposition of land contamination condition including remedial mitigation and a verification report, the development would comply with policy 6 of the JCS.

Crime and disorder

7.122 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.

7.123 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.

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

7.125 The NPPF at paragraph 130 (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.

7.126 Northamptonshire Police Crime Prevention Design Advisor recommended the following:

- Full details should be provided for the design and security functions of the gates. The gate pictured on the site plan has a large square handle, which can provide a foothold for climbing. The site plan states the gates will be secure. Details should be provided about how the gates will be secured and of the self-closing mechanisms. The gate should be solid metal construction (not hollow railings) this would prevent ease of bending the metal. The gates would allow access into private amenity area which houses bikes, bins and access into the building. These gates act as 'front doors' into this secure space.
- Details of the enclosed bike store should be supplied.
- It would advantageous for there to be a lobby area or airlock area within the entrance hallway. This area will greatly increase the security for the residents prevent access to the communal areas.
- Within the 'lobby' area wall mounted letter boxes should be considered to British standard TS009. This will reduce the incidences of crimes such as identity theft, arson, hate crime, lock manipulation and 'fishing' for personal items (which may include post, vehicle and house keys, credit cards, etc).
- The security details provided in the site plan regarding doors and windows should be implemented in the final built form.
- No Parking provision is being supplied for the residents of the application site. 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. Often 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,

which can (and does) lead to neighbour disputes and inappropriate parking, clutters up residential roads and can cause access issues for emergency vehicles such as fire engines and ambulances. It also leaves cars more vulnerable to crime, as well as requiring residents to leave their vehicles some distance away from their dwelling potentially making the resident more vulnerable.

7.127 It is recommended that a condition is imposed to ensure full details of the security and crime prevention measures for the site are submitted to and approved in writing by the local planning authority. The details should include any CCTV and alarm systems proposed as well as details of the design and security functions of the gates, specification of the railings, the lobby area and letterboxes within the communal areas. Details of the bike store should be imposed as a separate condition.

7.128 The issues regarding parking provision have been addressed in the highway section of this report.

7.129 Subject to a condition requiring a security and crime prevention statement being submitted to and approved in writing by the local planning authority, the development would comply with policy 8 (e) (vi) of the JCS.

Planning obligations and conditions

7.130 The Community Infrastructure Levy Regulations 2010 at paragraph 122 sets out limitations on the use of planning obligations under section 106 of the Town and Country Planning Act 1990, as amended, to secure community benefits for a scheme. It applies where a relevant determination is made which results in planning permission being granted for development.

7.131 Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. A planning obligation may only constitute a reason for granting planning permission if it meets the following tests. Is the obligation:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

7.132 In addition to the above regulations the government has recently updated its PPG with regards to planning obligations and below is summary in relation to how the salient elements of the guidance have an influence on this proposal.

7.133 Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan.

7.134 The government repeatedly states in its guidance that obligations must be entirely necessary and they must be fully justified and evidenced.

7.135 The NPPF at paragraph 56 states that planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This advice is

reiterated under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

7.136 Policy 7 (a) of the JCS seeks the provision on site where necessary or contributing towards accessible, new or enhanced community services and facilities to meet the needs arising from a development.

7.137 Policy 10 (a) seeks development either to make direct provision or contribute towards the provision of infrastructure required by the development either alone or cumulatively with other developments.

7.138 Policy 10 (c) seeks planning permission to only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity provided within an agreed timescale to support and meet all the requirements arising from a proposed development.

7.139 Policy GI4 and GI5 of the PBW require contributions towards the provision of new and enhanced open space and sports facilities.

Education

Early Years

7.140 North Northamptonshire Council has a statutory responsibility to provide Early Years services (e.g. pre-school, play-group, and/or nursery provision) for children aged two, three or four.

7.141 The 'sufficiency of capacity' evidence base for Early Years provision is currently being updated and it is therefore not possible to determine what the current capacity is and likely impact of this development on demand for places.

7.142 In the event that a S106 planning obligation towards delivery of additional Early Years provision is required, the current Department for Education (DfE) cost multipliers for Early Years Education are as follows:

Size of Dwelling	1 bed	2 bed	3 bed	4 bed	5+ bed
Cost per Unit	£0	£1,744	£2,791	£3,314	£2,616

7.143 The Development Management team has provided an update and has confirmed that there is not sufficient evidence at this stage to justify a S106 contribution towards early years provision and have therefore withdrawn their request for this development.

Primary Education

7.144 The application has been assessed for its impact on local Primary Education infrastructure; however due to capacity and forecasts locally within current provision, no S106 contribution will be required towards Primary Education infrastructure if approved in its current form. This will be reassessed once the mix of dwellings to be delivered on the site is confirmed through the planning process.

Secondary Education

7.145 In terms of Secondary Education, there are a number of schools within the vicinity of

the site which would potentially serve the development. However, as at October 2022 the majority of these were operating at 96% and above, exceeding the Department for Education’s recommended capacity thresholds.

7.146 It is therefore expected that additional housing development coming forward in the area will place further pressures on Secondary Education capacity in the area. A S106 planning obligation towards provision of additional Secondary Education capacity will therefore be required in order to adequately mitigate the impact of the proposed development and to ensure that children residing in the properties can be accommodated in a local school.

7.147 The current Department for Education cost multipliers for Secondary Education are:

Size of Dwelling	1 bed	2 bed	3 bed	4 bed	5+ bed
Cost per Unit	£0	£1,201	£4,563	£5,763	£10,806

7.148 A S106 contribution towards Secondary Education of **£7,206** will be required, based on the proposed dwelling mix; this figure will be reassessed once the mix of dwellings to be delivered on the site is confirmed through the planning process.

7.149 The applicant has agreed in principle to a contribution of £7,206 towards additional secondary education capacity in order to adequately mitigate the impact of the proposed development and to ensure that children residing in the properties can be accommodated in a local school. The development would therefore comply with Policy 7 (a), 10 (a) and 10 (c) of the JCS.

Northants Police and Fire and Rescue

7.150 No contribution required for fire hydrants.

7.151 In terms of general infrastructure, Northants Police has adopted the following population-based toolkit, which is supported by the North Northants Joint Core Strategy Infrastructure Delivery Plan and the North Northamptonshire Development Contributions SPD.

Police toolkit in SPD	2010 figures
staff per 1000 population (a)	4.2
accommodation per staff sqm (b)	12.42
accommodation cost per sqm (c)	£ 2,642
staff set up capital cost (d)	£ 8,262
contribution per person (e)	
total (a x b x c/1000) + (dx a/1000) = e	£ 173
Average occupancy rate (persons per dwelling)	2.3
Total contribution per dwelling	£397

7.152 A contribution of **£4,764** is therefore required, to contribute towards the improvement or enhancement of police service infrastructure, either through improvements to Wellingborough Police Station or improved vehicles or technology

for policing. This figure can be reviewed, with a specific project identified, in the event of a s106 agreement being entered into.

7.153 The applicant has agreed in principle to a contribution of £4,764 towards police infrastructure to serve the development. The development would therefore comply with Policy 7 (a), 10 (a) and 10 (c) of the JCS.

Libraries

7.154 North Northamptonshire Council is the Library authority for the area in which the application site is situated. Where a new development will generate additional need and library space requirement, the library service requires contributions towards the costs of providing new, extended and/or improved library facilities to support the delivery of growth. This may include contributions towards maintained library facilities and services, as well as community-managed libraries where applicable.

7.155 This development is expected to impact on the current level of library provision as the new residents moving into the developments utilise existing facilities.

7.156 The Library service has adopted the National Library Tariff formula produced by the Museums Libraries and Archives Council (MLA). This includes:

- A minimum standard of 30 sq. metres of new library space per 1,000 Population.
- A construction and initial equipment cost on a per sq. metre basis (adjusted to reflect Northamptonshire building costs), based on BCIS building costs for public libraries.

7.157 In order to adequately serve the growing community, improvements to the Library service are planned which will enable more flexible spaces to be available to the public, with improved facilities and an increased range of services. A schedule of works will be determined subject to available budget. These improvements are intended to support the provision of Library services to meet the needs of current and planned for population growth, to ensure adopted national and local standards of service can be maintained, and to contribute towards delivery of the Council’s prevention and other strategies.

7.158 In order to establish a proportionate cost towards the new works, the Library service utilises cost multipliers as per our adopted guidance.

7.159 Local planning and library authorities are recommended to adopt a minimum tariff of £90 per person in new housing. This is adjusted for Northamptonshire to £88 per person, based on BCIS building costs. Further information on these calculations can be found in the adopted Creating Sustainable Communities - Planning Obligations Framework and Guidance Document (2015).

7.160 The following outlines the cost per dwelling type based on the expected numbers of residents for each type of unit:

Size of Dwelling	1 bed	2 bed	3 bed	4+ bed
Cost per unit	£109	£176	£239	£270

7.161 A libraries contribution of **£1,710** is therefore required, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development. This figure will be reviewed, with a specific project identified, at such time as the S106 for the development is entered into.

7.162 The applicant has agreed in principle to a contribution of £1,170 towards the improvement, enhancement or expansion of library facilities to serve the development. The development would therefore comply with Policy 7 (a), 10 (a) and 10 (c) of the JCS.

Broadband

7.163 To help boost fibre broadband connectivity to new developments, the following Informative is proposed for inclusion in any decision notice, should permission be granted in relation to this application:

The North Northamptonshire Joint Core Spatial Strategy 2011-2031 policy 10 (e), Provision of Infrastructure, encourages developers to provide for fast broadband to new buildings (including but not exclusive to housing, commercial, retail or leisure) by partnering with a telecommunications provider or providing on site infrastructure to enable the premises to be directly served – this should be gigabit capable and where possible, full fibre connectivity. This supports the government’s Gigabit programme and local targets to see 80% full fibre and 90% gigabit coverage by the end of 2028. Developers should approach telecoms providers at the earliest opportunity to agree gigabit-ready infrastructure and connectivity plans. The network capability delivered by full fibre technology supports the fastest broadband speeds available, is considered future proof, and will bring a multitude of opportunities, savings and benefits. It may also add value to the development and is a major selling point to attract potential homebuyers and occupiers, with many people now regarding fast broadband as one of the most important considerations.

Efficiencies can be secured if ducting works and other network infrastructure is planned early and 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. These documents can be found at:

<http://www.standardsforhighways.co.uk/ha/standards/mchw/index.htm>.

Streetworks UK Guidelines on the Positioning and Colour Coding of Underground Utilities’ Apparatus can be found here National Joint Utilities Group (streetworks.org.uk). Proposals should also be compliant with Part R, Schedule 1 of the Building Regulations 2010 (soon to be amended to strengthen requirements for gigabit connectivity to new dwellings) and the Approved Document R.

