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Meeting: Area Planning Committee Thrapston
Date: Monday 20th September, 2021
Time: 7.00 pm
Venue: Council Chamber, Cedar Drive, Thrapston, NN14 4LZ

To members of the Area Planning Committee Thrapston

Councillors Jennie Bone (Chair), Gill Mercer (Vice Chair), Annabel de Capell Brooke, Kirk Harrison, Barbara Jenney, Dorothy Maxwell, Roger Powell, Geoff Shacklock and Lee Wilkes

Substitutes: Councillors Wendy Brackenbury and Bert Jackson

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<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer 08 September 2021</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.

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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 Friday 17 September
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 Friday 17 September

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Agenda Item 3



Area Planning Committee (Thrapston)

At 7:00pm on Monday 16 August 2021

Held in the Council Chamber, Cedar Drive, Thrapston

Present:

Councillor Gill Mercer (Vice Chair, in the Chair)

Councillor Bert Jackson

Councillor Barbara Jenney

Councillor Dorothy Maxwell

Councillor Roger Powell

Councillor Geoff Shacklock

Councillor Lee Wilkes

16. Apologies for Absence

Apologies for absence were received from Councillors Jennie Bone, Annabel de Capell Brooke and Kirk Harrison. Councillor Bert Jackson attended as substitute.

17. Members' Declarations of Interest

Councillors	Application	Nature of Interest	DPI	Other Interest
Geoff Shacklock	20/01359/FUL Land North of Stanion Road, Brigstock	Agent acts for family members on other matters.		Yes (left meeting for item)
Lee Wilkes	NE/21/00123/FUL 19 North Street, Raunds and NE/21/00539/FUL 1 Saxon Way, Raunds	Is a member of the Raunds Town Council Planning Committee but was not involved in the discussion on these items when considered by the Town Council.		Yes

18. Informal Site Visits

Councillor Bert Jackson declared that he had visited 19 North Street, Raunds (NE/21/00123/FUL), Land East of Addington Road, Irthlingborough (20/01272/FUL), Land North of Stanion Road, Brigstock (20/01359/FUL) and 1 Saxon Way, Raunds (NE/21/00539/FUL).

Councillor Dorothy Maxwell declared that she had visited Land East of Addington Road, Irthlingborough (20/01272/FUL), Land North of Stanion Road, Brigstock (20/01359/FUL) and 1 Saxon Way, Raunds (NE/21/00539/FUL).

Councillor Gill Mercer declared that she had visited Land East of Addington Road, Irthlingborough (20/01272/FUL).

19. Minutes of the Meeting held on 19 July 2021

The minutes of the meeting held on 19 July 2021 were approved as a correct record.

20. Public Speakers

The following people spoke on the items as indicated:

- 20/01272/FUL Land East of Addington Road – an objector; a representative of Irthlingborough Town Council and the applicant.
- 20/01359/FUL Land North of Stanion Road, Brigstock – an objector and the agent.
- NE/21/00539/FUL 1 Saxon Way, Raunds – a representative of Raunds Town Council.

21. Applications for planning permission, listed building consent and appeal information

The Committee considered the planning applications report and representations made by public speakers at the meeting. It was noted that there was additional information on the applications included in the update sheet.

(i) NE/21/00123/FUL – 19 North Street, Raunds

The Committee considered an application for the erection of a detached bungalow and garage. A planning permission was already in place at the site for two dwellings granted under reference 19/01532/FUL and this application sought to change the design of one of the dwellings that already had planning permission to incorporate an integral garage. The application had been brought to the Committee as there had been an objection from Raunds Town Council.

It was noted that the objections which had been submitted had been dealt with through the initial application.

It was moved and seconded that the application be granted. On being put to the vote the Committee **agreed to grant** the application subject to the conditions detailed in the officer's report.

(ii) 20/01272/FUL – Land East of Addington Road, Irthlingborough

The Committee considered an application for the erection of 54 dwellings and associated works. An outline application for up to 49 dwellings (18/01009/OUT)

had been refused by East Northamptonshire Council in December 2018. The application had been brought to the Committee as there had been objections from Irthlingborough Town Council and the local community.

During debate on the application, Members raised specific concerns about the impact of the development on nearby heritage assets and the safety of Addington Road. A large number of vehicles parked on one side of Addington Road which made it difficult to drive down the road and adding an additional entrance on to the road would have an impact on highway safety as there would be no clear line of sight for those vehicles leaving the development. Members also highlighted that that the land was allocated for housing in the East Northamptonshire District Local Plan 1996 but was not included in the draft Local Plan Part 2, which should have considerable weight given to it during consideration of applications. There were also questions raised about the amount of affordable housing being proposed, particularly as there were two other sites in the town with significant levels of affordable housing, and the type of open space.

In response to the issues raised, the Planning Officer advised that more affordable housing had been included than was required and it was believed that the scheme provided a reasonable balance. It was accepted that the development was always going to be in conflict with the conservation setting but it was the view of the Conservation Officer that there would be less than substantial harm to the heritage. With regards to the weight given to the draft Local Plan Part 2, at this time only limited weight could be given to it as it had not yet been through inspection. It was accepted that Addington Road was a poor road but the introduction of yellow lines and the provision of parking bays on the other side of the road would make the road work better.

It was moved and seconded that the application be refused. On being put to the vote the Committee **agreed to refuse** the application, against officer recommendation, for the following reasons:

- 1) Would have a major detrimental impact on the Conservation Area and the Manor House complex including the Mews building. The level of harm is considered to be substantial.
- 2) The addition of a new access point on to Addington Road to serve 54 dwellings has failed to demonstrate an acceptable level of impact on highway safety and that it would not result in an impact on existing cars parked on Addington Road.

Wording of the refusal reasons is delegated to the Director of Place and Economy in consultation with the Chair, Vice Chair and Ward Members.

Councillor Geoff Shacklock left the meeting for the following item.

(iii) 20/01359/FUL – Land North of Stanion Road, Brigstock

The Committee considered an application for the erection of 35 dwellings with associated open space, parking, landscaping and access. The application had been brought to the Committee as there had been three or more objections from local residents.

During debate on the application, Members welcomed that the existing trees and hedgerows would be protected by being conditioned. It was noted that the application was supported by Brigstock Parish Council and that the site was allocated for residential development in the Brigstock Neighbourhood Plan 2019.

It was moved and seconded that the application be granted. On being put to the vote the Committee **agreed to grant** the application subject to the conditions detailed in the officer's report and update sheet as well as an amendment to condition 20 to amend the wording to require details of "play/recreational equipment..." rather than "play and recreational equipment".

Councillor Geoff Shacklock returned to the meeting.

(iv) NE/21/00539/FUL – 1 Saxon Way, Raunds

The Committee considered an application for the erection of a fence to enclose an area of outside amenity space belonging to the property. The application had been brought to the Committee as there had been an objection from Raunds Town Council.

During debate on the application, Members noted that the road was a green and open space and fencing in front gardens and amenity space would have a negative effect on the street scene.

It was moved and seconded that the application be refused. On being put to the vote the Committee **agreed to refuse** the application, against officer recommendation, because the location of the proposed fence would negatively affect the street scene.

Detailed wording of the refusal reason is delegated to the Director of Place and Economy.

(v) NE/21/00700/FUL – Lower Farm Barn, Main Street, Lower Benefield

The Committee considered an application for the erection of a sheep shelter in an agricultural field on existing concrete slab. The application had been brought to the Committee as there had been more than three objections from local residents.

It was moved and seconded that the application be granted. On being put to the vote the Committee **agreed to grant** the application subject to the conditions detailed in the officer's report.

(vi) NE/21/00665/FUL – 56 West Street, Kings Cliffe

The Committee considered an application for the replacement of windows and door to front aspect of a house in a conservation Article 4 area. The application had been brought to the Committee as there had been an objection from Kings Cliffe Parish Council.

It was moved and seconded that the application be granted. On being put to the vote the Committee **agreed to grant** the application subject to the conditions detailed in the officer's report.

22. Close of Meeting

The meeting closed at 21.28pm.

Chair

Date

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**North Northamptonshire Area Planning Committee
(Thrapston)
Monday 20 September 2021 at 7.00 pm
Council Chamber, Cedar Drive, Thrapston**

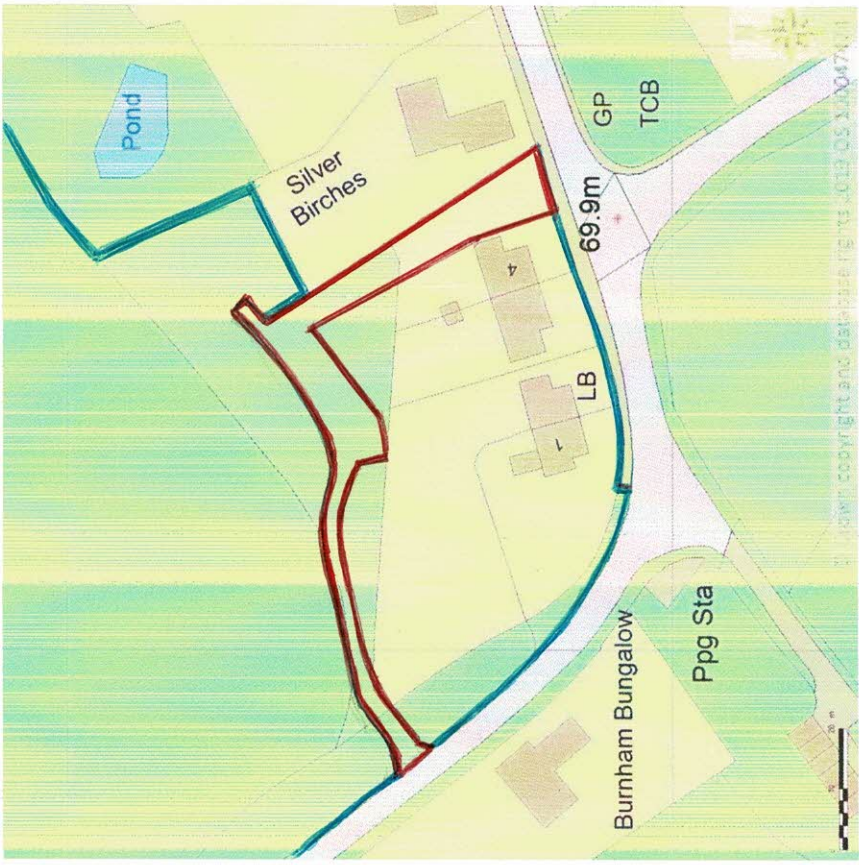
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Application	Location	Rec.	Page No.
20/01466/FUL	4 Main Street, Hemington	Grant	
NE/21/00954/VAR	20 High Street, Higham Ferrers	Grant	
20/01154/FUL	Home Farm Cottages, Lower Street, Twywell	Grant	
20/01155/LBC	Home Farm Cottages, Lower Street, Twywell	Grant	
NE/21/00926/FUL	119 High Street, Rushden	Grant	
NE/21/00542/REM	Land Rear Of 7 - 12 The Willows, Thrapston	Grant	
NE/21/00677/FUL	29 High Street, Stanwick	Grant	
NE/21/00906/FUL	Hall Farm, Main Street, Wigsthorpe	Grant	
NE/21/00791/FUL	Brickworks Farm, Church Street, Hargrave	Grant	

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SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 509036, 285240



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**North Northamptonshire Area Planning Committee
(Thrapston)
20th September 2021**

Application Reference	20/01466/FUL
Case Officer	Joe Davies
Location	4 Main Street, Hemington, PE8 5QJ
Development	Erection of new 3 bed home and provision of off street car parking for applicant property and also Nos 1-4 Main St.
Applicant	Measures Farms Ltd - Mrs J Measures
Agent	3D Planning - Tim Slater
Ward	Thrapston
Overall Expiry Date	11 January 2021
Agreed Extension of Time	N/A

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there has been an objection from Hemington Parish Council (contrary to officer recommendation), the application has been called in by Councillor Geoff Shacklock and there have been more than 3 neighbour objections to the application.

1. Recommendation

- 1.1 That Planning permission is GRANTED subject to conditions.

2. The Proposal

- 2.1 The proposal involves the erection of a dwelling and the provision of off-street parking provision for both the new dwelling and the existing dwellings at 1-4 Main Street, with 10 spaces being provided. The proposed dwelling would have 3 bedrooms and would have a height to the eaves of 5.137 metres and a height to the ridge of 9.041 metres. The dwelling would be 8 metres in length and 8 metres in width, it would have a pitched roof. The additional parking provision would be to the rear of the site and would be accessed via a largely existing private drive, which would be re-routed slightly as part of the proposed development.

3. Site Description

- 3.1 The application site comprises garden land serving the property at 4 Main Street. To the north of the site is agricultural land and to the south is public highway. To the west of the site is the existing dwelling at 4 Main Street and to the east is the dwelling at Silver Birches.

4. Relevant Planning History

- 4.1 None relevant

5. Consultation Responses

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

6.1 Hemington Parish Council

Object to the application on the grounds as summarised below:

Loss of Amenity

- Due to the existing properties overlooking a car parking area rather than greenfield land.
- The existing dwelling at 4 Main Street will be directly impacted by the proposed property being located so close by. They will lose their garden to the side of the property.
- The resident of Silver Birches will be significantly impacted both by the siting of the proposed car park but will also have a relatively large 3 bedroom property in very close proximity to their border which will overlook them and could affect their privacy.

Plans

- The application includes insufficient details for the Parish Council to comment fully, with the dwelling being shown in close proximity to the border with Silver Birches. There are no measurements to show how close that would be, and further detail is required.
- The bathroom on the proposed plans will overlook Silver Birches and the window will need to be opaque and must only open the top few inches in order to guard their privacy. But this does not overcome the main objection of the proximity of the proposed property to the border of Silver Birches.

- The Councillors who represent Hemington also commented on the small size of the plot as it exists now. The proposed property will be ‘shoe horned’ into the site. They feel that a site visit for the proposed application is an essential requirement for East Northamptonshire Planning Officers for this application.

Parking

- The application states that it will provide off-street parking for numbers 1 to 4. Property 1 Main Street already has off-street parking and access to the road.
- There is an existing pad of hard standing that residents of No 2 to No 4 can use currently. Current usage is very low because it is more convenient to park at the front of the properties.
- The off-street parking provision would be to the rear of the properties and residents would be encouraged to use this by the provision of footpaths and lighting to the rear of each property. These are not shown on the submitted documents.
- The Parish Council are concerned that the residents of Nos 2-4 will continue to park on the road outside the properties to the front as this is still closer to the house themselves than the proposed spaces.
- The dimensions or number of spaces provided for each property are not shown either within the planning documents.

Highway Safety

- The bends close to 1-4 Main Street are extremely dangerous. The road is very narrow and residents parking outside their properties leads to vehicles travelling on the wrong side of the road at a blind corner and close to a junction. The proposed new property will simply increase that risk if residents don’t use the parking area to the rear.
- The proposed parking for the properties comes out on a very blind part of the road which is also quite narrow. There is real concern for all road users about the safety implications of this additional access which has been cut recently and is not an existing track for agricultural access. The proposed access along with the Barnwell junction and existing access for No 1 as well as Burnham Bungalow (information from My Area) are all in very close proximity.

5.2 Neighbours / Responses to Publicity

Five representations were received from local residents in response to the application. Two of these were in support of the proposed development and three objected to the proposed development.

The comments supporting the proposed development can be summarised as follows:

- Supportive of new parking arrangements, which will improve safety and convenience.

The comments objecting to the proposed development can be summarised as follows:

- No official notice received for the property at Silver Birches

- The site notice was put up further down Main Street, in the wrong place (*Officer note – an additional site notice was placed closer to the site on 13.08.2021*)
- To squeeze a new dwelling in a narrow plot means that the north east corner of the house is almost touching the boundary fence and this is not in keeping with the layout with the rest of the village. The shoehorning in of the dwelling would lead to overdevelopment.
- Will the dwelling be tied to the applicant and their business?
- There are other properties in the applicant's ownership, some of which are vacant in the village that would be more suitable for conversion or re-occupation.
- It is unlikely that the proposed rear access road would be used as it is far easier to walk to the front of the house than to walk to the bottom of the garden where there is no path or lighting.
- The east elevation shows bathroom and toilet windows overlooking the neighbouring property which would impinge on privacy. The west elevation has no windows so why not reverse the plan to have the windows overlooking another staff member.
- The land at 1 Main Street would be more suitable.
- It is hoped the proposed access road is not intended as a means of opening up further land for future development to the rear of Silver Birches.
- Why did it take so long for No 4 to be brought to a habitable property from a derelict state?
- There are questions regarding the need for the proposed development when staff levels are decreasing.
- Over the past few years there have been 11 private dwellings and 5 affordable dwellings built within the Hemington boundary. This proposed build will take the total number of new builds to 17. Has this exceeded the number of new builds agreed in the village plan, approved a number of years ago?
- The dwellings at 1, 2 and 3 already have off-street parking provision, it is only the property at number 4 which currently has to park on the road.
- The proposed entrance road to the new parking area, is only just inside the 30mph zone on a section of road barely wide enough for 2 cars to pass and close to the Barnwell turning. This section of road is already hazardous, it would seem unwise to add to this hazard.

5.3 Environmental Protection Team

There are no obvious environmental constraints but can conditions be placed on any permission granted regarding hours of work and no burning to ensure residential amenity is preserved during the works.

5.4 Waste Management

No comment to make.

5.5 Highways

Provide comments relating to:

- Visibility - 2 metres x 43 metres (for a 30mph road) on both sides of the access are required.
 - The access must have a minimum width of 4.5 metres for the first 10 metres.
- The dwelling should comply with adopted parking standards, which are 2 spaces for 3 bedroom dwellings.
- The access must be constructed in a hard-bound material for the first 5 metres from the highway boundary not including resin bound gravel.
- Any gates across a private drive must be set back a minimum of 5.5 metres from the highway boundary.
- The applicant will be required to obtain a Section 184 licence, from Northamptonshire Highways Regulations in order to install the site access and the vehicle crossover of public highway land.
- Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

Following the submission of a plan showing visibility splays for the access to the rear of the site, Highways confirmed that it has no objections in relation to highway visibility, provided that these visibility splays are retained in perpetuity.

5.6 Natural England

No comment to make.

5.7 Tree Officer

No objection to the proposals. The applicant has submitted evidence to demonstrate that the development may be carried out without significant detriment to the trees on site.

Conditions would be required for the trees to be protected in accordance with the submitted details and for a pre-commencement site meeting to ensure that the trees are protected on site during works.

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 and Guidance

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)

Policy 1 - Presumption in Favour of Sustainable Development
Policy 4 – Biodiversity and Geodiversity

Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 11 - The Network of Urban and Rural Areas
Policy 28 – Housing Requirements
Policy 29 - Distribution of New homes
Policy 30 - Housing Mix and Tenure

6.4 Emerging East Northamptonshire Part 2 Local Plan - Submission Draft March 2021

Policy EN1 – Spatial Development Strategy
Policy EN13 – Design of Buildings/Extensions

6.5 Other Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)

Northamptonshire County Council - Local Highway Authority Parking Standards (2016)

East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Design, Layout and Impact on the Character and Appearance of the Area
- Highway Safety and Parking
- Residential Amenity
- Flooding
- Ecology / Biodiversity
- Refuse and Recyclables
- Impact on Trees

7.1 Principle of Development

7.1.1 In general terms, Policy within the National Planning Policy Framework (NPPF), the North Northamptonshire Joint Core Strategy (JCS) (The Local Plan, Part 1) and the Council's emerging Part 2 Local Plan should be applied to the proposed development. In brief, the NPPF promotes a presumption in favour of windfall and infill development within the boundaries of existing settlements.

7.1.2 Policy 11 of the JCS covers infill development in villages and states that it will be permitted on suitable sites within villages where it would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services. The site would be classed as infill, being within the built-up part of the village and is also garden land, so would not be

classed as previously developed land as per the NPPF definition. Although neighbours have stated that there are other properties in the village under the applicant's ownership that could be used instead, this is not a material consideration and the application submitted is what is to be considered. Furthermore, it is considered that there would be no need to tie the dwelling to the applicant's business via condition as the principle of the proposed dwelling is considered to be acceptable, regardless of whether it is used as a stand-alone dwelling or used to house workers associated with the applicant's business. Such a condition would therefore not be necessary or justified.

7.1.3 The concerns also raised by local residents regarding the proposed dwelling and parking provision to the rear setting a precedent for the opening up of land to the rear for residential development also can't be justified as a reason to refuse the application. Any further development would be considered separately under a separate application and the Council can only determine the proposal that's in front of it.

7.1.4 The principle of the proposed development is therefore considered to be acceptable subject to other material planning considerations.

7.2 Design, Layout and Impact on the Character and Appearance of the Area

7.2.1 In terms of design and detailing, the proposed dwelling would be sympathetic to the street scene and neighbouring dwellings and the design has been amended during the course of the application process to include a chimney to match the dwellings either side. The dormer windows have also been designed to match the ones used on the neighbouring properties at 3 and 4 Main Street. It is also proposed that materials will be conditioned to ensure that they are acceptable. Although neighbours have commented that the proposed dwelling would be too close to the neighbouring property at Silver Birches, the two main dwellings would have a sufficient degree of separation (approximately 7 metres, at the closest point) that there would not be any significant detrimental impact to the visual amenity of the street scene and this would be in keeping with the spacing between other properties on this part of Main Street.

7.2.2 Although there would be some loss of trees as part of the proposed development, mostly due to the rear parking provision, these are to the rear of the site and their loss would have no significant impact on the street scene. The Council's Senior Tree and Landscape Officer has also stated that he has no objection to the proposed development, subject to the imposition of conditions.

7.2.3 The impact of the proposed development in relation to design and layout is therefore considered to be acceptable and would be in compliance with Policy 2 and Policy 8 (d) of the Joint Core Strategy.

7.3 Residential Amenity

7.3.1 In terms of the impact on the amenity of future occupiers, the proposed dwelling would comply with space standards as required by JCS Policy 30 and there is considered to be sufficient amenity space to the rear.

7.3.2 In terms of the impact on the amenity of neighbouring occupiers, the proposed dwelling would comply with the 45-degree rule in relation to both neighbouring

properties and the impact in terms of loss of light and over-dominance is therefore considered to be acceptable. In terms of overlooking, the proposed dwelling would have no side windows overlooking either of the neighbouring properties.

7.3.3 Due to the angle of the boundary, there would be some overlooking to the rear garden area of Silver Birches. However, this would only be a small part of the garden, closest to the boundary. Most of the garden area of this property would not be directly overlooked and would be of a level that could be expected between neighbouring dwellings. Furthermore, although a neighbour has raised concerns regarding overlooking from a bathroom window, with this being a bathroom window, it would be conditioned that this would be obscure-glazed and non-opening below 1.7 metres above floor level. With this condition in place, the impact of overlooking from this window is considered to be acceptable. The impact on this property in relation to overlooking is therefore, on balance considered to be acceptable. Conditions regarding hours of working and preventing the burning of waste material at the site will also be included as part of any planning permission to ensure that the impact on neighbours during the construction period is acceptable.

7.3.4 The impact of the proposed development on residential amenity is therefore, on balance considered to be acceptable and would be in compliance with Policy 8 (e) of the Joint Core Strategy.

7.4 Highway Safety and Parking

7.4.1 In relation to highway safety, current adopted parking requirements are for 2 off-street parking spaces for dwellings with 3 bedrooms. The proposed dwelling would have 3 bedrooms. There would be 10 spaces provided for the dwellings at 1, 2, 3, and 4, as well as the additional property proposed. This would equate to 2 spaces per dwelling. There would therefore be sufficient parking provision for the proposed dwelling in accordance with adopted standards. Furthermore, although it is unclear how many bedrooms there are at the other 4 dwellings, given the existing shortfall, the provision of the off-street parking is considered to represent an improvement over the existing situation, where vehicles are currently parking on the street.

7.4.2 In relation to visibility, the proposed dwelling would be sited a sufficient distance away from the public highway that there would be no impact on highway visibility. In relation to the visibility of the access to the parking provision at the rear, the applicant's agent has submitted a plan showing that there is sufficient visibility in line with adopted standards. This has been confirmed by the Council's Highways department, provided that this is conditioned to ensure it is retained in perpetuity. The impact of the proposed development on highway safety and parking provision is therefore also considered to be acceptable and

would be in accordance with Policy 8(b) of the North Northamptonshire Joint Core Strategy 2016.

7.5 Flooding

- 7.5.1 The site lies within Flood Zone 1, which is at the lowest risk of flooding. The impact of the proposed development on flood risk is therefore considered to be acceptable.

7.6 Refuse and Recyclables

- 7.8.1 The site is considered to have sufficient space for the storage of bins for refuse and recyclables and also for them to be placed adjacent to the highway on collection day. The impact on refuse is therefore considered to be acceptable.

7.7 Impact on Trees

The Council's Senior Tree and Landscape Officer has confirmed that the impact of the proposed development on trees and landscaping is considered to be acceptable, provided that the tree protection measures outlined in the application and a pre-commencement site visit are conditioned. These conditions will be included as part of any planning permission and the impact on trees and landscaping is therefore considered to be acceptable.

8. Other Matters

- 8.1 Contamination: The Council's Environmental Protection Team has stated that there are unlikely to be any environmental constraints at the site and has not raised any concerns regarding contamination or recommended any conditions. The impact in relation to contamination is therefore considered to be acceptable.
- 8.2 Notifications: Several residents raised concerns that the site notice was put in the wrong place. Whilst the site notice was initially placed further down Main Street in error, a second site notice has subsequently been posted outside the site to rectify this. A neighbour also raised concerns that they had not been notified of the application. However Council records show that a notification letter was sent out. It is therefore considered that the necessary consultations have been carried out for the application.
- 8.3 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.4 Sustainability: Due to the site's rural location, a condition shall be included as part of any planning permission to ensure that the development is of a sustainable construction in relation to water usage, vehicle charging points and boiler specification, as required by the National Planning Policy Framework 2021.

9. Conclusion / Planning Balance

- 9.1 The proposed development is considered to be acceptable as it is not considered to cause adverse harm regarding the character of the local area and there would be no significant adverse impact on either neighbour amenity or highway safety. The impact on the amenity of future occupiers is also considered to be acceptable and the impact on landscaping and contamination is considered to be acceptable, subject to the imposition of conditions.

10. Recommendation

- 10.1 That Planning permission is 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: Statutory requirement under provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

- Proposed Layout – 19.3137.03
- Dwelling Layouts – 19.3137.04 Rev.A;
- Elevations 1 – 19.3137.05 Rev.C;
- Elevations 2 – 19.3137.06 Rev.C;

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

3. Before any work is commenced on the development hereby permitted above slab level, samples of the external materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To achieve a satisfactory elevational appearance for the development.