Some telecoms network providers have dedicated online portals providing advice for developers, including:

Openreach Developer Portal (openreach.co.uk)

Virgin Media <http://www.virginmedia.com/lightning/network-expansion/property-developers>

Gigaclear networkbuildcare@gigaclear.com (rural areas and some market towns)

OFNL (GTC) <http://www.ofnl.co.uk/developers>

CityFibre <http://cityfibre.com/property-developers>

Details of other fibre network providers operating locally can be found here <http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx>.

For help and advice on broadband connectivity in North Northamptonshire email the Superfast Northamptonshire team at bigidea.ncc@northnorthants.gov.uk

7.164 Subject to the addition of the above informative the development would comply with Policy 10 (e) of the JCS.

Health

7.165 The ICB has confirmed that there will not be sufficient capacity in the local primary healthcare system to absorb the anticipated increase in demand created by the proposed development. Practices in the local area are already at the limit of their capacity and the increase in population could push practices to the point that they are no longer able to accept new patients. If this were to be the case it could result in the population brought to the area by the new housing development experiencing difficulties accessing primary care health services. Therefore, the ICB and NHSE are seeking a financial contribution of **£22,453.20** towards infrastructure support to ensure the new population has access to good quality primary health care services.

7.166 The applicant has agreed in principle to a financial contribution of £22,453.20 towards infrastructure support to ensure the new population has good access to good quality primary health care services.

7.167 The proposed development would comply with policies 7 (a), 10 (a) and 10 (c) of the JCS.

Open Space- methodology based on the Open Space: Developer Contributions SPD Parks and Gardens

7.168 Provide a contribution of **£14,206.51** towards the ongoing maintenance of a good quality park and garden.

7.169 The site is in the catchment of both Croyland Park and Swanspool Gardens with the most accessible being Swanspool Gardens which is high quality.

Natural and Semi-Natural Greenspace

7.170 Incorporate Natural and Semi-Natural Greenspace on site or provide a contribution of **£9,598.97** towards an off-site project.

1.171 The site is too small to incorporate public open space on site and therefore a contribution to an off-site is required.

Allotments

7.172 No requirement for allotment provision as the site is not within the catchment of an accessible allotment and no specific need has been identified.

Provision for Children and Young People

7.173 Provide a contribution of **£739.75** towards the ongoing maintenance of a good quality play space.

7.174 The site is in the catchment of Croyland Park which has a good quality play space.

Summary of Open Space Contributions

7.175 Based on the proposed dwelling mix and population generated from the development. The contributions required, based on the Open Space: Developer Contributions SPD totals **£24,545.23**.

7.176 The applicant has agreed in principle to a financial contribution of £22,545.23 towards off site open space and play provision and therefore the development would comply with policies 7 (a), 10 (a) and 10 (c) of the JCS and Policies GI4 and GI5 of the PBW.

Indoor and Outdoor Sports

7.177 The methodology for the calculations is based on the Sports Provision: Developer Contributions SPD and Playing Pitch Calculator and Sport England's Sports Facilities Calculator

Playing Pitches

7.178 The Playing Pitch Strategy and SPD identify an action plan with a number of recommended actions for the following sites which are within the catchment of the application site for football, rugby and cricket:

- Wrenn Academy (Doddington Road and London Road sites)
- Redwell Lesiure Centre (Hub site)
- Wellingborough Old Grammarians (Hub site)

7.179 A contribution of **£9,337.00** is required towards pitches including capital cost and lifecycle costs for 15 years.

7.180 The applicant has agreed in principle to a financial contribution of £9,337.00 towards off site playing pitches and therefore the development would comply with Policies 7 (a), 10 (a) and 10 (c) of the JCS and Policies GI4 and GI5 of the PBW.

Indoor Sports Facilities

7.181 Sport England's sports facilities calculator (figures updated June 2023) has generated the following:

Sports Halls- £4,023.00
Swimming Pools- £4,456.00

7.182 A contribution of **£8,479.00** is required towards indoor sports facilities. The sports hall contribution would be used for improvements to Redwell Leisure Centre in Wellingborough and the swimming pool contribution would be directed to the new pool project proposed at Hanwood Park in Kettering.

7.183 The applicant has agreed in principle to a financial contribution of £8,479.00 towards indoor sports facilities and therefore the development would comply with Policies 7 (a), 10 (a) and 10 (c) of the JCS and Policy GI5 of the PBW.

Indexation

7.184 All contributions will be index linked from Q3 2023.

Summary

7.185 The applicant has confirmed they would agree to enter into a legal agreement for any S106 contributions required as a result of the size and scale of the proposed development. However, North Northamptonshire Council is both the owner and the applicant and therefore cannot enter into a S106 legal agreement with themselves. In this case, and following legal advice from the NNC planning solicitor, a pre-commencement condition is recommended to secure the affordable housing and financial contributions by way of a unilateral undertaking.

Conditions

7.186 The 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.

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

8. CONCLUSION/PLANNING BALANCE

8.1 The proposed development complies with the relevant development plan policies and is consistent with the provisions in the NPPF. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

9. RECOMMENDATION

9.1 That planning permission be **GRANTED** subject to the conditions listed at the end of the report

10. Conditions

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:

Unreferenced drawing - Site Location Plan (registered 6 October 2022)

Drawing No. 022-063-001 Rev A - Proposed Site Plan (registered 6 October 2022)
Drawing No. 022-063-002 Rev A - Proposed Ground Floor Plan (registered 6 October 2022)
Drawing No. 022-063-003 Rev A - Proposed First Floor Plan (registered 6 October 2022)
Drawing No. 022-063-004 Rev A - Proposed Second Floor Plan (registered 6 October 2022)
Drawing No. 022-063-005 Rev A - Proposed Elevations (registered 5 July 2023)
Drawing No. 032-PEV-XX-03-DR-A-9005 Rev P03 - Proposed Roof Plan (registered 6 October 2022)
Drawing No. MK PE DR 01 Rev B - Proposed Landscaping Plan (registered 6 October 2022)
Tree Survey by Hayden's Arboricultural Consultants (Report ref. 6453 Rev A) Dated 5 March 2018 (registered 6 October 2022)
Drawing No. 6453-D-AIA Rev A - Tree Protection Plan (registered 6 October 2018)
Flood Risk Assessment by MAC (Report ref. 857-FRA-01-A) Dated April 2023 (registered 19 April 2023)

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 their first use on site a schedule and samples of all external finish materials including wall and roof materials, lintels, fascias, and rainwater goods, including finish colour, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

Reason: To ensure that the development does not detract from the appearance of the locality in accordance with policy 2 (b) and policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

4. Prior to installation, a schedule of drawings that show details of proposed windows and doors in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, cills, ironmongery, and finish colour shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To ensure that the development does not detract from the appearance of the locality in accordance with policy 2 (b) and policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

5. Notwithstanding the approved details, prior to their first use on site full details of all boundary treatments, gates and railings including the materials and specification proposed shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be implemented prior to the first occupation of the building in accordance with the approved materials and details specified and shall be permanently maintained as such.

Reason: To protect the character and appearance of the area, minimise the effect of development on the area and provide adequate privacy in accordance with

policy 2 (a) , policy 8 (d) (i) and policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

6. The development hereby permitted shall be carried out in accordance with the hereby approved landscaping scheme shown on drawing number. MK PE DR 01 Rev B. The approved landscaping details shall be fully implemented within the first planning season following the first occupation of the development. 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 of 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. All hard and soft landscape works shall be carried out prior to the occupation of the buildings or the completion of the development whichever is the sooner or in accordance with a programme agreed in writing by the local planning authority.

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

7. Notwithstanding the approved tree survey and tree protection plan, prior to the commencement of development a detailed arboricultural method statement and tree protection plan shall be submitted to and approved in writing by the local planning authority. The development should be implemented in accordance with the approved details and all trees should be protected to the latest British Standards (currently BS5837:2012) prior to any site preparation or construction works starting and throughout the construction process.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitat 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. No development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been submitted to 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 Local Planning Authority);
- (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local 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, and the results made available, in accordance with policy 2 (d) of the North Northamptonshire Joint Core Strategy and paragraph 205 of the

National Planning Policy Framework.

9. The development hereby permitted shall not be commenced until such time as a scheme based on the approved Flood Risk Assessment report reference: 857-FRA-01-A prepared by MAC Ltd dated 14th April 2023 to ensure that no loss of floodplain capacity is lost as a result of the proposed development has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: to reduce the risk of flooding to the proposed development and surrounding catchment in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

10. The development hereby permitted shall not be commenced until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment report reference: 857-FRA-01-A prepared by MAC Ltd dated 14th April 2023. Will be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- i. details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
- ii. details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- iii. cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices

Reason: to prevent the increased 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 North Northamptonshire Joint Core Strategy.

11. The development hereby permitted shall not be commenced until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the local planning authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Details are required of which organisation or body will be the main maintaining body where the area is multifunctional with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls shall be included. Maintenance operational areas are to be identified and shown on the plans, to ensure there is room to gain access to the asset,

maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required.

Reason: to ensure that the drainage systems associated with the development will be adopted and maintained appropriately in perpetuity of the development, to reduce the potential risk of flooding due to failure of the proposed drainage system in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

12. No occupation of the development shall take place until a verification report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment report reference: 857-FRA-01-A prepared by MAC Ltd dated 14th April 2023 has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the local planning authority.

The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV confirmation that the system is free from defects, damage and foreign objects.

Reason: to ensure the installed surface water drainage system is satisfactory and in accordance with the approved reports for the development site in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

13. The development hereby permitted shall not be commenced until such time as a scheme to ensure finished floor levels are set no lower than 48.10 metres Above Ordnance Datum have been submitted to and approved in writing by the local planning authority.

The scheme should demonstrate that no development other than in line with the approved Flood Risk Assessment report reference: 857-FRA-01-A prepared by MAC Ltd dated 14th April 2023 is located within the anticipated flood flow route(s).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: to reduce the risk of flooding to the proposed development and future users and to ensure that pluvial flood flow routes are not displaced causing flooding to others in accordance with Policy 5 of the North Northamptonshire Joint Core Strategy.

14. Prior to commencement of the development, a scheme to assess the impact of the adjacent commercial premises on the proposed development shall be submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that the 'agent of change' principle in accordance with

paragraph 187 of the National Planning Policy Framework has been considered and the applicant should demonstrate that the new development can be integrated effectively with existing businesses and community facilities. This should include an odour assessment relating to the emissions from local commercial cooking extraction systems as well as an assessment of noise and other disturbances from the local commercial uses including but not limited to fixed plant (such as cooking extraction systems, air conditioning, chiller units etc) and site deliveries.

The approved scheme and any mitigation measures required shall be implemented prior to the first occupation of the development and maintained thereafter.

Reason: in the interest of safeguarding residential amenity in accordance with Policy 8 (e) (ii) of the North Northamptonshire Joint Core Strategy.

15. 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 to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the development and thereafter 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 (e) (i) of the North Northamptonshire Joint Core Strategy.

16. Prior to the commencement of development a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of safeguarding highway safety, residential amenity and biodiversity in accordance with policy 8 (e) (i) and (ii) and Policy 4 of the North Northamptonshire Joint Core Strategy.

17. 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.

18. Prior to the commencement of the development details of the external lighting scheme proposed shall be submitted to and approved in writing by the local planning authority. The scheme should be designed to avoid illuminating Swanspool Brook and trees surrounding the site in order to maintain dark areas for bats and wildlife. Prior to the first occupation of the development, the lighting scheme shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: to ensure the impact on the amenity of the neighbouring residential occupiers and protected species is acceptable in accordance with policy 4 and policy 8 (e) (ii) of the JCS.

19. 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.

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

20. The windows on the north elevation serving the bathrooms to flats 1, 5 and 9 shall be glazed with obscure glass. The level of obscurity shall be a minimum level 3 of the Pilkington range of textured glass or equivalent. The windows shall not be altered to clear glazing without the specific grant of planning permission from the local planning authority.

Reason: In the interests of privacy and residential amenity for future occupiers and existing neighbouring properties in accordance with Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

21. Prior to the first occupation of the development, the existing vehicular crossing must be closed, and all highway surfaces affected by the proposals reinstated, using similar materials to adjoining paving, in accordance with the specification of the Local Highway Authority and subject to a suitable licence/agreement under the Highways Act 1980.

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

22. Prior to the commencement of the development hereby approved a timetable and plan shall be submitted to and approved in writing by the local planning authority which sets out the details of temporary access arrangements for the existing cycleway/footpath and when the realigned cycleway/footpath on site and associated signage and road markings to adoptable standards shall be implemented. The approved details shall be retained as such thereafter.

Reason: in the interests of suitable access provision and highway safety in accordance with policy 8 (b) (i) of the North Northamptonshire Joint Core Strategy.

23. Prior to the first occupation of the development hereby permitted details of the secure covered cycle parking as indicated on the approved plans shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be implemented in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

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

24. 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.

25. No development shall commence until the applicant has submitted details which demonstrate the crime prevention and security measures for the development including details of any CCTV/alarm/entry systems for the building and gates, specification of the railings and the lobby and letterboxes in the communal areas. The details should show how these measures will be adequately installed and maintained. Prior to the first occupation of any dwelling 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 (e) (iv) of the North Northamptonshire Joint Core Strategy.

26. Prior to the commencement of development, the landowner and any other party with a legal interest in the site, must enter into a Section 106 planning obligation by way of a unilateral undertaking for the following planning obligations (index linked to Q3 2023):
- One unit of affordable housing on site to meet local affordable housing need
 - Secondary education contribution of £7,206.00
 - Police infrastructure contribution of £4,764.00
 - Libraries contribution of £1,710.00
 - Healthcare contribution of £22,453.20
 - Open space contribution of £24,545.23
 - Playing pitch contribution of £9,337.00
 - Indoor Sports contribution of £8,479.00

Reason: to ensure adequate facilities and infrastructure are provided to serve the development in accordance with Policies 7 (a), 10 (a), 10 (c), 30 (d) of the North Northamptonshire Joint Core Strategy and Policies GI4 and GI5 of the Plan for the Borough of Wellingborough.

11. 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 North Northamptonshire Council 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.
3. Environmental permit The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permissionFor further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.
4. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
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Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

6. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
7. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
8. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
9. It should be noted that the Local Authority, in considering compliance with the noise scheme condition has regard to both internal and external amenity space noise levels. Applications may be refused where the external noise levels or internal noise levels with open windows do not meet the standards required. Whilst there is some flexibility to the standards outlined in BS8233:2014 this can only be applied where planning policy supports the need for the development.

The applicant shall have regard to the suitability of the type of residential accommodation in the proposed location and its design and layout before consideration of glazing and ventilation specifications.

The scheme can be informed by measurement and/or prediction using noise modelling provided that the model used has been verified. Only an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives contact details of acoustic consultants - www.ioa.org.uk.

10. The Statement required to discharge the Construction Environmental Management Plan of this consent is expected to cover the following matters:
 - the parking and turning of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works;
 - design of construction access;

- hours of construction work;
 - measures to control overspill of light from security lighting;
 - measures for the storage and control of chemicals, vehicle fuels or lubricants left at the site;
 - details of a pollution prevention plan and pollution control equipment.
11. Contractors and sub contractors must have regard to BS 5228-2:2009 "Code of Practice for Noise Control on Construction and Open Sites" and the Control of Pollution Act 1974. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health. Works audible at the site boundary outside the approved hours may result in the service of a Notice restricting the hours. Breach of the notice may result in prosecution and an unlimited fine and/or six months imprisonment.
 12. All gas fired boilers should meet a minimum standard of 40 mgNO_x/Kwh.
 13. Due to the underlying geology present throughout Northamptonshire, the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use. Your attention is drawn to the Northants Contaminated Land Group Developers Guide which is available on the Council website.
 14. The North Northamptonshire Joint Core Spatial Strategy 2011-2031 policy 10 (e), Provision of Infrastructure, encourages developers to provide for fast broadband to new buildings (including but not exclusive to housing, commercial, retail or leisure) by partnering with a telecommunications provider or providing on site infrastructure to enable the premises to be directly served - this should be gigabit capable and where possible, full fibre connectivity. This supports the government's Gigabit programme and local targets to see 80% full fibre and 90% gigabit coverage by the end of 2028. Developers should approach telecoms providers at the earliest opportunity to agree gigabit-ready infrastructure and connectivity plans. The network capability delivered by full fibre technology supports the fastest broadband speeds available, is considered future proof, and will bring a multitude of opportunities, savings and benefits. It may also add value to the development and is a major selling point to attract potential homebuyers and occupiers, with many people now regarding fast broadband as one of the most important considerations.

Efficiencies can be secured if ducting works and other network infrastructure is planned early and 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. These documents can be found at: <http://www.standardsforhighways.co.uk/ha/standards/mchw/index.htm>.

Streetworks UK Guidelines on the Positioning and Colour Coding of Underground Utilities' Apparatus can be found here National Joint Utilities Group (streetworks.org.uk). Proposals should also be compliant with Part R, Schedule 1 of the Building Regulations 2010 (soon to be amended to strengthen requirements for gigabit connectivity to new dwellings) and the Approved Document R.

Some telecoms network providers have dedicated online portals providing advice for developers, including:

Openreach Developer Portal (openreach.co.uk)

Virgin Media <http://www.virginmedia.com/lightning/network-expansion/property-developers>

Gigaclear networkbuildcare@gigaclear.com (rural areas and some market towns)

OFNL (GTC) <http://www.ofnl.co.uk/developers>

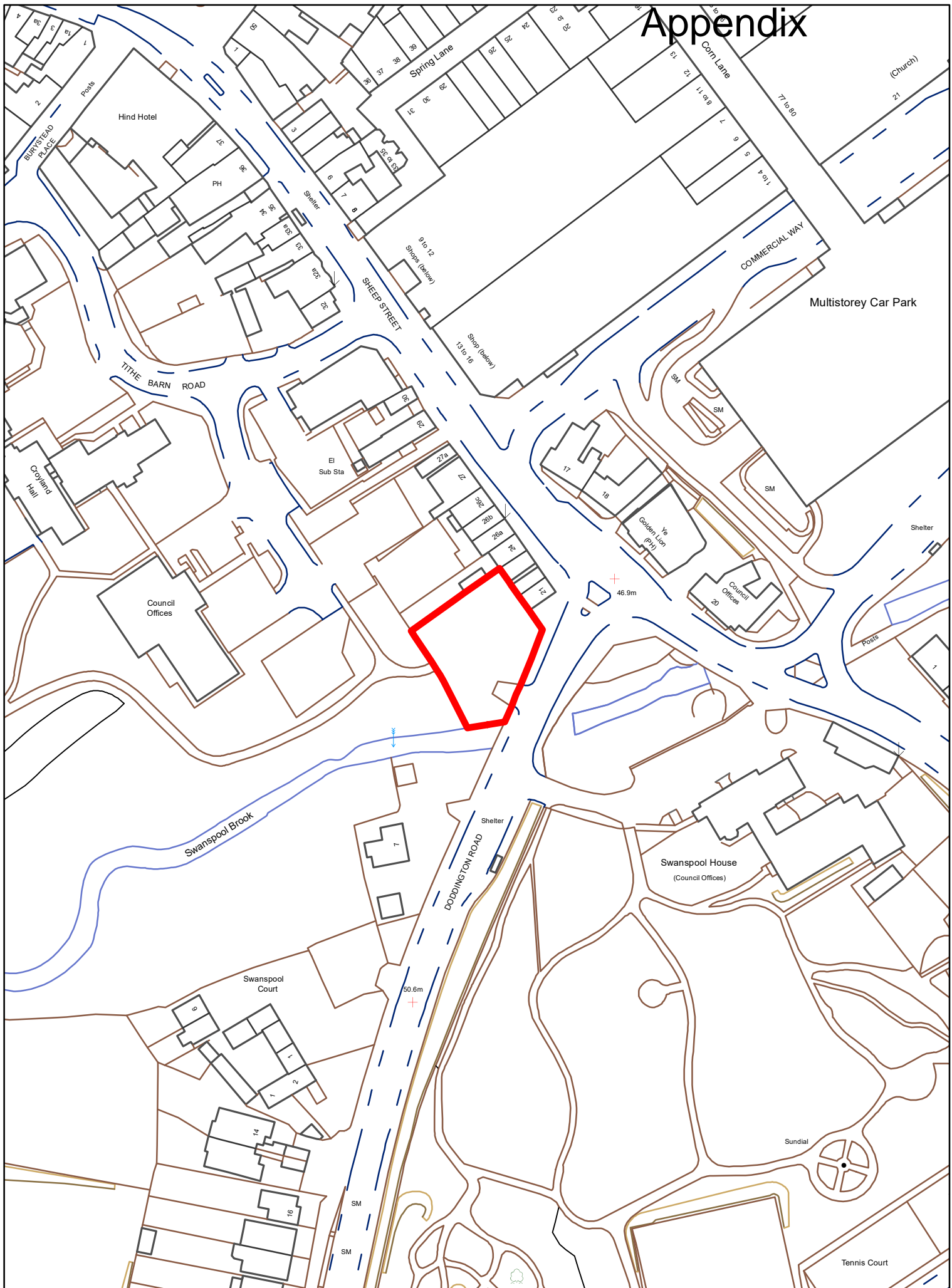
CityFibre <http://cityfibre.com/property-developers>

Details of other fibre network providers operating locally can be found here <http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx>.