4. No development or other operations shall commence on site until the existing trees to be retained have been protected in accordance with the Tree Protection Plan drawing number 4023.Hemington.3D.TPP dated 28/10/2020 by Andrew Belson Arboricultural Consultant. The erection of fencing or the installation of ground protection for the protection of any retained tree shall be carried out before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing and ground protection shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing or ground protection is damaged all operations shall cease until it is repaired in accordance with the approved details.

Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason: To ensure that the trees onsite are fully protected during the implementation of the development hereby permitted.

5. No development or other operations shall commence on site until a site meeting has been conducted by the developer to discuss tree protection measures, with the Council's Senior Tree and Landscape Officer (or equivalent if Senior Tree and Landscape Officer post no longer exists), the Site Agent, the author of the Tree Protection Plan (see condition 4 above) and any Ground Workers.

Reason: To ensure that trees are protected during the onsite works.

6. Before development commences, details of the finished floor levels of the dwellings in relation to the existing and proposed levels of the site and the surrounding land shall be submitted to and approved in writing by the local planning authority. The dwelling shall thereafter be constructed in accordance with the details so approved.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.

7. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank / Public Holidays unless otherwise agreed with the local planning authority.

Reason: To ensure the protection of the local amenity throughout construction works.

8. There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity

9. Prior to the occupation of the dwelling hereby permitted, the access to the rear parking provision and the 2 spaces for the new dwelling shall be provided and retained thereafter in perpetuity

Reason: To ensure that there is sufficient parking provision for the dwelling hereby permitted, in the interests of highway safety.

10. The vehicular access serving the parking provision to the rear shall have a minimum width of 4.5 metres for the first 10 metres from the highway boundary.

Reason: To enable two opposing vehicles to pass each other at the point of access. This in turn ensures that a vehicle entering a site does not stop and turn within the highway to allow an emerging vehicle out.

11. The vehicular access to the parking provision at the rear shall be constructed in a hard bound material for the first 5 metres from the highway boundary in the interests of highway safety and this shall not include resin bound gravel.

Reason: In order to prevent loose material such as gravel being transferred to the public highway where it is a danger, particularly to cyclists and motorcyclists. Resin bound gravel as a hard-bound material would not be acceptable due to the fact that, over time, the gravel often comes away from the binder.

12. Any gates across a private drive must be set back a minimum of 5.5 metres from the highway boundary. Gates must be hung to open inwards only.

Reason: To enable a vehicle to stand clear of the highway before gates are opened, in the interests of highway safety.

13. Prior to the commencement of development, details of the existing ground floor levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development hereby approved and adjoining sites shall have been submitted to and approved in writing by the local planning authority. All works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the precise height of the development can be considered in relation to its surroundings.

14. No occupation of the dwelling hereby permitted shall take place until details have been submitted to and approved in writing by the Local Planning Authority which demonstrate the following sustainability measures for the new dwelling:

- A minimum of one electric vehicle charging point;
- Measures to encourage use to no more than 105 litres / person / day and external water use of no more than 5 litres / person / day; and
- Minimum standards for gas fired boilers.

Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of the dwelling hereby permitted.

Reason: In the interests of sustainability.

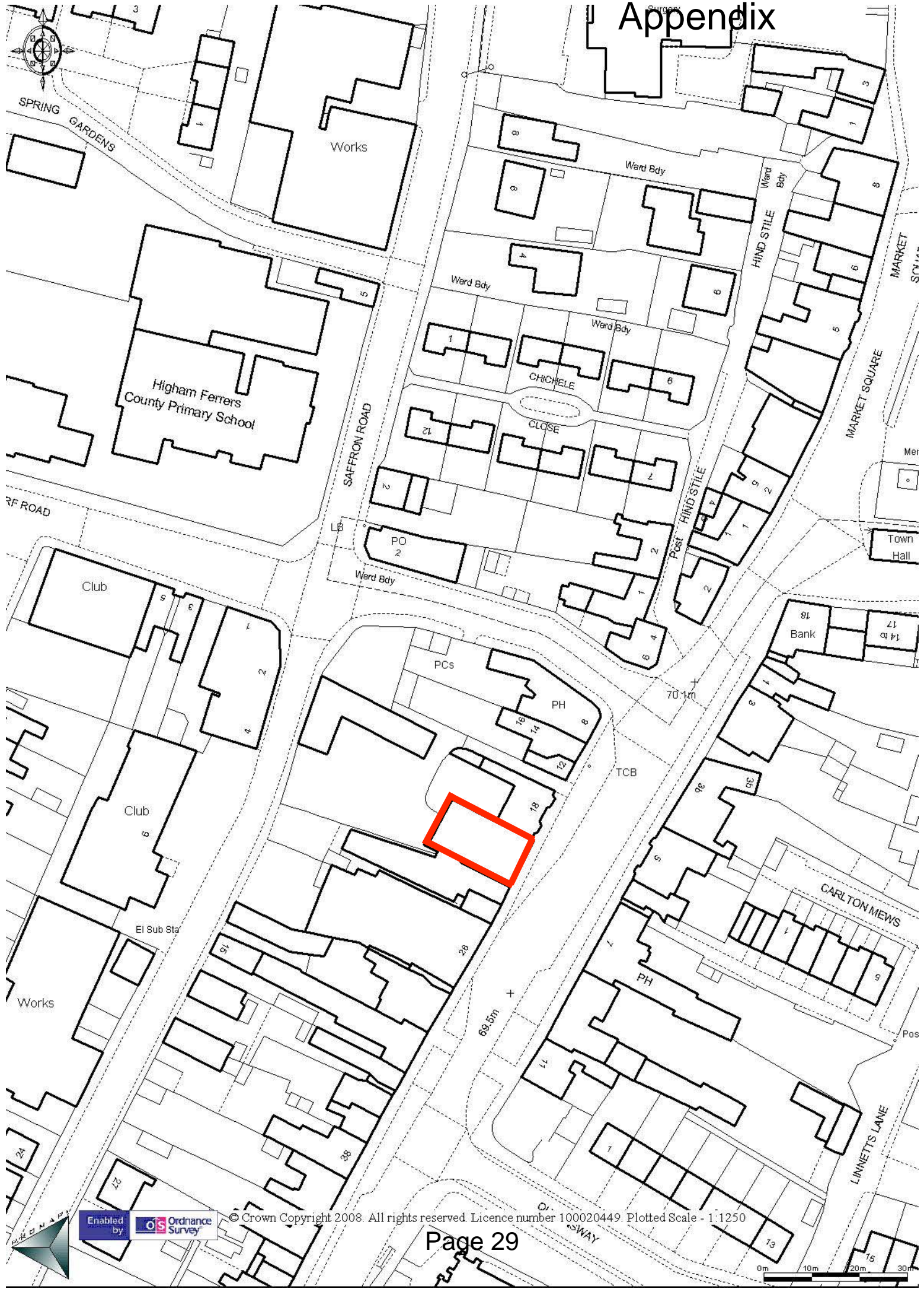
15. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, heights, design, materials and type of boundary treatment to be erected. The approved treatments shall be completed before first occupation of the property and shall be retained and maintained in perpetuity thereafter.

Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy.

12. **Informatives**

1. A Section 184 Licence from the Local Highway Authority will be required to install the site access and vehicular crossing.

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**North Northamptonshire Area Planning Committee
(Thrapston)
20 September 2021**

Application Reference	NE/21/00954/VAR
Case Officer	Patrick Reid
Location	20 High Street, Higham Ferrers, Rushden, Northamptonshire NN10 8BL
Development	Variation of conditions pursuant to application number: 17/01941/FUL: Change of use to B1, B2 and A3. Central distribution centre for Bewiched Coffee, food storage, basic food prep will take up 66% of the floor space. Small coffee shop to front taking up 34% of the floor space. Variation of Condition 4 – air conditioning units and external condensers and Condition 8 – Approved Plans
Applicant	Bewiched Ltd - Mr Matthew Fountain
Agent	N/A
Ward	Higham Ferrers
Overall Expiry Date	12 August 2021
Agreed Extension of Time	22 September 2021

Appendix 1 – Decision Notice of 17/01941/FUL

Scheme of Delegation

This application falls outside of the Council's Scheme of Delegation because the Officer recommendation for approval is contrary to objections from the Town Council and from more than two neighbours/other interested parties

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 This application seeks to vary two conditions of planning permission reference 17/01941/FUL which related to the development to change the use of the property to B1, B2 and A3 uses. The planning permission was granted on 5th December 2017 subject to eight conditions. This application seeks variations to condition 4 (which prohibited air conditioning condensers and other plant/equipment), and condition 8 (approved plans).
- 2.2 Condition 4 of the planning permission is set out below and clarifies that the equipment listed shall not be installed at the property. This application seeks the variation or removal of this condition to allow the installation of condensers as part of an air conditioning system for the premises.
- 2.3 Condition 8 of the planning permission lists the plans with which the planning permission was required to be carried out in accordance. As a consequence of proposing to vary condition 4, the approved plans list changes to include details of the proposed air conditioning condensers. Two plans are listed and this application seeks to vary this condition by the addition of the plans associated with the application, principally the layout plan and the manufacturer's specification of the condenser units.

3. Site Description

- 3.1 The site comprises a coffee shop/commercial unit on the High Street in Higham Ferrers. The property was subject of a planning permission from 5 December 2017 for its change of use to B1, B2 and A3 uses for the internal space to be used for a combination of food storage, preparation and a coffee shop. At the time of the site visit it was apparent that the planning permission has been implemented and the coffee shop is operating from the site.
- 3.2 The property has a shop frontage and its front façade is primarily brick. It is located in the context of primarily other town centre uses on both sides of the High Street.

4. Relevant Planning History

- 4.1 17/01941/FUL - Change of use to B1, B2 and A3. Central distribution centre for Bewiched Coffee, food storage, basic food prep will take up 66% of the floor space. Small coffee shop to front taking up 34% of the floor space – PERMITTED (05.12.2017)
- 4.2 19/01156/VAR - Variation of Condition 4 to remove the restriction of installation of air-conditioning unit(s), condenser(s) and Condition 8 approved drawings to allow for air conditioning condenser units pursuant to 17/01941/FUL – REFUSED (23.09.2019) due to noise effects harming residential amenity.

5. Consultation Responses

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

5.1 Higham Ferrers Town Council

Objection for reasons summarised below:

- detrimental impact on the neighbours from increased noise levels;
- the plans submitted are not up to date and do not show the residential properties to the rear of Bewitched Coffee;
- It is noted that access arrangements to install and service the external condensers may be required through the neighbouring garden and this is not formalised.

5.2 Neighbours / Responses to Publicity

11 representations have been received of which 7 are in support and 4 are in objection. The issues raised are summarised below:

- Impact of noise on nearby residential properties;
- Location/Site Plan is inaccurate;
- Maintenance of units will require access from neighbouring land;
- Notice not served on neighbours;
- Units will be near neighbouring garden.

Comments raised in support are summarised below:

- Air conditioning is needed to make the working environment safe for staff;
- The business provides a good service and product and this will help;
- Air conditioning would have benefit for customers, including those with medical conditions;
- The air conditioning units won't be too noisy;
- Air conditioning is needed for the physical and mental wellbeing of staff;
- Other businesses nearby have air conditioning and it does not harm the surroundings;

5.3 Local Highway Authority (LHA)

The LHA confirms no observations to the proposed variation.

5.4 Environmental Protection

Have looked in particular at condition 4 which relates to air conditioning units and external condensers. It is proposed that the units will be mounted at low level on the rear toilet side wall. They have looked at the information supplied by the applicant and also made a site visit to look at the proposed location of the units and speak with the applicant. No objections and should planning permission be granted, then a condition is recommended.

5.5 Commercial Team (Health Protection)

Support Proposal: During the recent hot weather the temperatures in the production area of the premises have been excessive, with temperatures around 40 degree centigrade. Therefore, the company need to be able to regulate temperatures for the welfare of the staff working in this area.

A food premises is required to ensure adequate cleaning – the units will be at high level and therefore adaptation of existing cleaning schedule will be required.

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)
Noise Policy Statement for England (NPSE) (2010)

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

Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 12 - Town Centres and Town Centre Uses
Policy 22 - Delivering Economic Prosperity

6.4 Higham Ferrers Neighbourhood Plan (made 2016)

HF.DE1 – Achieving High Quality Design
HF.DE2- Heritage Assets and their Setting

6.5 Other Relevant Documents

None

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Impact on Neighbouring Amenity
- Heritage

7.1 Principle of Development

7.1.1 The proposed variation of conditions is intended as a means to allow the addition of two condenser units onto the rear of the property, to serve an air conditioning system. The application seeks to do this by either removing or altering condition 4 which prevents the addition of such equipment, whilst also adding plans to condition 8, which show the equipment.

7.1.2 Condition 4 of the planning permission is as follows:

Notwithstanding any of the submitted details, no roaster(s), air-conditioning unit(s), condenser(s) or any other external ventilation or extraction equipment, shall be installed internally or externally at the premises.

Reason: To prevent odour or noise issues arising from the development, in the interest of residential amenity and local amenity.

7.1.3 Condition 8 of the planning permission is as follows:

7.1.4 *Except where expressly stated by other conditions on this planning permission, the development hereby permitted shall be carried out strictly in accordance with the following approved drawings, received by the Local Planning Authority: Drawing number: B41-2F 'As Proposed Plans & Elevations' received on 17.10.2017, Ordnance Survey Location Plan received on 13.09.2017*

Reason: In order to clarify the terms of this planning permission and to ensure that the development is carried out as permitted.