For help and advice on broadband connectivity in North Northamptonshire email the Superfast Northamptonshire team at bigidea.ncc@northnorthants.gov.uk

15. 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 https://www.wellingborough.gov.uk/info/200011/building_control/1039/street_naming_and_numbering

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North Northamptonshire South Area Planning Committee (Wellingborough)

Application Reference	NW/23/00138/FUL	
Case Officer	Mr Graham Northern	
Location	57 & 59 College Street Wellingborough Northamptonshire NN8 3HF	
Development	Conversion of 2 no. existing terraced houses into 4 no. supported living apartments (C3A).	
Applicant	Heathcotes Care Limited	
Agent	Mr Nathan Turner	
Ward	Croyland and Swanspool Ward	
Overall Expiry Date	28 April 2023	
Agreed Extension of Time	23 July 2023	
Checked	Senior Development Management Officer	Debbie Kirk

List of Appendices

Appendix A – Appeal Decision APP/M2840/W/22/3304578

Appendix B – Decision Notice NW/22/00116/FUL

Scheme of Delegation

This application is brought to committee because it falls outside of the council's scheme of delegation as more than 5 neighbour objections have been received and the recommendation is for approval.

1. Recommendation

- 1.1 That planning permission be **GRANTED** subject to the conditions listed at the end of the report

2. The Application Proposal and Background

2.1 This application seeks planning permission for four no. one-bedroom self-contained supported living apartments (C3a) through the conversion of two existing three-bedroom terraced houses.

2.2 The proposed conversion results in minimal external alterations, by adding a new external door to the shared access. Any other elevation changes will be purely cosmetic, with replacement doors and windows where appropriate.

2.3 The applicant states the following in terms of the use:

“The proposal will result in suitable accommodation to provide low level support to those with a mental health and associated Autism diagnosis, enabling them to further develop their autonomy and positively engage with their local community.

All New Direction staff have a foundation in ‘Positive Behaviour Support’ (PBS) and ‘Skilled Helper’ training.

Staffing will be made available to the people they support, in line with their individualised needs and in accordance with their care and support plans. In addition to allocated support hours, there will be a 24 hour on-call system available.

The proposed development will be operated by a Registered Social Landlord as supported living accommodation, and all necessary support will be provided to residents according to their specific care plan in their own home.”

Background

2.4 This application is a resubmission of reference NW/22/00116/FUL, which was recommended for approval by officers but refused by the Wellingborough Area planning committee on 6 April 2022. The Wellingborough Area planning committee resolved to refuse the conversion of 2 no. existing three-bedroom terraced houses into 4 no. one bedroom supported living apartments (C3A) for the reason set out below:

“The proposed development would result in unacceptable noise, loss of amenity of local to local residents and the general environment. The proposed development would be contrary to policy 8 (e) (i) and (ii) of North Northamptonshire Joint Core Strategy and advice contained within paragraph 130 (f) of the National Planning Policy Framework.”.

2.5 A planning appeal, reference number APP/M2840/W/22/3304578, was submitted to the Planning Inspectorate and was subsequently dismissed on 12 January 2023 on the basis that information relating to the mitigation of the development’s impact on

the Upper Nene Valley Gravel Pits SPA was not provided to the Planning Inspector. This was the Planning Inspectors only ground for dismissing the appeal.

2.6 The SPA Payment and a Habitats Mitigation Contribution Agreement form have been provided.

3. Site Description and Surroundings

3.1 The application site consists of two 3-bedroom terraced properties situated on College Street on the outskirts of Wellingborough town centre.

3.2 The properties are of brick construction with projecting bay windows to the ground floor. One of the properties has a concrete interlocking tiled roof and the other slate.

3.3 The area is characterised by predominately dense terraced housing with brick and render the main building material and slate and tile roofs the main roofing material.

3.4 Both properties have a small front garden enclosed by stone walling. No off-street parking is available.

4. Relevant Planning History

WP/14/00754/FUL	Approved with conditions Erection of part single/part 2-storey rear extension	29.12.2014
NW/21/00876/FUL	Refused Four no. one-bedroom self-contained apartments (C3) from the two existing three-bedroom terraced houses.	22.11.2021
NW/22/00116/FUL	Refused Conversion of 2 no. existing three-bedroom terraced houses into 4 no. one bedroom supported living apartments (C3A)	07.04.2022

Appeal

22/00015/REF Conversion of 2 no. existing three-bedroom terraced houses into 4 no. one bedroom supported living apartments (C3A) Appeal Dismissed 12 January 2023.

5. Consultation Responses

A full copy of all comments received can be found on the Council's Website <https://www.wellingborough.gov.uk/viewplanningapplications>

5.1 Wellingborough **Town Council** – the committee endorse NNC highway engineers' comments that further information to satisfy the provision for off street parking accommodation in accordance with the Northamptonshire Parking

Standards and satisfy policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy. The committee also endorse for the parking beat survey to be repeated at an acceptable time to show a true reflection of parking available. If these requirements are met the committee do not object to this application.

5.2 Neighbours/Responses to publicity – 6 individual letters of objection from residents in the vicinity of the site, an interested party and a petition have been received raising the following matters:

Lack of parking/Intensification of on street parking
Noise and disturbance from the number of units
Overlooking
Location of bathroom

5.3 Local highway Authority (LHA) - Initial Comment – The parking beat survey was undertaken in a down period (holiday) and as such should be repeated.

Final Comments - The parking survey submitted in support of the application indicates that sufficient on street accommodation can be found in the vicinity of the application site. The Local Highway Authority does not intend to raise an objection to the application on highway safety or capacity grounds.

5.4 NNC Environmental Protection Officer (contamination) – No objections to this application concerning land contamination issues.

5.5 Northamptonshire Police – recommend informative:

The application must meet the requirements of Part Q building regulation 2015 in relation to security as stated by the regulation. Part Q states: The guidance in this approved document applies to new dwellings only; this includes dwellings formed by a change of use. All doors including individual apartment doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products.

5.6 NNC housing development officer – remain supportive of the additional supported housing in the area. The need is demonstrated in the most recent HENA which was carried out in 2022 and results will be published shortly.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

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

Policies:

- 1 (presumption in favour of sustainable development)
- 3 (landscape character)
- 4 (biodiversity & geodiversity)
- 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)

6.4 Other Relevant Documents:

Sustainable Design
Upper Nene Valley Special Protection Area
Planning Out Crime in Northamptonshire
Parking

7. Evaluation

The key issues for consideration are:

- principle of development and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- the Upper Nene Valley Special Protections Area;
- living conditions of future occupiers (compliance with national space standard, national accessibility standards);
- living conditions of the neighbouring occupiers;
- housing mix;
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- Crime and disorder

7.1 Principle of Development 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.”*

7.2 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.

7.3 In addition to the specific NPPF requirements set out above, paragraph 132 states that ‘applicants will be expected to work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably’.

7.4 Each flat would be used as a supported living apartment falling under Class C3A of the Town and Country Planning (Use Classes) Order 1987 as amended ('the UCO'). Low level support would be provided to the four occupants, with the applicant describing such support as akin to an elderly person living within their own home and receiving limited care/support. Policy H4 of PBW supports supported housing schemes that have good access to local facilities and public transport routes. The principle of conversion of the property for differing residential development of this site is broadly acceptable and would comply with policy H4 of PBW, however the proposals must also be considered against the other relevant policies in the development plan and other material considerations.

7.5 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.

7.6 The government at paragraph 130 (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.

7.7 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.

7.8 The proposed conversion results in minimal external alterations but includes a new external door to the shared access. Any other elevation changes would be purely cosmetic, with replacement doors and windows where appropriate. As such the proposals are considered in accordance with policy 8 (d) (i) & (ii) of the JCS.

7.9 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').

7.10 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.

7.11 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.

7.12 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.

7.13 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 **£322.41** (application made valid on 3 March 2023) (**2 x £322.41 = £644.82**) made 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.

7.14 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.

7.15 **Housing mix**

7.16 Policy 30 (a) (i) of the JCS seeks to the mix of house types within developments to reflect the need to accommodate smaller house households with an emphasis on the provision on small and medium sized dwellings (1 to 3 bedroom) include where appropriate dwellings designed for older people.

7.17 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.

7.18 The proposals seek to create 4 No 1-bedroom units and the scale of the development is not considered to result in an overconcentration and meets the need for small units especially in terms of supported living. NNC housing development officer is supportive of the additional supported housing in the area. The need is demonstrated in the most recent Housing Enabling Needs Assessment. As such the proposals comply with policy 30 (a) (i) & (ii) of the JCS.

7.19 **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.

7.20 The proposals create the following ground and first floor apartment sizes:

- Ground Floor Self-Contained Apartments – 37.0 square metres.
- First Floor Self Contained Apartments – 50.4 square metres.

7.21 The proposals for the ground floor apartments meet the minimum gross internal floor area set out in the national space standards for a 1 bed 1 person 1 storey dwelling with a shower which require a minimum gross internal area of 37 square metres or with a bath 39 square metres. The proposals for the first floor apartments exceed meet the minimum gross internal floor area set out in the national space standards for a 1 bed 2-person 1 storey dwelling.

7.22 All bedrooms are single occupancy and over the minimum gross internal area of 7.5 square metres in floor area for a single bedroom. The ground and first floor flats have built in storage measures which exceed the required 1.0 square metre.

7.23 The proposals as such comply with policy 30 (b) of the JCS.

7.24 National Accessibility Standards

7.25 Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility Standards as a minimum. During the consideration of this application, the applicant's agent indicated that they would not be able to fully comply with this policy requirement. As such, justification and further details were sought. The applicant's agent has indicated that due to the conversion of an existing dwelling into two one-bedroom flats and the constraints on the site, that not all elements of the standard can /will be met. However, a statement has been provided which sets out which parts of the standards will be met, and these are acceptable and justified

7.26 In this instance, the applicant is considered to have satisfactorily demonstrated that the site is too constrained to comply with several of the criteria set out under category 2 of the national accessibility standards.

7.27 The council is seeking a range of housing types to be provided with the growth town of Wellingborough, not just for older persons being designed for people with mobility issues. It would be acceptable in this instance for this small-scale development not to comply with category 2 of the national accessibility standards and be built in accordance with the submitted statement.

7.28 Living conditions of the neighbouring occupiers

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

7.30 At paragraph 130 (f) of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users.

7.31 6 objections have been received and the points raised are noted.