7.1.5 In terms of condition 4, it is a consideration as to whether it may be appropriate to either vary the condition, or remove the condition from the original planning permission and add a new condition that would require a new planning application for any new such units beyond those proposed. Either option is at the discretion of the decision maker however the decision maker must consider only the reason for imposing the condition. It must not use an application to vary a planning condition to reconsider aspects of the planning permission that do not relate to the condition proposed to be varied. For example, it would not be acceptable to reconsider opening hours.

7.1.6 In terms of the variation of condition 8, the application seeks to replace the approved floor plan with that provided under this application that includes the two condensers and two air conditioning units. The principle of varying the conditions is acceptable and the nature of the proposed change is sufficiently modest in scale to not alter the basis of the planning permission fundamentally.

7.2 Impact on Neighbouring Amenity

- 7.2.1 The application has been subject of consultation with the Council's Environmental Protection and Commercial Health Protection Teams. Both consultees have found the noise associated with the units to be acceptable. Environmental Protection has advised that a condition be applied, ensuring the units to be installed are those specified on drawing BEC_HF-21_205_1.1, and the manufacturer product details in the application.
- 7.2.2 The comments from Environmental Protection are informed by their knowledge and experience of matters including appropriate noise levels and character of noise in environments near residential properties. Concern has been raised in representations that the noise would be detrimental to residential properties nearby. However, as set out in the manufacturer's specifications, the decibel levels of the units are known and have been considered by Environmental Protection. As these are satisfactory to the specialist consultee, it is considered reasonable to conclude that the proposal is acceptable in terms of noise.
- 7.2.3 The Council's Commercial Health Protection team has submitted comments in support of the application, noting that in the warm summer temperatures, the premises can be very hot for customers and staff. The comments express the benefits to the internal space which would improve the environment for all.
- 7.2.4 A number of representations also noted the benefits to the environment which can get hot in the summer. It is considered that these are reasonable and fair points and the indoor space would clearly benefit from the availability of air conditioning.
- 7.2.5 It is noted that an earlier application, ref. 19/01156/VAR for a similar air conditioning system was refused in 2019. That application proposed condensers on the side of the building in a different location to those proposed now. The condensers were different than those now proposed, and the Environmental Protection Officer's comments advised that the information was insufficient to demonstrate that noise emitted by the units would not unacceptably harm residential amenity. This differs to this application which provides more details on the noise levels of the units in the form of manufacturer product details. The advice received from Environmental Protection also is in support in this case, unlike the previous application.
- 7.2.6 There are residential properties near to the premises, including to the rear. The proposed condensers would be close to the external amenity area of a residential property and concern has been raised about the noise affecting the use of this space. Whilst the units would evidently be close - just a matter of a couple of metres from the edge of the hardstanding amenity area - the advice from Environmental Protection is that the decibel level and character of the noise that the units would emit would not unacceptably harm the enjoyment of this space by occupiers

7.2.7 Concern has been raised that access across a nearby residential property would be required, such as for any maintenance. However, from the site visit it became apparent that access to the location can be achieved through the adjacent restaurant. It is apparent therefore that access is not required through the adjacent residential property.

7.2.8 Despite the access to the units being possible through the adjacent restaurant, matters of legal right of access for maintenance are not material planning considerations. Civil matters, such as this, do not represent a reason to resist a proposal for the air conditioning units and condensers.

7.3 **Heritage**

7.3.1 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.

7.3.2 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.

7.3.3 The site is located within the Higham Ferrers Conservation Area and as such consideration is given to the impact on the heritage asset. The location of the external condensers units is what can reasonably be described as hidden away from public view. They would be attached to the rear wall of the toilets of the café, in a small alleyway beside a way at the back of the commercial units. It is considered the proposal would have no material impact on the Conservation Area.

8. **Other Matters**

8.1 Neighbour comments: Concern has been raised that the Location Plan is inaccurate as it does not include a residential block of flats, Westfield Mews, to the rear. In response to this point, as this application seeks a variation to an existing planning permission, the Location Plan is necessarily identical to that of the host planning permission. Officers are familiar with the location of the flat block relative to the application site and it is also necessary to note that all nearby properties have been taken into account as part of the consideration of this application.

8.2 Concern was also raised that notice was not served on neighbours and that it may be required as maintenance of the units would require access across third party land. In response to this, land ownership is a civil matter between the parties and is not a planning matter, as stated above.

- 8.3 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 and support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will improve the conditions in the premises to the benefit of those who use it, particularly staff and customers. It is considered acceptable on health impact grounds.
- 8.4 The Council does not have records of Condition 6 of planning permission ref. 17/01941/FUL being satisfied. This relates to the colour scheme of the shop front and was required to be approved by the Council prior to first use by members of the public. Whilst it appears the colours may not have been agreed, this is not considered to go at the heart of the host planning permission. It is apparent the change of use has occurred, and the planning permission has been implemented. As such, the proposed variation of conditions 4 and 8 is acceptable from a procedural perspective, however because an approval results in a freestanding planning permission condition 6 is re-imposed (as recommended condition 5) in amended form to retain its enforceability.

9. Conclusion / Planning Balance

- 9.1 The proposed variation of conditions to allow the installation of air conditioning and condenser units is considered to be acceptable in terms of the impact on the amenity of neighbouring properties and the impact on the Higham Ferrers Conservation Area. It would improve the conditions inside the unit, particularly in hot weather, and is considered to comply with the relevant planning policies, including Policy 8 of the North Northamptonshire Joint Core Strategy (2016).

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

- 1 The rear kitchen/preparation area(s) hereby approved shall be used in association with the café area identified on drawing number B41-2F and notwithstanding the provisions of the Town and Country Planning Uses Classes Order 2014 (or any order revoking and re-enacting that Order), the kitchen/rear preparation area(s) shall be used for the purposes stated within the application description and application documents and for no other purpose (including any other activity falling within Class B2 of the Order).

Reason: To ensure that the use of the premises does not change in a manner which could detract from the character and appearance of the area, affect local amenity, and in the interest of highway safety.

- 2 This permission confers permission for the front area of the premises identified on drawing number B41-2F to be used as a café only and notwithstanding the provisions of the Town and Country Planning Uses Classes Order 2014 (or any order revoking and re-enacting that Order), the front area of the premises shall be used for no other purpose (including any other activity falling within Class A3 of the Order).

Reason: To ensure that the use of the premises does not change in a manner which could detract from the character and appearance of the area, affect local amenity, and in the interest of highway safety.

- 3 Notwithstanding any of the submitted details, and with the exception of the air conditioning and external condensing units detailed on approved drawing number BEC_HF-21_205_1.1 and manufacturer product details, no roaster(s), air-conditioning unit(s), condenser(s) or any other external ventilation or extraction equipment, shall be installed internally or externally at the premises..

Reason: To prevent odour or noise issues arising from the development, in the interest of residential amenity and local amenity.

- 4 The windows and doors alterations shown on drawing number B41-2F shall be carried out in timber, or an alternative wooden material, as may be agreed in writing with the Local Planning Authority.

Reason: In the interest of conserving the character and appearance of the Higham Ferrers conservation area.

- 5 Unless within 2 months of the date of this decision the colour scheme for the shop front of the building, including the fascia boards and windows and doors is submitted in writing to the local planning authority for approval, and unless the shop front of the building, including the fascia boards and windows and doors is painted within 4 months of the local planning authority's approval in accordance with the approved colour scheme, the use of the building hereby permitted shall cease until such time as the colour scheme has been approved and implemented.

Upon the shop front of the building, including the fascia boards and windows and doors being painted as specified in this condition the building shall thereafter be retained in the approved colour. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: In the interest of conserving the character and appearance of the Higham Ferrers conservation area.

- 6 The premises shall not be open to customers or any other visiting member of the public except between the hours of 08:00am to 19:00pm Mondays to Saturdays and 09:00am to 17:00pm on Sundays and Bank Holidays.

Reason: In the interest of neighbouring amenity and local amenity.

7 Except where expressly stated by other conditions on this planning permission, the development hereby permitted shall be carried out strictly in accordance with the following approved drawings, received by the Local Planning Authority:

- Drawing number: B41-2F 'As Proposed Plans & Elevations' received on 17.10.2017 (Elevations only);
- Ordnance Survey Location Plan received on 13.09.2017;
- HVAC Layout for Approval ref. BEC_HF_21-205_1.1 received 14 June 2021;
- Manufacturer's Specification: Toshiba Air Conditioning – RAV-GM Data Sheet model RAV-GM1101ATP-E;
- Manufacturer's Specification: Toshiba Air Conditioning – RAV-GM Data Sheet model RAV-GM801ATP-E.

Reason: In order to clarify the terms of this planning permission and to ensure that the development is carried out as permitted.

Appendix



EAST NORTHAMPTONSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

17/01941/FUL

Location

20 High Street Higham Ferrers Rushden Northamptonshire NN10 8BL .

Proposal

Change of use to B1, B2 and A3. Central distribution centre for Bewiched Coffee, food storage, basic food prep will take up 66% of the floor space. Small coffee shop to front taking up 34% of the floor space.

Applicant

Mr Mr M Fountain - Bewiched Ltd

Bewiched Coffee 34 High Street Kettering nn168su

Date received

13 September 2017

Date valid

15 September 2017

Under the provisions of the Town and Country Planning Act 1990 the Local Planning Authority hereby **GRANT PLANNING PERMISSION** for the above development in accordance with the application and plans submitted, **subject to the following conditions** which are imposed for the reasons noted thereafter:

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

Reason: Statutory requirement under provision of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The rear kitchen/preparation area(s) hereby approved shall be used in association with the café area identified on drawing number B41-2F and notwithstanding the provisions of the Town and Country Planning Uses Classes Order 2014 (or any order revoking and re-enacting that Order), the kitchen/rear preparation area(s) shall be used for the purposes stated within the application description and application documents and for no other purpose (including any other activity falling within Class B2 of the Order).

Reason: To ensure that the use of the premises does not change in a manner which could detract from the character and appearance of the area, affect local amenity, and in the interest of highway safety.

3. This permission confers permission for the front area of the premises identified on drawing number B41-2F to be used as a café only and notwithstanding the provisions of the Town and Country Planning Uses Classes Order 2014 (or any order revoking and re-enacting that Order), the front area of the premises shall be used for no other purpose (including any other activity falling within Class A3 of the Order).

Reason: To ensure that the use of the premises does not change in a manner which could detract from the character and appearance of the area, affect local amenity, and in the interest of highway safety.

4. Notwithstanding any of the submitted details, no roaster(s), air-conditioning unit(s), condenser(s) or any other external ventilation or extraction equipment, shall be installed internally or externally at the premises.

Reason: To prevent odour or noise issues arising from the development, in the interest of residential amenity and local amenity.

5. The windows and doors alterations show on drawing number B41-2F shall be carried out in timber, or an alternative wooden material, as may be agreed in writing with the Local Planning Authority.

Reason: In the interest of conserving the character and appearance of the Higham Ferrers conservation area.

6. Details of the colour scheme for the shop front of the building, including the fascia boards and windows and doors, shall be submitted to and approved in writing by the Local Planning Authority before the building is first brought into use by members of the public. The development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interest of conserving the character and appearance of the Higham Ferrers conservation area.

7. The premises shall not be open to customers or any other visiting member of the public except between the hours of 08:00am to 19:00pm Mondays to Saturdays and 09:00am to 17:00pm on Sundays and Bank Holidays.

Reason: In the interest of neighbouring amenity and local amenity.

8. Except where expressly stated by other conditions on this planning permission, the development hereby permitted shall be carried out strictly in accordance with the following approved drawings, received by the Local Planning Authority:

Drawing number: B41-2F 'As Proposed Plans & Elevations' received on 17.10.2017
Ordnance Survey Location Plan received on 13.09.2017

Reason: In order to clarify the terms of this planning permission and to ensure that the development is carried out as permitted.

Your attention is drawn to the following notes:

1. In reaching this decision the Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187.
2. The following additional information was taken into consideration in reaching this decision:
Application Form
Design and Access Statement received 19.10.2017
Supporting Statement received 17.10.2017
Drawing number: B41-1 'As Existing Plans & Elevations' received 13.09.2017
3. The applicant is advised that this planning permission does not confer consent to any signage as this is considered under separate legislation for advertisement consent.
4. The building was previously used as a garage. Whilst no significant risk of contamination has been identified, should the building/site be affected by contamination, the applicant is advised that the responsibility for securing safe usage rests with the developer, operator or owner.

5. The details pursuant to condition 6 are required prior to the commencement of development because they are critical to the material considerations of the scheme. The development would not be acceptable without these details being first approved. Please note: An application will be required to formally discharge these conditions, as well as a fee and the determination period for this application is an 8 week process.

Decision Date
5 December 2017

Signed:



Paul Bland
Head of Planning Services

NOTE: This notice relates only to planning permission and does not include or imply consent under the Building Regulations or any other legislation for which a separate application may be required.