7.32 Representations have raised the level of accommodation and the activity from this and whilst the proposals result in 4 residential units these are single bedroom one person units as such 4 persons in total and when compared to the present 2 No 3 bedroom homes which could accommodate a higher number of people due to the higher number of bedrooms it is considered that the proposals will not result in a significant level of activity that would impact on residential amenity. Furthermore, the planning inspector considered that 'the existing dwellings each contain three bedrooms which could be occupied by a family. The proposal would contain four one-bedroom flats that would each be occupied by a single person. The comings and

goings associated with two, three-bedroom family homes would, in my opinion, result in more activity than the proposed development, even when considering the additional low-level support that the occupants may receive. Therefore, the proposal would not result in a level of activity that would unacceptably affect the living conditions of the occupiers of the adjacent neighbouring properties’.

7.33 Overlooking and privacy has also been raised, there are no changes to the positioning of the existing windows within each property and the use would remain domestic in nature and fall within the definition of a Use Class C3A dwellinghouse. Therefore, the degree of overlooking of neighbouring properties would not change, and therefore the harm to the occupiers of neighbouring properties in this respect would not be adversely affected.

7.34 Matters such as property values, property maintenance, behaviour of previous residents, damage during construction are not planning matters.

7.35 To facilitate the proposed development, the existing first floor accommodation within each terraced property would be altered to include an en-suite within the front bedroom, the larger rear bedroom would be altered to a lounge, and the smaller rear bedroom would be altered to a kitchen. The first-floor lounges would share a party wall with each other, whilst the proposed en-suite and kitchen of each first floor apartment would share a party wall with a neighbouring terraced property. Concern has been raised by neighbouring occupiers that the internal reconfiguration would lead to noise and disturbance. It is recognised that the provision of a kitchen and an en-suite along the party wall could result in more noise and disturbance to the occupiers of the bedrooms of the adjacent neighbouring properties. However, the proposed development would be subject to the requirements of Part E of the Building Regulations that sets out the soundproofing standards for new homes and conversions. There is nothing to suggest that the development would not be undertaken in compliance with Building Regulations and therefore the living conditions occupiers of the adjacent properties should not be adversely affected by the proposed internal reconfiguration. In addition, the inclusion of an en-suite within the first-floor front bedroom could be undertaken without planning permission and without complying with Part E of the Building Regulations.

7.36 The proposed development would not significantly affect the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance and privacy. The proposal would therefore comply with Policy 8(e)(i) and (ii) of JCS which seek to, amongst other things, not result in an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of noise and overlooking. The proposal would also comply with paragraph 130(f) of the NPPF which seeks to, amongst other things, create places with a high standard of amenity for existing users.

7.37 Highway safety

7.38 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.

7.39 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.

7.40 Parking

7.41 Parking accommodation should be provided in accordance with the Northamptonshire parking standards (2016) and satisfy policy 8 (b) (i) of the JCS. A one-bedroom unit should provide one allocated parking space. A two- and three-bedroom unit should provide two allocated parking spaces.

7.42 The properties have no off-street parking as it exists, and a three-bedroom dwelling would generally require two off street parking spaces to meet parking standards. The proposals create 4 one-bedroom apartments which would require one parking space each to meet the parking standards. One covered cycle parking space per bedroom should be provided.

7.43 NNC senior highway engineer has been consulted on this application and has raised no objection to the application on highway safety and capacity grounds but has noted that the proposal makes no provision for off street parking. The senior highway engineer has indicated that based on the information provided and in their professional judgement there is sufficient information available that the local highway authority could not sustain an objection to the proposals.

7.44 The applicants have undertaken a parking beat survey in support of this application which demonstrates suitable on street space exists for parking. The parking beat survey was undertaken on Saturday 13 May 2023 and Tuesday 16 May 2023 between 01:00am and 05:30 am and found a total of 71 spaces available within 200 metres walking distance of the site on the Saturday and 65 available within 200 metres walking distance on the Tuesday.

7.45 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. A condition should be imposed seeking details of the covered cycle store to be provided to serve each dwelling.

7.46 On balance, it is considered the applicant has demonstrated that sufficient parking is available in the wider context and the residual cumulative impacts on the road network would not be severe therefore the proposal is in compliance with policy 8 (b) (i) and (ii) of the JCS and advice contained within paragraph 111 of the NPPF and is acceptable in highway terms.

7.47 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.

7.48 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.

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

7.50 The revised NPPF at paragraph 130 (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.

7.51 The proposals result in limited external changes; Northamptonshire police recommend the imposition of an informative relating to part Q of the building regulations in terms of security. Part Q states: The guidance in this approved document applies to new dwellings only; this includes dwellings formed by a change of use.

- All doors including individual apartment doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products. With the inclusion of the above informative the proposed development is considered to accord with policy 8 (e) (vi) of the JCS.

8. CONCLUSION/PLANNING BALANCE

8.1 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 transport considerations. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

8.2 Members are also advised that the reason for refusal in the previous application that ended up at appeal were not considered sufficient grounds of refusal by the planning inspector and the appeal was purely dismissed on a technicality in terms of the SPA payment which is resolved in this submission.

9. Other Matters

9.1 Health Impact Assessment

Paragraph 92 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion (c) of this seeks to enable support healthy lifestyles for example, layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds.

9.2 **Equality** – The proposed dwellings will provide accommodation for single persons in need a supported living and would meet the national space standards.

10. RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to the conditions listed below.

11. Conditions

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 plans and documents:

Drawing 21-2370-(LP) A4 Site Location Plan Received 03.03.23

Drawing 21-2370-(01)04 Rev P2 Proposed Layout and site plan Received 06.07.23

Supplementary Access Statement Rev P1 received 03.03.23

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. The development hereby approved shall be used for 4 No single occupancy supported living apartments within use class C3 (a) (and not for any other purpose) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 only.

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

4. 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.

5. Prior to the first occupation of the development hereby permitted details of the proposed bicycle parking shall be submitted to and approved in writing by the local planning authority and the scheme approved shall be provided and be retained thereafter.

Reason: To ensure the provision and availability of adequate cycle parking in accordance policy 8 (b) (i) 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.

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.

12. 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 https://www.wellingborough.gov.uk/info/200011/building_control/1039/street_naming_and_numbering

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

4. The application must meet the requirements of Part Q building regulation 2015 in relation to security as stated by the regulation. Part Q states: The guidance in this approved document applies to new dwellings only; this includes dwellings formed by a change of use. All doors including individual apartment doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products.

Appeal Decision

Site visit made on 13 December 2022

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/M2840/W/22/3304578

57 & 59 College Street, Wellingborough, Northamptonshire NN8 3HF

- 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 Tony Hardie of Jackson Design Associates Ltd against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00116/FUL, dated 23 February 2022, was refused by notice dated 7 April 2022.
 - The development proposed is the conversion of 2no existing terraced houses into 4no supported living apartments (C3A).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Tony Hardie of Jackson Design Associates Ltd against North Northamptonshire Council. This application is the subject of a separate decision.

Procedural Matters

3. The address within the banner heading above differs from that on the planning application form. However, it is clear from the submitted Location Plan that the appeal site incorporates both 57 and 59 College Street. This was confirmed by the appellant when the appeal was registered. I have therefore determined the appeal on this basis.

Main Issue

4. The Council has stated that the appellant has paid directly to them a sum of money towards measures to mitigate any adverse impacts of the development on the Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site. The Council has confirmed that this satisfies their requirements. Nevertheless, it is incumbent upon me as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA. It is therefore necessary for me to consider this matter as a main issue.
5. Therefore, the main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance and privacy; and
 - the integrity of the SPA.

<https://www.gov.uk/planning-inspectorate>

Reasons

Living Conditions of Occupiers of Neighbouring Properties

6. The appeal site comprises two two-storey terraced dwellings sited adjacent one another. They are located on a predominantly residential street of terraced properties, close to the town centre of Wellingborough. The proposed development would involve the conversion of each terraced property into two flats (one on the ground floor and one on the first floor) that would be accessed independently and share the existing rear garden. Each flat would be used as a supported living apartment falling under Class C3A of the Town and Country Planning (Use Classes) Order 1987 as amended ('the UCO'). Low level support would be provided to the four occupants, with the appellant describing such support as akin to an elderly person living within their own home and receiving limited care/support.
7. The existing dwellings each contain three bedrooms which could be occupied by a family. The proposal would contain four one-bedroom flats that would each be occupied by a single person. The comings and goings associated with two, three-bedroom family homes would, in my opinion, result in more activity than the proposed development, even when considering the additional low-level support that the occupants may receive. Therefore, the proposal would not result in a level of activity that would unacceptably affect the living conditions of the occupiers of the adjacent neighbouring properties.
8. To facilitate the proposed development, the existing first floor accommodation within each terraced property would be altered to include an en-suite within the front bedroom, the larger rear bedroom would be altered to a lounge, and the smaller rear bedroom would be altered to a kitchen. The first floor lounges would share a party wall with each other, whilst the proposed en-suite and kitchen of each first floor apartment would share a party wall with a neighbouring terraced property. Concern has been raised by third parties that the internal reconfiguration would lead to noise and disturbance.
9. It is recognised that the provision of a kitchen and an en-suite along the party wall could result in more noise and disturbance to the occupiers of the bedrooms of the adjacent neighbouring properties. However, the proposed development would be subject to the requirements of Part E of the Building Regulations that sets out the soundproofing standards for new homes and conversions. There is nothing to suggest that the development would not be undertaken in compliance with Building Regulations and therefore the living conditions occupiers of the adjacent properties should not be adversely affected by the proposed internal reconfiguration. Furthermore, I note that the Council's Environmental Protection Officer in respect of noise and air quality, has not raised an objection in this regard or recommended the provision of conditions. In addition, the inclusion of an en-suite within the first floor front bedroom could be undertaken without planning permission and without complying with Part E of the Building Regulations.
10. Concern has been raised that the positioning of a kitchen adjacent to a first floor bedroom would result in cooking smells penetrating into the bedroom when the bedroom window is open, adversely affecting the living conditions of the occupiers of the neighbouring properties. The first floor kitchen windows would be located in close proximity to the bedroom window in the neighbouring properties. However, the apartment would be occupied by a single person and

therefore the kitchen would have a domestic intensity that would be lower than a family-occupied dwelling. Furthermore, an additional window is positioned within the kitchen that faces away from the neighbouring properties, and there is nothing to suggest that mechanical extraction would not be fitted within the kitchen areas to reduce the effects of any cooking smells. I also note that the Council's Environmental Protection Officer in respect of noise and air quality, has not raised an objection in this regard or recommended the provision of conditions.