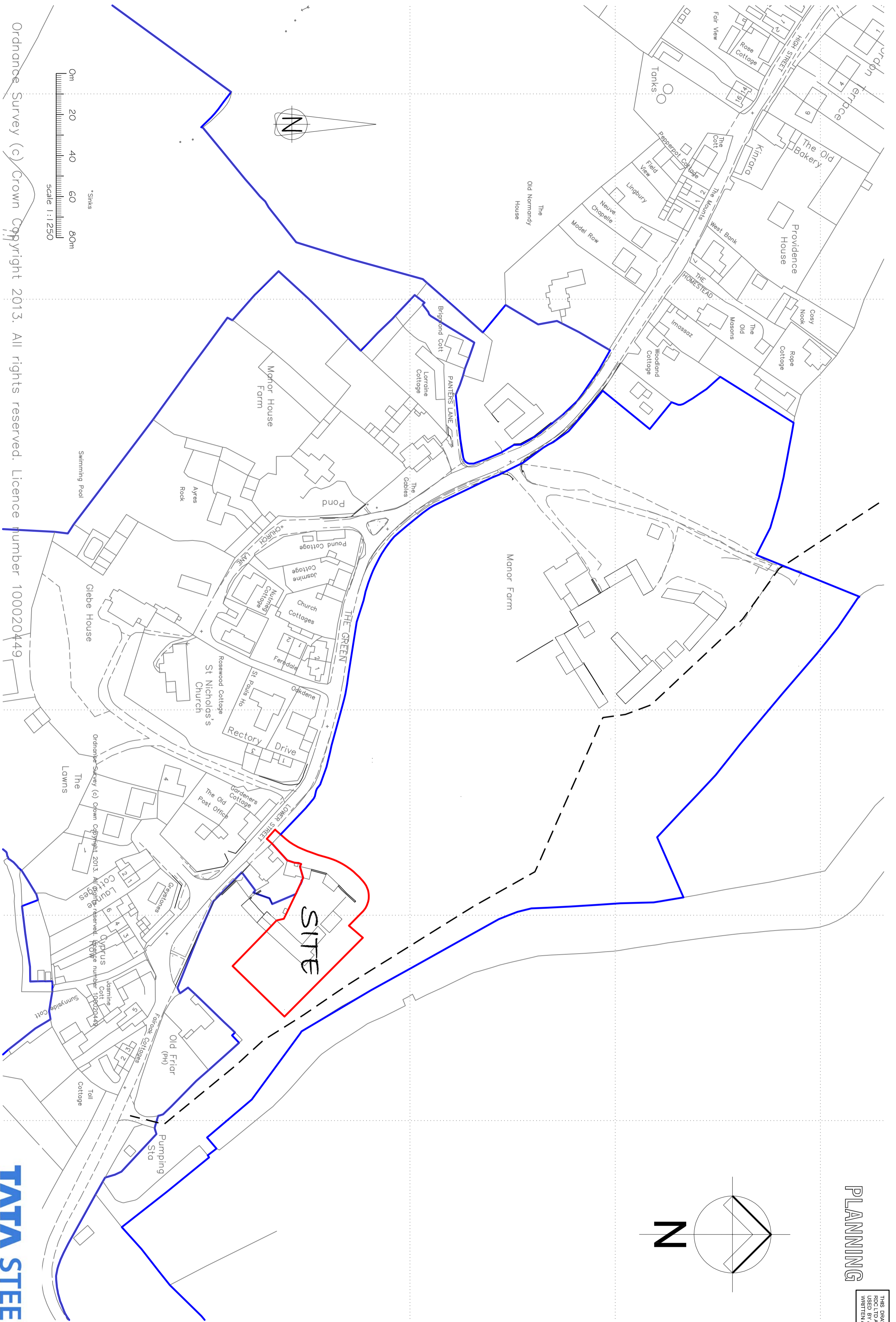
RIGHT OF APPEAL:

Your attention is drawn to the following notes which explain how to submit an appeal should you be aggrieved by the above decision.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant of permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 or Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990, within six months of the date of this notice. However, where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is within **28 days** of the date of the decision notice or of the date by which the Local Planning Authority should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the Local Planning Authority had to determine the application, the period for receiving the appeal is within **28 days** of the date the enforcement notice was served (unless this extends the normal 6 months or 12 week deadline) (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment 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 responsibly 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 or Chapter III of the Planning (Listed Buildings and Conservation Areas) Act

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act

Dcpefulz



SITE C LOCATION PLAN

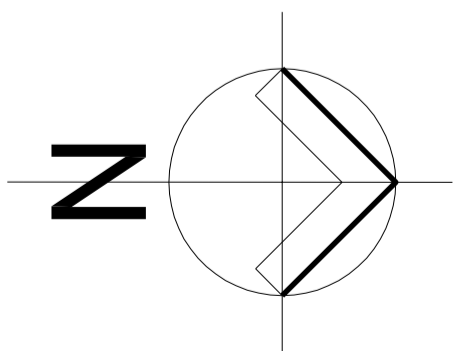
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Revision	Date	Drawn by	Checked by
A	18.11.19	SR	SC
B	31.07.20	MA	SC
C	10.05.21	SR	SC

PLANNING

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TATA STEEL

Twywell Site C

Date	Scale	Drawn by	Checked by
OCT 2019	1:1250@A2	SR	SC
Project No	Drawing No		Revision
RDCl081	LP-002		C

Project
BARN CONVERSION
Twywell
Drawing Title
SITE C LOCATION PLAN



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**North Northamptonshire Area Planning Committee
(Thrapston)
20 September 2021**

Application Reference	20/01154/FUL
Case Officer	Patrick Reid
Location	Home Farm Cottages, Lower Street, Twywell, Northamptonshire, NN14 3AH
Development	Conversion of Grade II Listed farm building and attached cottage to create a single dwelling (Class C3); demolition of a modern extension to the barn and an outbuilding; and construction of a combined garage and carport
Applicant	Tata Steel (UK) Ltd
Agent	Harris Lamb
Ward	Thrapston
Overall Expiry Date	23 February 2021
Agreed Extension of Time	TBC

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are more than three objections raising material matters. The objections are contrary to the Officer's recommendation for approval.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 It is proposed to change the use of traditional agricultural barns to residential use as a single dwelling. The works proposed also include the physical operations to undertake the conversion both internally and externally. The works include the installation of windows, doors and a chimney. Part of the barns proposed to be converted are Grade II listed, known as Home Farm Cottages.

- 2.2 The dwelling to be created would have an 'L' shape footprint with a parking area and outside amenity space on the west/south of the barns. A vehicular access and driveway would be developed on the northern/western side of the barns which would run around the outside of the existing built area, alongside Home Farm House on the highway frontage.
- 2.3 To the north-west of the house a new car port/garage is proposed. It would be constructed of timber and include an enclosed garage area. In front of the car port would be a driveway/parking area. This area and that of the proposed garden would be created by the removal of a timber barn. Toward the western part of the site, adjacent to the proposed access, are two outbuildings/barns which are proposed to be refurbished with new roofs of clay pantiles.
- 2.4 The physical works to the barns, including that subject of the grade two listing, are subject of a concurrent application for listed building consent. On the western elevation, the works include the creation of a full-height glazed opening, the repair of existing window openings and the insertion of two rooflights and one ground floor window. On the eastern side there is to be five rooflights, as well as repaired window openings. A centrally large glazed opening will be in place of the existing barn door opening. The windows proposed for the house are to be timber for the smaller openings and the larger full-height feature is to be aluminium framed.
- 2.5 Amended drawings were received during the application to address concerns raised by officers. The amendments included the removal of a garden area on the eastern side of the proposed dwelling; alterations to the openings proposed on the barn and a red line alteration to include the verge across which access would be taken. The current documents subject of determination include:
- Bat Hibernation Survey dated March 2021;
 - Proposed Plans ref. PL-211 rev. A;
 - Proposed Elevations ref. PL-212 rev. A;
 - Car Port Proposed Plans and Elevations ref. PL-213 rev. A;
 - Schedule of Works for Home Farm Barn C, dated January 2021;
 - Bay Survey Addendum Report dated October 2020;
 - Tree Protection Plan ref. PRI22496-o0A phase C;
 - Design and Access Statement;
 - Ecological Appraisal dated August 2020;
 - Heritage Statement dated July 2020;
 - Structural Assessment for Planning dated August 2018;
 - Tree Report dated June 2019;
 - Schedule of Works Manor Farm Barn C1 dated October 2019;
 - Planning Supporting Statement dated September 2020.

3. Site Description

- 3.1 The application site comprises a Grade II listed agricultural barn, and an adjoining unlisted barn, located on the edge of Twywell. The listed barn is of a stone construction with a pitched roof, and the building is showing signs of disrepair at places. The main part of the site comprises two barns that adjoin in an 'L' shape. To the north of the buildings is agricultural land through which is a public right of way. To the west the land is agricultural, including the site of the proposed access.
- 3.2 To the south is High Street and residential properties located off it. Adjoining the southern part of the barn is a two-story stone cottage. Nearer to the High Street is a two-storey detached house, Home Farm House, which is Grade II listed.
- 3.3 To the west of the 'main' listed barn are smaller and less substantial timber barns. These are also in a state of disrepair and do not appear to have been in regular use in recent years. The land in between the barns is soil/grass with some hedging and shrub-like vegetation growing around the perimeters of the external area.
- 3.4 On the western side of the yard is a more modern brick-built barn with a tile roof in front of which is an area with concrete hardstanding. To the rear of this building is a brick wall which provides a separation between the former agricultural yard and the undeveloped land to the west.
- 3.5 All of the barns, subject of the application, are located with the settlement boundary for Twywell. However, the land on the western side on which the access is proposed, is outside of the settlement boundary as identified on the Rural North, Oundle and Thrapston Plan (2011). The site lies entirely within the Twywell Conservation Area.

4. Relevant Planning History

- 4.1 20/01155/LBC - External and internal alterations to Grade II Listed buildings to allow for their conversion into residential dwelling; demolition of modern extension and a curtilage listed building; and construction of a combined garage and carport – UNDER CONSIDERATION
- 4.2 Other relevant applications in Twywell:
- 20/01019/FUL - Alteration and conversion of four disused agricultural buildings into four residential dwellings (Class C3), to include extension works, new car ports, associated site layout and landscaping works – PERMITTED (20.07.21)

5. Consultation Responses

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

5.1 Twywell Parish Council

Although Twywell Parish Council are in support of the redevelopment of the disused farm buildings, they wish to make the following comments

- There is already an issue with road safety and parking in the village. Concern over parking and visibility issues near the bend in the road;
- a driveway could be routed via the existing track that leads from the Old Friar car park to the proposed development;
- query as to whether the outbuildings are curtilage listed and if so, if the centre barn could be re-roofed.

5.2 Neighbours / Responses to Publicity

15 representations have been received of which two are in support, two are neutral and eleven are in objection. The points raised are summarised as follows:

- Noise caused by the access road;
- dangerous access;
- might lead to more development afterwards;
- out of character with adjacent property;
- extra demand on sewage system;
- water run off on adjacent properties;
- new access road is unnecessary.

5.3 Local Highway Authority (LHA)

Comments summarised below:

- 2 metres x 2 metres pedestrian visibility splays requested;
- The proposed dwelling is more than 45 metres from the highway boundary and this may have implications for a Fire vehicular accessing the site;
- All accesses over 45 metres in length to be a minimum of 3.7 metres wide for its whole length, to accommodate an appliance; Such accesses to accommodate a fire appliance with a 15 Ton axle loading;
- A means of drainage across the back of the highway boundary, across the proposed site access draining to soakaways contained within the applicant's own land is required;
- A four bedroom property has a parking space criteria of 3 spaces as per the NCC Parking Standard Documents dated September 2016.

Subsequent comments in response to submitted visibility splays: happy with the vehicular visibility splays shown. Depending on how much of the verge is going to be cut back, pedestrian visibility (2 metre x 2metres) will also need to be identified as the verge is still public highway and free for use by pedestrians.

5.4 Natural England

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified. (*Officer comment: the relevant mitigation amount has been received*)

5.5 Environmental Protection Officer

Initial clarification sought on points relating to distance to the windows, acoustic fencing and drawings.

Subsequent comments (following receipt of additional information): No objection subject to conditions be added (three conditions listed relating to acoustic glazing, no burning and construction times).

5.6 Principal Conservation Officer

Initial comments: the proposed alteration to the landscape setting of the site (including the site access) requires further consideration. In terms of the amenity space it would appear that there would be ample room within the existing site to accommodate this without changing the use/character of the surrounding land. Further comments relating to openings and roof ties, requesting further details.

Subsequent verbal comments summarised:

- The works to the listed building are now acceptable following the proposed changes to the openings;
- The roof structure details are now acceptable.

5.7 Waste Manager:

With regards to the above application could the developer please include a hardstanding bin presentation area adjacent to the highway for the collection of waste the private driveway would not be accessed to collect waste containers.

5.8 Archaeological Advisor

No objection subject to the inclusion of a condition for an archaeological programme of works to any permission granted in respect of this application.

5.9 Wildlife Officer

Initial comments: Three of the buildings were identified as having potential for bat roosting and would require additional activity surveys to establish whether they were in use by bats.

Subsequent comments: One of the buildings has been confirmed to support hibernating bats and a licence will be required to allow the works to proceed lawfully. It is likely that further activity surveys will be needed to establish whether there are any maternity roosts, however that will be determined by Natural England so at this stage the application can be determined. A condition is recommended.