11. There are no changes to the positioning of the existing windows within each property and the use would remain domestic in nature and fall within the definition of a Use Class C3A dwellinghouse. Therefore, the degree of overlooking of neighbouring properties would not change, and therefore the harm to the occupiers of neighbouring properties in this respect would not be adversely affected.
12. Concern has been raised by third parties in respect of the previous use of the dwellings as supported living accommodation and the associated impact that this had on the living conditions of occupiers of neighbouring properties. However, the previous use was as shared supported living units, rather than independent supported living units and it would be operated by a different company, albeit linked to the original provider. The proposal would promote a greater level of independence for occupiers compared to the previous use. Furthermore, the appellant has stated that each occupier would have a tenancy agreement with a Registered Provider (RP) and therefore should an issue arise, the RP would be able to take steps to resolve it or ultimately end the tenancy of the occupier. The differences between the previous and proposed use is such that a direct comparison cannot be made. In any event, each proposal must be determined on its own merits.
13. In respect of the first main issue, the proposed development would not significantly affect the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance and privacy. The proposal would therefore comply with Policy 8(e)(i) and (ii) of the North Northamptonshire Joint Core Strategy 2011-2031, adopted 2016 (CS) which seek to, amongst other things, not result in an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of noise and overlooking. The proposal would also comply with paragraph 130(f) of the National Planning Policy Framework (NPPF) which seeks to, amongst other things, create places with a high standard of amenity for existing users.

Integrity of the SPA

14. The appeal site lies within 3km of the SPA. This is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations'). The Habitats Regulations impose a duty on me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA, either alone or in combination with other plans and projects. In 2018, the Court of Justice of the European Union held that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA),

rather than at the screening stage¹. This responsibility now falls to me as the competent authority.

15. Evidence shows that the SPA is under significant pressure from an increase in the level of public access for recreation, and disturbance of bird and reptile species, as a result of urban development. The proposed development has the potential to impact on the integrity of the SPA, through increased recreational disturbance. The increase in recreational pressure can lead to an increase in wildfires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion. Accordingly, disturbance by humans and their pets, amongst other factors, can have an adverse effect on the SPA.
16. There would be a likelihood of future occupiers visiting the SPA. Natural England has advised that the proposed development would be likely to result in recreational disturbance to the bird populations. I therefore conclude that the proposal, particularly when combined with other development in the area, would have a significant effect on these habitat designations through increased disturbance arising from recreational activity.
17. The Habitats Regulations state that permission may only be granted after I have ascertained that the development will not affect the integrity of the SPA. As part of my assessment, I must therefore consider whether the impact of the development could be mitigated. The Council has been operating a strategy for the protection of the SPA, which is set out in the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document, adopted 2015 (SPD) and the Addendum to the SPA SPD: Mitigation Strategy, adopted 2016 ('the Addendum'). Natural England has stated that mitigation could be suitable and such measures could contribute towards the strategic mitigation project. The SPD identifies that mitigation could take the form of management of recreational activities, access/visitor management and habitat management.
18. The evidence before me suggests that the appellant has paid £299.95 per additional dwelling to the Council towards the mitigation strategy to mitigate any adverse impacts of the development on the SPA. This complies with the approach detailed within the Addendum. However, paragraph 4.4 of the Addendum requires the contribution to be secured either through a planning obligation or through a Section 111² template, to ensure the money is to be used for the Strategic Access Management and Monitoring (SAMM) of the SPA. Although requested, no evidence has been provided that either a planning obligation or a Section 111 template accompanied the payment of the monies. Without such a mechanism, the payment would not be properly secured, and therefore I am unable to give it any weight.
19. In respect of the second main issue, insufficient information has been submitted to verify that the proposal would not harm the integrity of the SPA. The proposal is therefore contrary to Policy 4 of the CS, which seeks to ensure the integrity of the SPA is protected.

Other Matters

20. Concern has been raised that the siting of the proposed first floor en-suites adjacent to the party wall with neighbouring properties could lead to damage,

¹ People over Wind and Sweetman v Collite Teoranta ECLI:EU:C:2018:244

² Section 111 of the Local Government Act 1972

such as leaks, and that the previous use of the properties as shared supported living units led to damage to neighbouring properties. There is nothing before me to suggest that the en-suites would not be installed correctly, that the proposed development or its future occupants would necessarily cause any damage to neighbouring properties, or that any future issues that may arise would not be dealt with in an appropriate manner.

21. Third parties dispute the findings of the appellant's Beat Survey submitted in support of the planning application, as they have great difficulty in parking on College Street. However, these comments have not been substantiated with evidence and I also note that the Local Highway Authority has not disputed the results of the survey. Therefore, there is nothing before me to dispute the result of the appellant's Beat Survey.
22. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149.
23. The negative impacts of dismissing this appeal would arise from people with a protected characteristic to not be able to live in the manner proposed at the appeal site. However, it does not follow from the PSED that the appeal should succeed. I have not been provided with evidence that the people who may reside at the appeal proposal are not currently being catered for elsewhere, or that there is an urgent need for such accommodation to be provided, particularly as the appeal site is currently vacant and was previously used for a similar type of development. My actions in this respect, and my decision therefore on the appeal, are a proportionate response to the requirements of the Act and those of the plan led system.

Conclusion

24. I have found for the appellant in regard to the first main issue and compliance with the development plan. As a lack of harm however, this would not be sufficient to weigh against my findings and subsequent conflict with the development plan in regard to the second main issue. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. For the reasons given above, and having regard to the development plan as a whole and all other matters raised, I conclude that the appeal is dismissed.

A Berry

INSPECTOR



**North
Northamptonshire
Council**

Development Management Service
Wellingborough Office
Swanspool House, Doddington Road
Wellingborough
NN8 1BP
Tel: 0300 126 3000
www.northnorthants.gov.uk

Name and address of agent:

**Mr Darren Binney
Jackson Design Associates Ltd
Latimer House
Latimer Way
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Newark
NG22 9QW**

Name and address of applicant:

**Mr Tony Hardie
Jackson Design Associates Ltd
Latimer Way
Sherwood Energy Village
Ollerton
NG22 9QW**

NOTICE OF REFUSAL

Town and Country Planning Act 1990 (as amended)

Part I – Particulars of application

**Date Valid:
23 February 2022**

**Application Number:
NW/22/00116/FUL**

Location:

57 & 59 College Street, Wellingborough, Northamptonshire, NN8 3HF

Description:

Conversion of 2 no. existing three bedroom terraced houses into 4 no. one bedroom supported living apartments (C3A)

Part II – Particulars of application

North Northamptonshire Council having considered a valid application for the above development, in pursuance of its powers under the above mentioned Act:

REFUSE PERMISSION

for the development as described in Part I above and in accordance with the application and plans submitted, subject to the following reason/s:

- 1. The proposed development would result in unacceptable noise, loss of amenity of local to local residents and the general environment. The proposed development would be contrary to policy 8 (e) (i) and (ii) of North Northamptonshire Joint Core Strategy and advice contained within paragraph 130 (f) of the National Planning Policy Framework.**

NW/22/00116/FUL
Page 1 of 4

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 proposed development is consistent with the relevant provisions in the framework.

2. Link to Policies for Refusals -

<http://www.nnjpu.org.uk/docs/Joint%20Core%20Strategy%202011-2031%20High%20Res%20version%20for%20website.pdf>

3. The following plans and documents have been refused:

Drawing 21-2370-(LP)A4

Site Location Plan Received 23.02.22

Drawing 21-2370-(01)04 REV P2

Proposed Layout and site plan Received 22.03.22 AD M4(2)

Supplementary Access Statement Document Reference: 21 / 2370/ SAS

Revision: P1 Date: March 2022 (5 pages) Received 22.03.22

Decision Date

7 April 2022

Signed:

George Candler 
Executive Director Place and Economy

Officer Ref: GN

NOTES:

1. In reaching this decision the Council has implemented the requirement in the National Planning Policy Framework to deliver sustainable development in a proactive and positive way in accordance with paragraph 38.
2. A full report is available at <https://www.wellingborough.gov.uk/viewplanningapplications>

3. RIGHT OF APPEAL:

If you are aggrieved by the decision of the local planning authority to refuse permission, then you can appeal to the Secretary of State under s.78 of the Town and Country Planning Act 1990.

The rules for lodging an appeal are set out in Article 37 of Town & Country Planning (Development Management Procedure) (England) Order 2015. The following is a summary of the rules:

1. If you wish to appeal against this decision you must do so on the Planning Appeal form. Appeals may be made online at <https://www.gov.uk/appeal-planning-inspectorate> . If you are unable to use the online service, please contact the Planning Inspectorate's Customer Services Team on 0303 444 5000.
2. Completed appeals (forms and supporting documents set out in the appeal form) must be received by the Planning Inspectorate within the relevant time scale set out in the table below. The Secretary of State has the power to allow a longer period for you to give notice of an appeal, but will not normally exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeal Type	Time Period
Appeal against decision where no enforcement action taken or pending	Six months from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none">• within two years before the date of the planning application, or• before the date of this planning decision and still in force.	28 days from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none">• on or after the date of this planning decision, and• is still in force.	The earlier of the following dates: <ul style="list-style-type: none">• 28 days from date enforcement notice is served, or• Six months from date of this decision notice