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)

Policy 1 - Presumption in Favour of Sustainable Development

Policy 2 - Historic Environment

Policy 4 - Biodiversity and Geodiversity

Policy 5 - Water Environment, Resources and Flood Risk Management

Policy 6 - Development on Brownfield Land and Land Affected by Contamination

Policy 8 - North Northamptonshire Place Shaping Principles

Policy 9 - Sustainable Buildings and Allowable Solutions

Policy 10 - Provision of Infrastructure

Policy 11 - The Network of Urban and Rural Areas

Policy 13 – Rural Exceptions

Policy 22 - Delivering Economic Prosperity

Policy 28 - Housing Requirements and Strategic Opportunities

Policy 29 - Distribution of New homes

Policy 30 - Housing Mix and Tenure

6.4 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)

Policy 2 – Windfall Development in Settlements

Policy 5 – Transport Network

Policy 12 – Considerate Construction

Policy 23 – Rural Buildings- General Approach

6.5 Emerging East Northamptonshire Local Plan (LPP2) Submission version (2021)

EN1 - Spatial Development Strategy
EN5 - Development on the Periphery of Settlements and Rural Exception Housing
EN13 - Design of Buildings/Extensions
EN14 - Designated Heritage Assets
EN30 - Housing Mix and Tenure to Meet Local Need

6.6 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Heritage, Design, Layout and Impact on the Character and Appearance of the Area
- Impact on Neighbouring Amenity
- Ecology
- Waste Storage and Collection
- Archaeology
- Space Standards and Private Amenity
- Other Matters

7.1 Principle of Development

7.1.1 Residential development is subject to Policy 28 of the North Northants Joint Core Strategy (JCS). The requirements for East Northamptonshire between 2011 and 2031 are for 8,400 dwellings. Policy 29 sets the basis for housing distribution across the authority area. For the villages and rural areas, it sets out that the dwellings shall come forward as small-scale infilling, rural exception or otherwise by Part 2 Local Plans or Neighbourhood Plans. There is not a neighbourhood plan for Twywell. The Part 2 Local Plan is not adopted and is at Submission stage, having been put forward for examination on 31st March 2021.

7.1.2 Policy 11 of the JCS identifies Twywell as a 'village' in terms of its spatial role. For such settlements, development 'is likely to be limited to small scale infill development and rural exceptions'. Part 2, b) of Policy 11 refers to sites within 'villages' where it would not materially harm the character of the settlement. Other than the access, the site is within the defined settlement boundary as shown on the Rural North, Oundle and Thrapston Plan (2011).

- 7.1.3 Policy 13 of the JCS relates to rural exceptions in the rural area. However, as the majority of the site is inside the defined settlement boundary, Policy 13 is of limited relevance. The vehicular access would run through currently undeveloped land, which is outside of and adjacent the village boundary, and therefore Policy 13 in dealing with land outside settlements is relevant to an extent. As the residential development through the conversion of the barns will be entirely within the settlement boundary, it is considered to be compliant with the adopted housing distribution policies including Policy 29 of the JCS.
- 7.1.4 The JCS does not include any housing provision policies which directly deal with proposals to convert buildings. In the absence of clear policy on guidance in relation to proposal involving the conversion of existing buildings, paragraph 80 of the NPPF is relevant insofar as it sets out that planning policies should avoid isolated new homes in the countryside unless the development would re-use redundant buildings and enhance its immediate setting. In this instance, it is considered that the building is not isolated due to its proximity to the nearby housing in Twywell. The wording of the NPPF paragraph suggests that, in principle, dwellings can be deemed acceptable in locations where a new dwelling that does not include a conversion would not. It is also noted that the NPPF makes provisions for barn conversions in remote locations. The barns, subject of this application, are not isolated which adds further weight to their conversion being acceptable in principle.
- 7.1.5 Taking account that the barns are within the adopted settlement boundary and the contents of paragraph 80 of the NPPF, it is considered that the proposal would comply with Policy 11 of the JCS which allows for infill development in the named villages.

Recent local relevant decisions: planning permission ref. 20/01019/FUL

- 7.1.6 In July 2021, the Council considered a proposal for development that shared similarities to this proposal. Application ref. 20/01019/FUL related to a site comprising traditional farm buildings also on the edge of Twywell. The development proposed was to convert the buildings to four dwellings. Planning permission was granted by the decision of the Council's Area Planning Committee, in line with the Officer's recommendation for approval.
- 7.1.7 This application and that application share similarities in their geographical position near to Twywell and that they involve the conversion of traditional farm buildings to residential use. Both sets of buildings also have a level of heritage significance also, either by being directly listed or curtilage listed. The buildings under the 20/01019/FUL application lay outside of the defined settlement boundary, so those that are the subject of this application are therefore deemed even more suitable for residential use, in terms of the provisions of Policy 11. The approval of that application further adds weight to indicate the conversion now considered is acceptable in principle.

7.1.8 It is necessary to note that whilst the proposed dwelling and its external amenity space would be located within land identified as being within the settlement boundary for Twywell, the proposed access would not. The land across which the access would be is outside of the boundary line and is therefore deemed to be in the countryside. In isolation, an access in such location would not normally be acceptable. However, the matter is considered as part of the wider balancing exercising and addressed in detail in the subsequent sections below.

7.2 **Heritage, Design, Layout and Impact on the Character and Appearance of the Area**

7.2.1 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. 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.

7.2.2 The barns are Grade II listed and relate to Historic England List Entry Summary 1225976 dating from 1987. The listing notes the barn and attached house, noting its architectural features. It is also noted that the house outside of the site to the west, Home Farm House, is also Grade II listed. The site lies entirely within the Twywell Conservation Area (CA) and as such regard is given to the impact of the development on the heritage assets.

7.2.3 The largest of the barns, on the eastern side of the site, is grade II listed and therefore represents a heritage asset. All of the site is within the Twywell Conservation Area and the whole development would therefore be in an area where heritage is an important consideration.

7.2.2 The Council's Principal Conservation Officer has been consulted on the application and responses were made by the applicant to the initial comments. In particular, concern was raised as to the extent of garden space proposed to the south of the building into what is currently agricultural grassland. Additionally, some details of the extent of openings in the walls was sought, as well as further information on the reason for the route of access.

7.2.3 Subsequent to the comments, the applicant provided information and answers to the various queries and provided amended plans. In terms of the proposed works to the barn, the Principal Conservation Officer has confirmed they are satisfactory. The works overall are considered sympathetic and appropriate for the host building. The openings proposed for windows and doors are relatively limited and the vast majority of the historic fabric would be retained.

7.2.4 Internally the proposed works are also considered appropriate and ensure that historic beams and roof trusses are retained. The inclusion of a first floor in a manner which ensures the works to the roof are not excessive is considered to be a positive feature.

- 7.2.5 Externally, the proposed rear garden has been removed which is considered necessary to avoid expanding the development beyond the settlement boundary where boundary enclosures and domestic paraphernalia would be unacceptable. The works on the 'inside' part of the courtyard area where there would be a parking area and external amenity space are considered appropriate. The removal of a more modern barn is considered acceptable as it does not warrant listing or retention. The works ensure the retention of the buildings of historic significance and through bringing them back into use, will help ensure their long-term care and retention. It is apparent that the buildings have fallen into a state of disrepair and provide no functional use. In the absence of a regular use of the buildings and given the extent of repair works required, which appear to be significant, there is a real possibility that the buildings would fall further into disrepair over time. This would be significantly detrimental and result in significant damage and potential loss of the Grade II listed barns. It is therefore considered that the proposal would provide significant benefits through the works that will ensure the long-term retention of the listed buildings.
- 7.2.6 In terms of the impact on the setting of the nearby Home Farm House, the proposal would affect its setting both through the removal of the nearby barn, the conversion works and the addition of the access. The works that would directly create the dwelling and remove the barn near to Home Farm House are not considered to be detrimental changes on its setting. Through restoring and ensuring the long-term retention of the listed barn, part of the historic surroundings of Home Farm Barn would be retained to its benefit. However, the addition of the access driveway on the western side around Home Farm House on current undeveloped land, would have an impact that is considered to be negative when considered in isolation.
- 7.2.7 The setting of Home Farm House, on its western side, is undeveloped and means that the house sits on the edge of the village. The addition of an access would change this relationship, meaning its western boundary would be a residential access road rather than agricultural land. In terms of the significance of the adjacent property, the List Entry Summary sets out that the house dates from 1663, initially, as the name suggests, a farmhouse. The proposed access would not affect the historic fabric of the listed building, but it would affect the appearance of its setting and this is considered to be detrimental. The extent of harm is considered to be small however, and the proximity of adjacent agricultural land to Home Farm House is not considered fundamental to its significance. It would remain as an example of an historic former farmhouse on the edge of Twywell. The harm from the access identified is considered in the planning balance.
- 7.2.8 In terms of the balancing exercise, the heritage benefits of bringing the host barn back into use and ensuring its long term retention are considered significant. The necessity and reasoning of the access is discussed later in this report. However, as the harm brought by the access is considered small in heritage terms, if it is to be deemed the sole feasible access option, then the heritage benefits of the proposal are considered to considerably outweigh the harm.

- 7.2.9 As the buildings form an important part of the history of Twywell and contribute to the Conservation Area status of the surroundings, the development is considered to have an enhancing effect on the listed building and there would be a positive impact on this part of the CA.

Boundary wall between the proposed site and Home Farm House

- 7.2.10 Adjacent the barn on the southern boundary which is shared with Home Farm House, there is a barn to be removed. Beside this there is a wall which marks the boundary between the two sites. Concern has been raised in representation that the proposal may result in its loss and that it represents a heritage asset. The Principal Conservation Officer has expressed support that it be retained as it is a positive heritage feature. As such, it is considered appropriate that a condition be applied which ensures its retention.

7.3 Impact on Neighbouring Amenity

- 7.3.1 The nearest property at Home Farm House is considered sufficiently far away as to not have a materially detrimental impact on its amenities. There would be no overlooking of the nearby property, loss of outlook or other loss of amenity from the dwelling.

- 7.3.2 The submission does not express a material proposed for the access drive that would run past Home Farm House. If loose gravel were to be used, potentially this may cause undesirable noise at night that would affect the bedrooms of the adjacent property. It is therefore considered appropriate that a condition be applied, should permission be granted, that requires a hard bound surface to limit noise.

7.4 Ecology

- 7.4.1 The application is supported by an ecological appraisal and there is a response from the Council's Wildlife Officer. They have noted that due to the survey finding evidence of hibernating bats, a condition is recommended to require a further survey and details on the proposals as a licence from Natural England will be required. It is considered appropriate that such condition be applied, should permission be granted. It should be noted that Natural England normally requires planning permission to have been granted before it will consider granting a license.

7.5 Waste Storage and Collection

- 7.5.1 The Council's Waste Manager has requested there be a hardstanding location beside the road for the presentation on bin days. It is considered that a small amendment could be required by condition to illustrate such an area.

7.6 Archaeology

- 7.6.1 The Council Archaeologist was consulted on the application and has recommended a pre-commencement condition be applied for a scheme of works. It is considered such a condition be applied, should permission be granted.

7.7 Space Standards and Private Amenity

- 7.7.1 Policy 30 of the JCS requires that new dwellings meet the minimum space standards and have sufficient private amenity. The dimensions of the house and its rooms meet the minimum requirements. It will also have external amenity space and is considered acceptable in this respect.

7.8 Highway and Access Matters

- 7.8.1 Access has been a key focus for consideration during the application process particularly as the road proposed is outside of the village on undeveloped agricultural land. This is generally not preferred and would have a level of being undesirable due to the laying of a hard surface on an area that is currently mainly grass, as well as tree/hedgerow beside the highway. Officers have therefore explored all options to ensure there are no preferable access routes.
- 7.8.2 It was suggested to the Applicant that access could be gained through the existing gravel yard beside Home Farm House. However, it has been demonstrated this is not sufficiently wide and would pass directly past the adjacent cottage that adjoins the barn. It is considered to not be a feasible access route as it physically could not be achieved due to the lack of space. The lack of space would also affect parking provision.
- 7.8.3 An alternative access route suggested by representation, was for an access road to be added which would join the highways at the east around the back of the public house. It would be significantly long and go through agricultural land as well as being beside a public right of way. This option was considered by Officers and is deemed to be a significantly harmful option. It would be to the detriment of the use of the public footpath and would be far longer than that proposed, resulting in more agricultural/undeveloped land lost. It would represent poor design and the proposed option is preferable by far.
- 7.8.4 Consequently, to reach the barns a new access would be necessary. The options to achieve this are limited, and the only realistic option is the route of that proposed. The submitted details have indicated the visibility splays are acceptable and the Highway Authority has confirmed this. Safe access can therefore be achieved. While the access in the location is not ideal, it is considered a necessity and is weighed against the benefits of securing the long-term retention of the heritage asset.

8. Other Matters

- 8.1 Neighbour comments: Concern relating to the safety and noise from the access have been addressed given the LHA are content with the visibility splays. It is considered that a surface that is not loose would not cause too much noise for the adjacent residential property.
- 8.2 Other concern has been raised about other possible future development. In response to this, all applications have to be considered on their own merits.

- 8.3 In terms of the sewerage system, it is considered unreasonable to refuse a development of a single dwelling on this basis particularly when there is no evidence from an authoritative source to indicate it would cause an unacceptable problem. Building Regulations would ensure a satisfactory means of disposal of foul and surface water. In terms of drainage, the dwelling is in Flood Zone 1 (least likely to flood) and there is no reason to indicate it would cause drainage problems.
- 8.4 Concern has been raised that the development would be out of character with the existing area. For the reasons expressed in this report, the design is considered sympathetic and appropriate for the property and vicinity.
- 8.5 Equality: the application raises no matters of equality concern.
- 8.6 Health Impact Assessment: Paragraph 91 of the NFFP states planning policies and decisions should aim to achieve healthy, inclusive and safe communities. This proposal is considered to provide a dwelling in a suitable location that would not harm the health of others nearby.

9. Conclusion / Planning Balance

- 9.1 The building is Grade II listed and evidently in need of repair and works to ensure its long term retention. This proposal brings the building back into use and ensures it is done so in a sympathetic manner, retaining the historic fabric. The addition of a new vehicular access is not ideal and would cause a small amount of visual harm through the loss of undeveloped land to create it. However, this is weighed against the benefits brought by securing the heritage asset and providing a dwelling in a village location. The benefits are considered to outweigh the harm.
- 9.2 Planning conditions can avoid ecological harm and the proposal has demonstrated safe access can be achieved. There would be no detrimental impact on the amenities of neighbouring properties and the new dwelling would have sufficient internal and external amenity space. It also would have sufficient parking and turning space. Overall, the development is considered to accord with the adopted development plan as a whole.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

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

Reason: To comply with the provisions of 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 following approved plans:

- Site C rev. G;
- Proposed Plans ref. PL-211 rev. A;
- Proposed Elevations ref. PL-212 rev. A;
- Existing Plans ref. PL-108 rev. A;

Reason: To define the terms of the planning permission.

3 The following works including works to the roof and demolition of the buildings shown to be removed, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

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

Reason: The buildings to be affected by the works have the potential to be habitats for bats, a protected species. The condition therefore ensures the works would not cause such harm, in accordance with Policy 4 of the JCS.

4 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any such subsequent Order or amendment to it, no fences, walls or other structure or means of enclosure shall be erected on the land. Any such addition will require a separate planning application.

Reason: To ensure the character of the Grade II listed building and the Conservation Area is not adversely impacted.

5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

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

- (i) fieldwork in accordance with the agreed written scheme of investigation;
- (ii) post-fieldwork assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
- (iii) completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 194.

- 6 Prior to the commencement of development, no work shall take place until scheme setting out the details of the access road are submitted to and approved in writing, by the Local Planning Authority (LPA). The details shall include the material for the road surface, its dimensions and its landscaping. The works shall thereafter be installed as per the approved details and retained as such in perpetuity.

Reason: In order to ensure the appearance of the access road is appropriate for the setting of the Conservation Area and the nearby listed buildings.

- 7 Prior to the commencement of works to create the access road, details of the pedestrian and vehicular visibility splays shall be submitted to and approved in writing. These shall be at where the proposed access joins Lower Street.

Reason: To ensure the proposal achieves the optimum levels of visibility onto the highway.

- 8 Prior to the occupation of the dwelling hereby approved, details shall be submitted to, and approved in writing by the Local Planning Authority, of the measures to limit use to no more than 105 litres of water per person per day.

Reason: To ensure the house meets the requirements of Policy 9 of the JCS.

- 9 The wall on the southern boundary shared with Home Farm House shall be retained. Prior to the demolition of any buildings, details shall be submitted to and approved in writing of the extent of the wall, its width and height and a plan demonstrating its retention. The wall shall thereafter be retained in perpetuity.

Reason: The wall is considered a positive aesthetic and historic feature and its retention is considered positive to the character of the site.

- 10 Prior to the occupation of the dwelling, details of the parking and turning areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be installed as per the approved details and remain available for parking in perpetuity.

Reason: In the interests of highway safety and ensuring the development does not result in vehicles parking on the public highway.

- 11 Prior to works to create the access being commenced, details of a hardstanding area beside Lower Street shall be submitted to and approved in writing, showing an area for the presentation of waste bins. The approved bin storage area shall be provided before occupation of dwelling and thereafter retained for that purpose.

Reason: For a suitable waste presentation site to be secured as part of the development.

- 12 Prior to the occupation of the dwelling hereby approved, details of the proposed side and rear boundary treatments shall be submitted to the Local Planning Authority for approval in writing. The works shall then be carried out in accordance with the details approved prior to the first occupation of the development hereby permitted.

Reason: In the interests of preserving the character of the existing listed building and the Conservation Area.

- 13 Prior to installation, details of the external joinery items, to include windows, doors and glazed screen, shall be submitted to the Local Planning Authority for approval in writing. The works shall then be carried out in accordance with the details approved.

Reason: In the interests of preserving the character of the existing listed building and the significance of the Conservation Area.

- 14 The development hereby approved, in respect of arboricultural works, shall be undertaken in accordance with the recommendations set out in the Tree Report dated 03 June 2019.

Reason: To ensure tree works are appropriate and do not unnecessarily harm trees.

12. Informatives

- 1 Please note that the applicant will be required to obtain a Section 184 licence, from Northamptonshire Highways Regulations in order to install the site access and the vehicle crossover of public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place.

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way

- 2 Conditions 5 and 6 require details to be submitted to and approved in writing by the Local Planning Authority (LPA). These details are required prior to the commencement of the development, as the site is visually sensitive by virtue of being within the Twywell Conservation Area, is Grade II listed and the details requested are required for the reasons set out in the respective condition.

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**North Northamptonshire Area Planning Committee
(Thrapston)
20 September 2021**

Application Reference	20/01155/LBC
Case Officer	Patrick Reid
Location	Home Farm Cottages, Lower Street, Twywell, Northamptonshire, NN14 3AH
Development	External and internal alterations to Grade II Listed buildings to allow for their conversion into residential dwelling; demolition of modern extension and a curtilage listed building; and construction of a combined garage and carport
Applicant	Tata Steel (UK) Ltd
Agent	Harris Lamb
Ward	Thrapston
Overall Expiry Date	23 February 2021
Agreed Extension of Time	TBC

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there it is associated with full application ref. 20/01154/FUL for the works, which is being considered by the Committee due to the number of objections received.

1. Recommendation

- 1.1 That listed building consent be GRANTED subject to conditions.

2. The Proposal

- 2.1 It is proposed to change the use of traditional agricultural barns to residential use as a single dwelling. The works proposed also include the physical operations to undertake the conversion both internally and externally. The works include the installation of windows, doors and a chimney. Part of the barns proposed to be converted are Grade II listed, known as Home Farm Cottages.
- 2.2 The dwelling to be created would have an 'L' shape footprint with a parking area and outside amenity space on the west/south of the barns. A vehicular access and driveway would be developed on the northern/western side of the barns which would run around the outside of the existing built area, alongside Home Farm House on the highway frontage.
- 2.3 To the north-west of the house a new car port/garage is proposed. It would be constructed of timber and include an enclosed garage area. In front of the car port would be a driveway/parking area. This area and that of the proposed garden would be created by the removal of a timber barn. Toward the western part of the site, adjacent to the proposed access, are two outbuildings/barns which are proposed to be refurbished with new roofs of clay pantiles.
- 2.4 The physical works to the barns, including that subject of the grade two listing. On the western elevation, the works include the creation of a full-height glazed opening, the repair of existing window openings and the insertion of two rooflights and one ground floor window. On the eastern side there is to be five rooflights, as well as repaired window openings. A centrally large glazed opening will be in place of the existing barn door opening. The windows proposed for the house are to be timber for the smaller openings and the larger full-height feature is to be aluminium framed.
- 2.5 Amended drawings were received during the application to address concerns raised by officers. The amendments included the removal of a garden area on the eastern side of the proposed dwelling; alterations to the openings proposed on the barn and a red line alteration to include the verge across which access would be taken. The current documents subject of determination include:
- Proposed Plans ref. PL-211 rev. A;
 - Proposed Elevations ref. PL-212 rev. A;
 - Car Port Proposed Plans and Elevations ref. PL-213 rev. A;
 - Schedule of Works for Home Farm Barn C, dated January 2021;
 - Design and Access Statement;
 - Heritage Statement dated July 2020;
 - Structural Assessment for Planning dated August 2018;
 - Planning Supporting Statement dated September 2020.

3. Site Description

- 3.1 The application site comprises a Grade II listed agricultural barn, and an adjoining unlisted barn, located on the edge of Twywell. The listed barn is of a stone construction with a pitched roof, and the building is showing signs of disrepair at places. The main part of the site comprises two barns that adjoin in an 'L' shape. To the north of the buildings is agricultural land through which is a public right of way. Adjoining the main barn on its southern side is an attached listed dwelling, which was historically created through the conversion of part of the barn. To the west the land is agricultural, including the site of the proposed access.
- 3.2 To the south is High Street and residential properties located off it. Adjoining the southern part of the barn is a two-story stone cottage. Nearer to the High Street is a two-storey detached house, Home Farm House, which is Grade II listed.
- 3.3 To the west of the 'main' listed barn are smaller and less substantial timber barns. These are also in a state of disrepair and do not appear to have been in regular use in recent years. The land in between the barns is soil/grass with some hedging and shrub-like vegetation growing around the perimeters of the external area.
- 3.4 On the western side of the yard is a more modern brick-built barn with a tile roof in front of which is an area with concrete hardstanding. To the rear of this building is a brick wall which provides a separation between the former agricultural yard and the undeveloped land to the west.
- 3.5 All of the barns, subject of the application, are located with the settlement boundary for Twywell. However, the land on the western side on which the access is proposed, is outside of the settlement boundary as identified on the Rural North, Oundle and Thrapston Plan (2011). The site lies entirely within the Twywell Conservation Area.

4. Relevant Planning History

- 4.1 20/01154/FUL - External and internal alterations to Grade II Listed buildings to allow for their conversion into residential dwelling; demolition of modern extension and a curtilage listed building; and construction of a combined garage and carport – UNDER CONSIDERATION
- 4.2 Other relevant applications in Twywell:
- 20/01019/FUL - Alteration and conversion of four disused agricultural buildings into four residential dwellings (Class C3), to include extension works, new car ports, associated site layout and landscaping works – PERMITTED (20.07.21)

5. Consultation Responses

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

5.1 Twywell Parish Council

No comments received.

5.2 Neighbours / Responses to Publicity

1 representation has been received which is in objection to the proposal. The points raised are summarised as follows:

- There are other recent applications in the village from the Applicant and all applications should be determined equally.

5.2 Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

5.3 Principal Conservation Officer

Initial comments: the proposed alteration to the landscape setting of the site (including the site access) requires further consideration. In terms of the amenity space it would appear that there would be ample room within the existing site to accommodate this without changing the use/character of the surrounding land. Further comments relating to openings and roof ties, requesting further details.

Subsequent verbal comments summarised:

- The works to the listed building are now acceptable following the proposed changes to the openings;
- The roof structure details are now acceptable.

5.4 Archaeological Advisor

No objection subject to the inclusion of a condition for an archaeological programme of works and recording to any permission granted in respect of this application.

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)
The Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 8 - North Northamptonshire Place Shaping Principles
- 6.4 Emerging East Northamptonshire Local Plan (LPP2) Submission version (2021)

EN14 - Designated Heritage Assets
- 6.5 Other Relevant Documents
None.

7. Evaluation

The key issues for consideration are:

- Impact on the significance of the grade II listed building;
- Archaeology.

Impact on the significance of the grade II listed building

- 7.1 The proposed works have been subject of consideration from the Council's Principal Conservation Officer and they have been revised during the application process in order to address concerns raised. Initially, the proposal included a relatively large first floor opening/window, where there currently is a thin slit. This was amended to be more respectful to the historic form of the building. The changes during the application process have been modest as the works initially proposed were considered on the whole respectful of the historic fabric, save for a couple of changes that have subsequently been made.
- 7.2 This application is considered alongside the application for full planning permission ref. 20/01554/FUL. The consideration of this application is therefore the impact on the heritage asset as required due to the listed status of the building. In considering the significance of the heritage asset, it is noted that the building is listed under the description of 'Home Farm Cottages and attached barn'. The listing notes that, at the time of listing, the building comprised two houses and attached barn, dating from the late seventeenth century. The listing estimates the conversion of part of the barn to residential to have occurred in the mid nineteenth century. The works relate almost solely to the attached barn which is an open space with entrances on either side

- 7.3 This information is taken from the statutory List as it was in 2001 and may not be up to date. The listing sets out that it is included for 'group value', including the attached residential unit. Based on this, the significance of the building derives from its age and as an historic example of a seventeenth century traditional barn. It also is apparent from the submitted structural survey and from the site visit, that the main listed barn has significant structural problems and is in need of repairs and work. From inside the building, it is clear that large cracks in the walls need repairs. The damage on the northern side of the barn where part of the roof is missing and a wall has part collapsed is further evidence of this. Due to an absence of a current active use of the building, it is considered there is a real probability that the building would further decline without intervention.
- 7.4 The works proposed retain the main form of the barn and evidently involve the repair of the walls and roof as necessary. The large openings on either side utilise the existing openings and are considered appropriate. The ground floor openings otherwise are limited and primarily use the existing window spaces. The first floor addition of rooflights is considered sensitive as it limits the changes to the appearance of the roof to as little as possible to create a useable first floor. The use of natural slate for the roof will benefit the integrity of the historic appearance and nature of the building.
- 7.5 The openings are to be fitted with timber casements for the smaller windows whilst the two large glazed openings are to be aluminium framed. Whilst aluminium is not a traditional material, these represent a modest contrast with the traditional materials of the rest of the building.
- 7.6 The floor layout also pay respect to the historic form of the space through having a large open-plan ground floor space, reflecting the barn use.
- 7.7 The works to the adjoining building as well as the works to remove the modern barn, which would result in the dwelling's orientation and outside space layout, are considered appropriate. They would enhance the building which is in need of work, and assist in ensuring the long term retention of the listed building as it is brought back into active use.

Archaeology

- 7.8 The Council Archaeologist has commented on the application as well as the full application. They have recommended a condition requiring a programme of building recording, as defined by Historic England, be required by condition. This has also been requested on the full application and it is deemed unnecessary for it to be included on both applications. The condition is recommended to be included on the full application and it is therefore unnecessary for it to also be on this listed building consent application.

8. Other Matters

- 8.1 Neighbour comments: Concern was raised that all applications in Twywell be considered equally on their own merits. There have been a number of applications relating to listed building in Twywell in recent years and all of them have been assessed against the relevant planning policies.