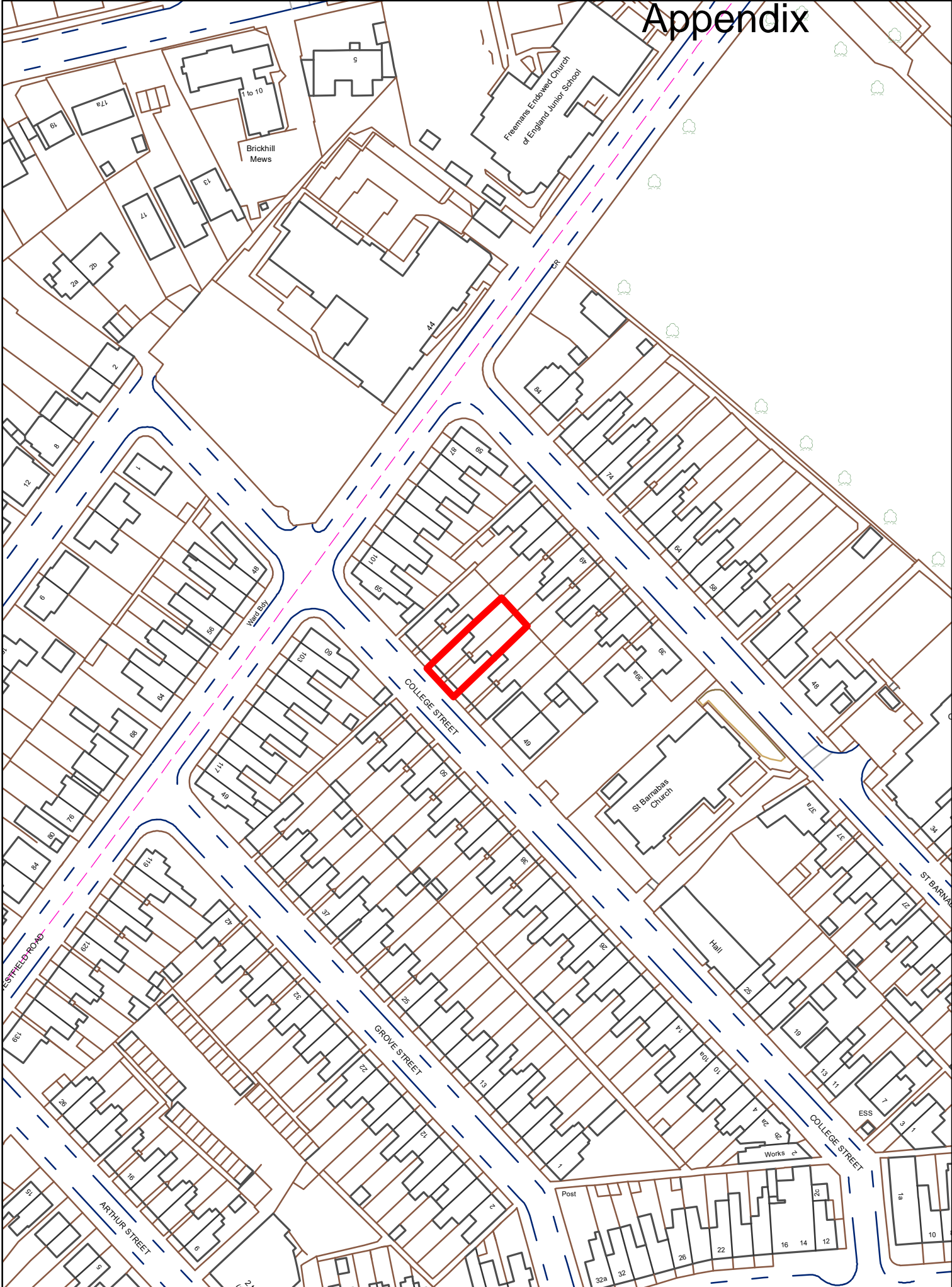
These time scales are in relation to the appeal against the planning decision.
The time scales for appeals against the enforcement notice (as set out in the enforcement notice) are not affected by this decision.

3. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

4. If you intend to submit an appeal that you would like examined by inquiry then you must notify the local planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on [Further details are on GOV.UK](#)

PURCHASE NOTICES:

If permission is refused, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



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North Northamptonshire Planning Committee (South) 19 July 2023

Application Reference	NE/23/00424/FUL
Case Officer	Chris Spong
Location	5 Dovecote Drive, Little Addington, Kettering NN14 4BE
Development	Extension to lower ground floor garage, bedroom extension over garage, single storey rear extension
Applicant	Mr Steve Baker
Agent	Copper Beech Architecture - Anna-Louise Jardine
Ward	Irthlingborough
Original Expiry Date	9 June 2023
Agreed Extension of Time	19 June 2023

Scheme of Delegation

This application is brought before the Planning Management Committee (South Area) because it falls outside of the Council's Scheme of Delegation. This is because a material written objection has been received from Little Addington Parish Council that is contrary to the Officer's proposed recommendation in terms of visual impact and impact on neighbouring amenity.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Extension to lower ground floor garage, bedroom extension over garage, single storey rear extension

3. Site Description

- 3.1 The site is located within an exclusively residential area of south-western Little Addington and comprises a split level bungalow with lower ground garage space and habitable space and a small terrace above. The dwelling itself is significantly setback from the highway to provide off-road parking for several vehicles but is sited centrally within the moderately sized rectangularly shaped plot (which tapers to the north-east).
- 3.2 The dwelling is constructed in a tan coloured brick with grey interlocking concrete roof tiles and white uPVC windows. Due to the topography of the surrounding area, the property also features an integral garage as part of the lower ground floor.
- 3.3 Despite minor variations in architectural features, the surrounding cul-de-sac is generally characterised by dwellings of a similar design, scale and massing to that of the application property. To the south-west of the site is open countryside.

4. Relevant Planning History

- 4.1 71/0164//OTR – Nine bungalows and garages – Approved – 24.03.1972
- 4.2 73/0098//OTR – Nine bungalows and garages – Approved – 04.05.1973.
- 4.3 84/00426/FUL - Side extension and covered passageway – Approved – 25.04.1984

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Little Addington Parish Council

Objection received 22.05.23 summarised as follows:

1. Covenants on all properties in Dovecote Drive which prohibits the parking of camper vans or motor homes on the properties.
2. The proposed terrace on the garage gives visibility into other people's properties and invades their privacy
3. Enlarging the property is not in keeping with the rest of the properties on the street
4. There is inadequate parking for the proposed bedroom capacity of the dwelling.

Officer response to Parish Council comments:

1. The covenant on all properties is a civil matter so cannot be given weight as part of the determination.
2. The terrace would overlook the front garden areas which are already visible from the public realm. In terms of the specific impacts on No.4

the terrace would be approximately 8 metres away and at quite an acute angle. The terrace would not be set high enough to introduce views down onto neighbouring dwellings. In addition, a relatively mature tree would also provide heavy screening to further prevent views into the nearest neighbouring windows from the terrace.

3. Although the proposal would protrude by an additional 2 metres, No's 4 and 1 have carried out similarly designed extensions.
4. The Highways team has no objection due to no intensification or increase in the number of parking spaces being required, as set out in the Northamptonshire Parking Standards document. The existing driveway and garage would in itself provide sufficient parking provision.

Additional comments from Little Addington Parish Council received 19.06.23 summarised as follows:

1. Queried whether the planning permission could include a condition that the motorhome is not parked at the property and if this would be enforceable.
2. The gardens at the front of the properties on Dovecote Drive are open. The proposed terrace looks down on Nos 1, 2, 6, 7 and 8. The angle of view depends on which way someone is looking and is not necessarily at an acute angle. The tree in question could easily be felled at a later date.
3. The extensions to Nos 1 and 4 have been above the garage without extending the garages forward. The verandas on these garages have been removed and there is therefore no external viewing platform at this level.
4. Happy with the parking arrangements. If the motorhome was parked at the property at a later date, how could the covenant be enforced?

5.2 Neighbours / Responses to Publicity

4 objections/ comments have been received which are summarised as follows:

- Covenant on all properties within Dovecote Drive which prevents residents from keeping motor homes on garden of respective properties.
- Impact on privacy/ overlooking caused by the extended terrace
- Impact on amenity due to the side of the garage obstructing light

5.3 North Northamptonshire Council – Highways

Comments received 28.04.23: The LHA can confirm no observations or objections to this application as the proposal does not demonstrate any intensification or increase in the number of parking spaces require.

5.4 North Northamptonshire Council – Ecology

Comments received 12.06.23: A check on the decision support tool below, for the address on the application form, indicates the need for a preliminary bat roost assessment of the building/structure to be affected, which will

inform the need for subsequent surveys. This PRA should be done by a suitably qualified ecologist.

Officer response to the Ecology Teams comments: Clarification was sought in order to establish the necessity of a preliminary roost assessment given that the proposal is for relatively minor works to an occupied 1970s dwelling. Justification specifically relating to the proposal was requested.

Additional comments from the Ecology Team received summarised as follows: The advice provided on the 12.06.23 still stands with reference made to the Wildlife and Countryside Act 1981.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

1 (Presumption in Favour of Sustainable Development)
4 (Biodiversity and Geodiversity)
8 (North Northamptonshire Place Shaping Principles)

6.4 Emerging East Northamptonshire Local Plan (LPP2) (2021)

EN1 (Spatial Development Strategy)
EN13 (Design of buildings/ Extensions)

6.5 Other Relevant Documents

North Northamptonshire Council - Householder Extensions Supplementary Planning Document (SPD) (2020).
Northamptonshire Parking Standards (2016)
Biodiversity SPD (2015)

7. Evaluation

The key issues for consideration are:

- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters

7.1 Visual Impact

7.1.1 Front extension

The two-storey front extension would protrude from the existing elevation of the application property by approximately 2.2 metres allowing for an increase in floor area in both the garage (lower ground floor) and the master bedroom

(ground floor). The ground floor extension would also reposition the existing terrace element.

- 7.1.2 The proposed works would be highly visible from the public realm and would therefore contribute significantly to the street scene. Although two-storey front extensions are not normally appropriate, given the relatively unique design of the property (i.e. split level), the moderately sized plot and the sloping topography, a two-storey extension would be appropriate and respond well to the local topography and the overall form, character and landscape setting of the streetscape..
- 7.1.3 The proposed works would essentially shift the existing elements of the property forward, simultaneously retaining existing elements (a small terrace area and its associated access) whilst also introducing new features (a gable end roof and small glass balustrade). The extension would only partially extend beyond the footprint of the existing building and would have ridge height lower than that of the host dwelling. As such, the extension would be subservient in both its built form and proportion with the original property. In addition, similarly designed gable front extensions have been constructed at both No.4 and No.1 Dovecote Drive. As such, the scheme would respond well to site's immediate and wider context.
- 7.1.4 Single storey rear extension
The flat roof rear extension would protrude from the rear elevation of the application property by approximately 2.2 metres with the proposed canopy infilling the space between the proposed extensions and the existing single storey side extension.
- 7.1.5 Whilst the geometry of the flat roof extension would not match that of the host dwelling, it would be constructed from materials that match that of the existing thereby lessening any significant visual impact. In addition, single storey flat roof extensions are not uncommon and can generally be achieved without an application for planning permission. In any case, the proposed works would be at the rear elevation of the property and therefore not readily open to views in the street scene thereby mitigating any adverse impact on the character and/ or appearance of the surrounding area.
- 7.1.6 Similarly, the proposed canopy would be lightweight and would also be almost entirely screened from the street scene by the host dwelling.
- 7.1.7 In light of the above, it is considered that all of the proposed works would conform to Policy 8 (d) (i) and (ii) of the North Northamptonshire JCS, paragraph 130 of the NPPF.

7.2 **Impact on Neighbouring Amenity**

7.2.1 Front extension

The guidance contained within the adopted Householder Extensions SPD states that "...extensions should not be too tall when they are close to adjacent properties and they should be set in slightly from the boundary line... Roofs will ideally be designed to slope down towards the boundary to help minimise any impact...". As shown by drawing '23-0303-07 – Proposed Block Plan' the extension and terrace would be approximately 5 metres from

the shared boundary. In addition, as shown by drawing '23-0303-06B – Proposed elevations' the roof would slope towards the boundary line. Therefore, in broad terms, the extension would comply with the adopted SPD in terms of impact on amenity.

7.2.2 In terms of available light, the SPD states that “...where there is a side wall or roof higher than 3 metres, this part of the extension should not extend beyond a line taken at 45 degrees from the middle of the closest front or rear facing ground floor windows...”. Although the angle has not been provided as part of the submitted drawings, manual measurements show that the proposed extension would be well within the necessary 45-degree angle from the closest front-facing window of No.4 Dovecote Drive. In any case, a relatively large and mature tree is positioned close to the shared boundary of the application property and No.4 and as such, significantly screens the majority of the proposed extension from the adjacent dwelling.

7.2.3 In terms of overlooking, it is recognised that the terrace has the potential to overlook the front gardens of Dovecote Drive. However, considering that the front gardens of Dovecote Drive are all already visible from the public realm and that a large terrace is already an existing element of the original dwelling, the repositioning of the terrace would not significantly increase any overlooking. Whilst concerns have been raised regarding possible overlooking from the terrace directly into the windows of No.4, the angle would be extremely acute with views being almost entirely blocked by the aforementioned mature tree. Although the Parish Council has suggested that the tree could be felled (see paragraph 5.1), given the acute angle, even if the tree was to be removed in the future, the level of overlooking would still not be severe enough to warrant the refusal of this planning application.

7.2.4 Single storey rear extension

The extension would be single storey in height and approximately 3 metres away from the eastern shared boundary. Due to the proximity, orientation and relationship of the proposal to existing neighbouring dwellings the proposal would not result in an adverse impact to the neighbour as a result of loss of light, privacy or outlook.

7.2.5 Whilst the proposed canopy would be closer (approximately 2 metres from the boundary) its lightweight form would sufficiently mitigate any significant impacts on neighbouring amenity in terms of overbearing/ overshadowing implications.

7.2.6 With the above considered, all aspect of the proposal would conform to Policy 8 (e) (i) and (ii) of the North Northamptonshire JCS and the guidance contained within the Householder Extensions SPD.

7.3 **Highways matters**

7.3.1 The Parish Council has raised concerns with the impacts on parking provision stating that “There is inadequate parking for the proposed bedroom capacity of the dwelling”, however the Highways team has raised no objection to the proposal stating that “...the proposal does not demonstrate any intensification or increase in the number of parking spaces required.” This follows the advice given in the Northamptonshire Parking Standards

document which states that no additional parking provision is required when increasing a property from 3 bed to four bed.

- 7.3.2 Given that the large garage would remain (and be extended) and that the remaining 20m driveway would also be able to provide sufficient off-road parking for 3 vehicles (as per page 22 of the Parking Standards) the impact on parking is considered to be acceptable.
- 7.3.3 Updated comments from the Parish Council (see paragraph 5.1) confirm that, following additional clarification, their original concerns regarding the parking provision have been addressed.
- 7.3.4 The proposal would therefore comply with Policy 8 (b) of the North Northamptonshire JCS in terms of satisfactory parking, servicing and manoeuvring.

8. Other Matters

- 8.1 Neighbour comments (Covenant preventing motorhome storage): All of the neighbour objections refer to an existing covenant that prevents residents of Dovecote Drive from storing motorhomes within their respective curtilages. This is a civil matter and as such falls outside the remits of this application for planning permission. Therefore, the concerns cannot be given weight. However, in order to appease the concerns, the applicant/ agent has amended the annotation on drawing '23-0303-03D' to confirm that the motorhome would be stored elsewhere and that the alteration to wall is to allow for temporary parking for loading/ unloading.
- 8.2 Parish council comments (Planning condition to prevent motorhome parking): As part of their updated comments, the Parish Council requested that (should the application be approved) a planning condition be added to prevent the parking of a motorhome on the driveway. As this is not a planning matter, a Planning condition would not meet the legal test of 1) Necessary, 2) Relevant to Planning or 4) Enforceable. The Parish council have been reminded that this is a civil/ legal matter as does not fall within the jurisdiction of Planning.
- 8.3 Ecology: Requests for additional information are being received for of applications without any relevant justification from the Ecology team. Given that a rear extension of up to 4 metres in height could be constructed under permitted development (and would therefore involve alterations to the roofslope) the request for a PRA is considered to be onerous and unreasonable for a development of this nature, No weight has been attributed to Ecology teams' request.

9. Conclusion / Planning Balance

- 9.1 The proposed development complies with the relevant development plan policies and is consistent with the provisions in the National Planning Policy Framework. It is recommended that the proposal be approved subject to condition/s.

10. Recommendation

10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

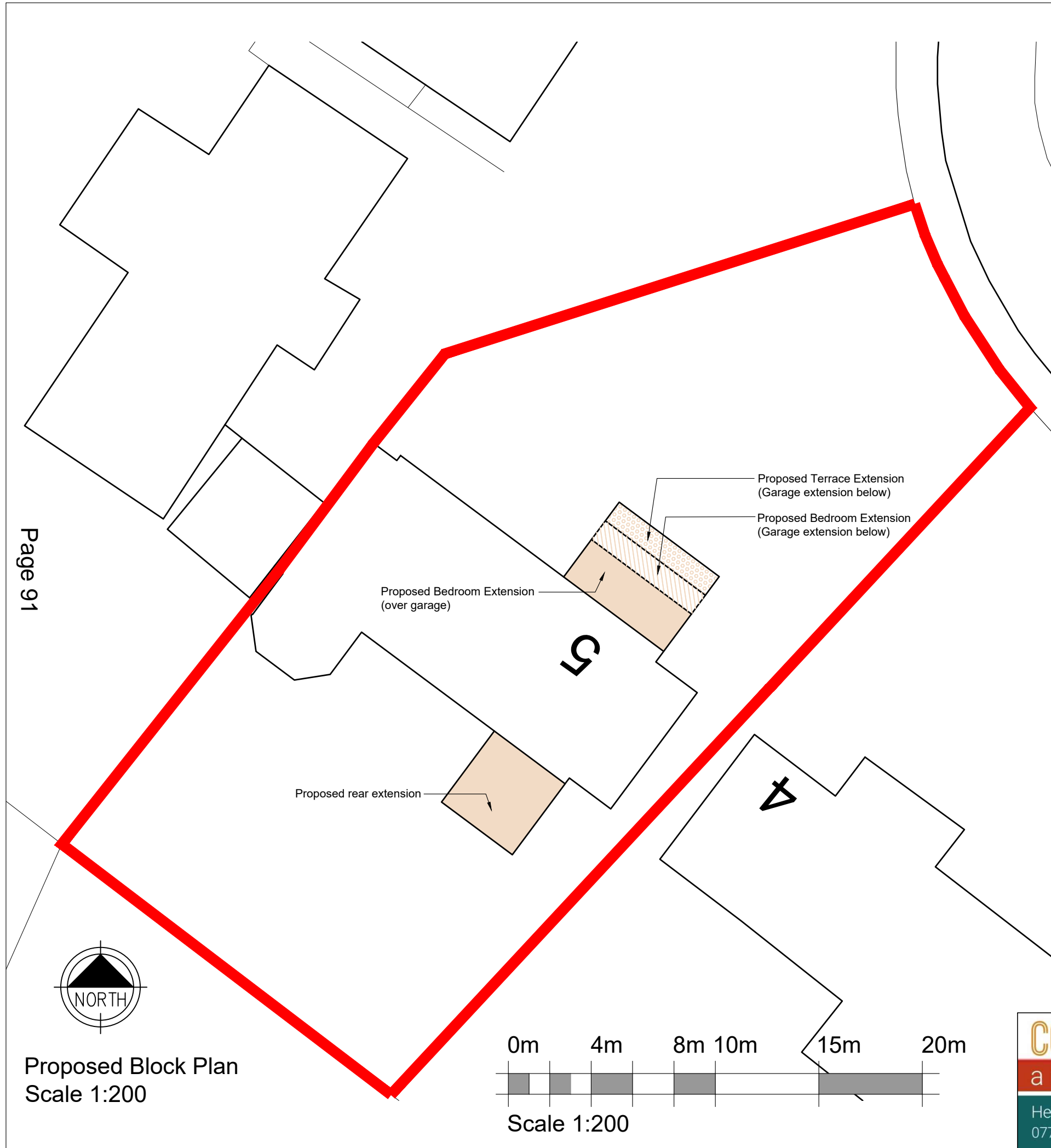
1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

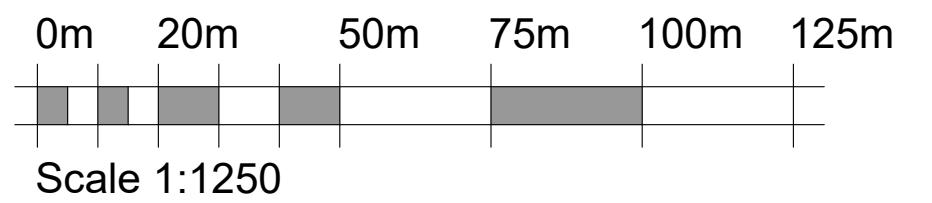
2 The development hereby permitted shall be carried out in accordance with the details provided in the application form (14.04.23) and following plans:

- '23-0303-07 – Proposed Block Plan & Site Location Plan' – 14.04.23
- '23-0303-06B – Proposed Elevations' – 14.04.23
- '23-0303-03D – Proposed Floor Plans' – 22.05.23

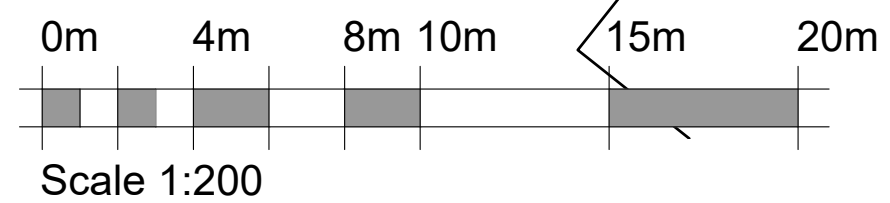
Reason: In order to clarify the terms of the Planning Permission and to ensure that the development is carried out as permitted.



Site Location Plan Scale 1:1250



Proposed Block Plan
Scale 1:200



	TITLE:	Proposed Extensions and Alterations for Steve Baker 5 Dovecote Drive Lt. Addington, Northants, NN14 4BE		
	DETAIL:	Proposed Block Plan Site Location Plan		
Hello@copperbeech.org.uk 07749 604533 / 07749 604534	SCALE:	1:200 & 1:1250	SHEET:	A3
	DRAWN:	ARH	CHECKED:	AMJ
	DATE:	April 2023	ISSUE:	PLANNING

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