8.2 Equality: the application raises no matters of equality concern.

9. Conclusion / Planning Balance

9.1 The building is Grade II listed and evidently in need of repair and works to ensure its long-term retention. This proposal brings the building back into use and ensures it is done so in a sympathetic manner, retaining the historic fabric. The addition of a new vehicular access is not ideal and would cause a small amount of visual harm through the loss of undeveloped land to create it. However, this is weighed against the benefits brought by securing the heritage asset and providing a dwelling in a village location. The benefits are considered to outweigh the harm.

10. Recommendation

10.1 That listed building consent be GRANTED subject to conditions.

11. Conditions

1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To ensure compliance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 The works hereby permitted shall be carried out in accordance with the following approved plans:

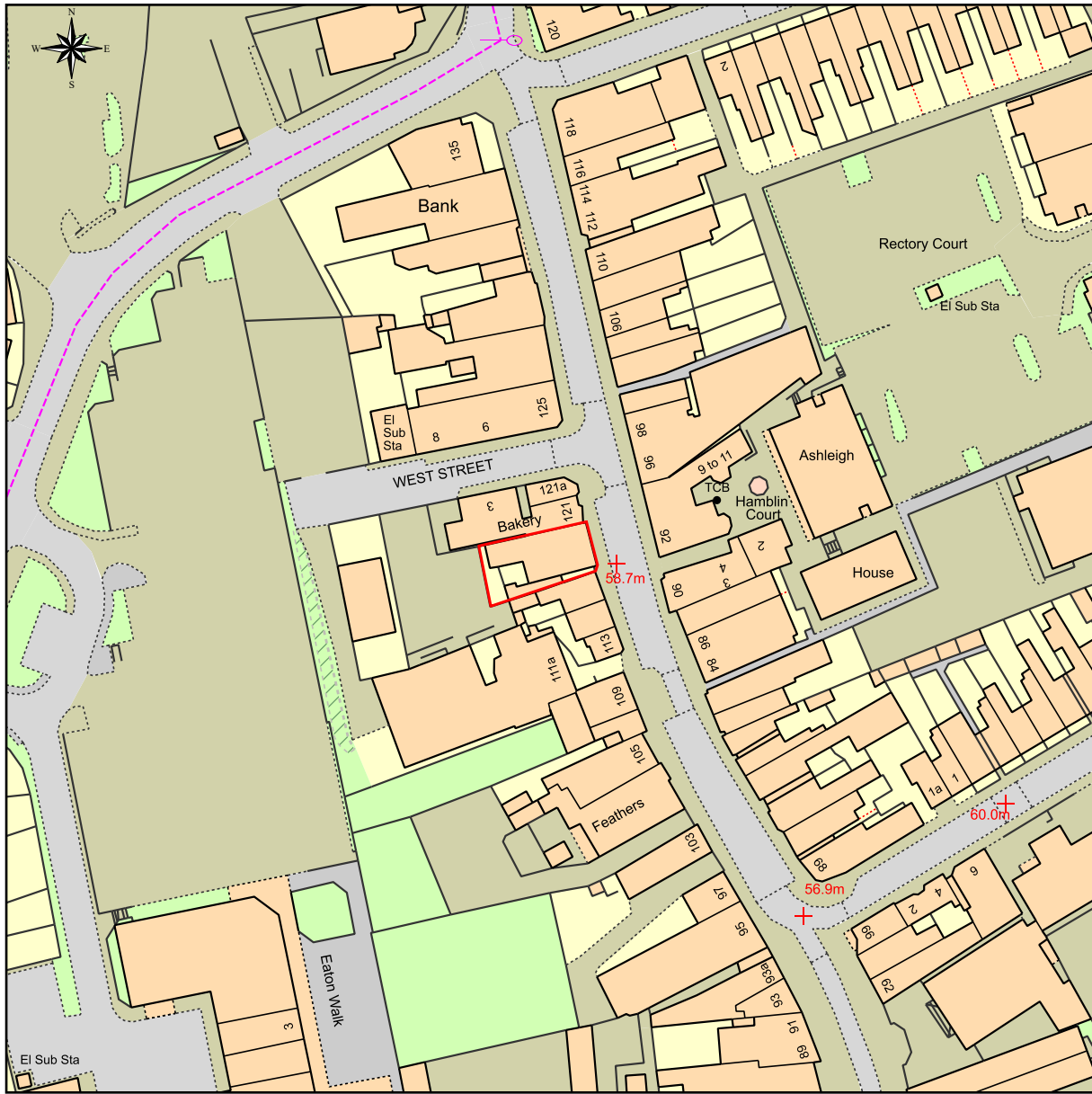
- Site C rev. G;
- Proposed Plans ref. PL-211 rev. A;
- Proposed Elevations ref. PL-212 rev. A;
- Existing Plans ref. PL-108 rev. A;

Reason: In order to clarify the terms of the consent and to ensure that the works are carried out as permitted.

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Appendix

Block Plan - NN10 0NZ



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**North Northamptonshire Area Planning Committee
(Thrapston)
20th September 2021**

Application Reference	NE/21/00926/FUL
Case Officer	Ian Baish
Location	119 High Street Rushden Northamptonshire NN10 0NZ
Development	Conversion and extension of store to the rear of shops at No 119 High Street Rushden to form a single dwelling within Class C3. (resubmission of 20/01654/FUL)
Applicant	Mr Neil Briggs
Agent	Town Planning Experts - Mr Jonathan McDermott
Ward	Rushden South
Overall Expiry Date	10 August 2021
Agreed Extension of Time	Requested to allow for Committee process but not agreed by applicant.

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation as a material written objection has been received from Rushden Town Council that is contrary to the officers proposed decision which cannot be satisfactorily resolved.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application proposes a single storey rear extension which would enable the entire existing ground floor storage area associated with the two retail units at the front of the site, to be used as a one-bedroom self contained ground floor flat.
- 2.2 The rear extension would have a pitched roof and would measure approximately 3.734 metres in length by 2.396 metres wide, by a total ridge height of 5.220 metres in height at the highest point from the ground.
- 2.3 The extension would link the existing ground floor storage area to the rear of the two retail units to a detached ancillary outbuilding which formerly housed an outside toilet serving the retail unit. The outbuilding would then be converted to provide a bathroom to serve the flat.
- 2.4 The proposal seeks to convert the building's ground floor storage area into a living room and a bedroom, and the link extension would form the entrance and the kitchen.

3. Site Description and History

- 3.1 The application site currently accommodates two retail units on the Rushden High Street with ancillary storage to the rear of the units at ground floor with storage and flats at first floor levels. It is understood that the units currently accommodate a beauty therapy business and a tattoo parlour.
- 3.2 The existing elevation of the building is constructed from white painted brick, under a slate roof. Two separate shop fronts form the front ground floor elevation with a first floor above which provides flats and has windows facing the High Street.
- 3.3 A side gate provides access to a narrow semi-covered walkway to the south of the site which leads to a metal staircase providing access to the first floor of the building. The existing ground floor storage area and the detached toilet building, subject to this application, are located at the far end of the walkway. Steps lead down to a small concrete yard area beyond.
- 3.4 The site is located within the Rushden Conservation Area, the Defined Shopping Frontage and the Defined Shopping Area as defined in Policy R2 of the Rushden Neighbourhood Plan. It is also located within the 5 kilometre buffer of the Nene Valley Gravel Pits Special Protection Area (SPA), and within 2 kilometre buffer of the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI) and Ramsar site. To the north, south and east of the site are a mixture of uses including retail, residential, hairdressing and takeaways; and to the west (rear) is a large outdoor area serving a nearby DIY store.
- 3.5 This application is a re-submission of a previously refused application: reference 20/01654/FUL. Planning Permission was refused for the following reasons:

- 3.6 *Reason 1:*
By reason of its siting and layout, the proposed development would result in a detrimental impact on any future occupiers of the proposed flat, given that the living accommodation would have to be artificially lit internally due to the relationship between windows and existing buildings. The proposal would also result in residential accommodation being positioned beneath a storage room for the adjacent retail units and the applicant has not demonstrated that this would not result in noise nuisance. The proposal would therefore be contrary to policies 8(e)(i) and 8(e)(ii) of the North Northamptonshire Joint Core Strategy, Policy EN1 of the Rushden Neighbourhood Plan and Paragraph 127 of the National Planning Policy Framework.
- 3.7 *Reason 2:*
The cumulative impact of the proposed development and the existing four flats on the site, coupled with the lack of any proposed car parking provision, would result in a detrimental impact on highway safety and as such would be contrary to guidance contained within the National Planning Policy Framework, Northamptonshire Parking Standards and Policy 8(b)(i) and (ii) and Policy 30 (a) (ii) of the North Northamptonshire Joint Core Strategy.
- 3.8 *Reason 3:*
The proposal would undermine the viability of the adjacent retail units by removing storage space and toilet facilities associated with these units. No information has been submitted to demonstrate that the impact of removing these facilities from the retail units would make them more viable or how the reduction in retail space would contribute to the vitality of the town centre or that the units are no longer viable in their existing form. The proposal would therefore be contrary to Policy 12 of the North Northamptonshire Joint Core Strategy.
- 3.9 *Reason 4:*
In order to function as a flat, the existing building requires a significant extended element in order to meet the minimum standards in terms of floorspace. It cannot therefore be considered as a conversion of the existing building and is therefore contrary to Policy H4 of the adopted Rushden Neighbourhood Plan.
- 3.10 *Reason 5:*
The proposal is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). This is a protected site and from a nature conservation point of view under the terms of European Legislation. No information has been received in connection with this application to show that the proposal will not have an adverse impact on this area. In such cases the Council has a requirement linked to an adopted Supplementary Planning Document which requires a contribution of £296.55 per dwelling to mitigate any impact. This payment has not been received in connection with this application. The proposal is therefore contrary to Policy 4(d) of the North Northamptonshire Joint Core Strategy 2016 which seeks to secure adequate mitigation against the impacts of developments on the Upper Nene Valley Gravel Pits Special Protection Area.

- 3.11 The applicant appealed the previous refusal and the appeal was dismissed. However, the inspector concluded that the proposal was acceptable on all grounds, save for the lack of a mitigation contribution towards the conservation of the Upper Nene Valley Gravel Pits SPA. Therefore, all other refusal reasons were not considered by the Inspector to be sound and, in essence, this appeal decision guides officers to the view that the proposal would be acceptable in its current form (assuming all other considerations remain equal), if the applicant was to mitigate against the impact of the development on the SPA.
- 3.12 Members will need to be aware that permission was granted (18/01710/FUL) to sub-divide one of the ground floor retail units, located in front of the proposed dwelling, A1 retail units and to change the use of the existing C3 (residential) flat on the first floor to ancillary storage for the retail units below. This permission has now been implemented although the application contained a condition removing certain permitted development rights including those relating to converting any of the first floor to residential accommodation. The applicant appealed against the use of this condition to the Planning Inspectorate. The Inspector failed to acknowledge the Council's appeal statement and allowed the appeal thus rendering condition 2 of application 18/01710/FUL as deleted.
- 3.13 The applicant has since stated that they have created four flats above the two ground floor retail units (two flats above each unit) effectively losing the storage space that was given permission and with the retail units on the ground floor having no access to the first floor. They have claimed that the four flats have been created by using permitted development rights under Schedule 2, Part 3, Class G of the General Permitted Development (England) Order 2015 (as amended) (GDPO). It is noted that, although the applicant has stated that this conversion has been carried out and they have applied for the flats to be numbered with Royal Mail, they have not submitted an application for a Lawful Development Certificate in relation to the four no. flats. It cannot therefore be confirmed that these flats are lawful in regard to the requirements of Schedule 2, Part 3, Class G of the GDPO. Nevertheless, as it is clear that four flats now exist, as they have appeared on property search sites, at the first floor level of the building, the cumulative impact of the four existing flats was a consideration when determining the previous application which would result in a fifth flat being provided on the site.
- 3.14 Application 19/00967/FUL was permitted in October 2019. This allowed for a first floor extension above the single storey element (the rear storage element, subject of this current application) which the applicant stated was required to provide additional storage for the retail units below. A condition on the 2019 planning permission (condition 3) required that, prior to implementation, the previous use of this area as a flat ceased and the extended first floor space remained as ancillary storage to the retail units below. This space has not been converted and has been retained as storage.

4. Relevant Planning History

- 4.1 20/01654/FUL - Conversion and extension of store to the rear of shops at No 119 High Street Rushden to form a single dwelling within Class C3. – REFUSED – (15.02.21).

This refusal was subject to appeal (as explained above) where the Planning Inspectorate concluded that that the only refusal reason which should be upheld was the non- payment of the SPA Habitat Mitigation fee.

- 4.2 19/00697/FUL - Extension to storage above shop – PERMITTED (25.10.2019)
- 4.3 18/01710/FUL - Change of use from (A1) shop with (C3) dwellinghouse above to two ground floor shops (A1) incorporating new entrance, with ancillary storage above - PERMITTED – (06.11.2018) (Appeal against condition 2, which removed PD rights - ALLOWED).
- 4.4 18/00215/FUL - Two residential class C3 first floor extensions to existing self contained flat with associated alterations – REFUSED (03.04.2018).
- 4.5 18/00214/FUL - Two first floor rear extensions over existing retail units to be used as ancillary to the existing retail use – REFUSED (03.04.2018).
- 4.6 17/02150/FUL - Partial change of use from A1 to C3 and a rear extension of the first floor to create a total of four 1 bedroom flats (revised scheme to 17/00569/FUL) – REFUSED (07.12.2017).
- 4.7 17/01924/LDP - Convert three bedroom flat to 2no two bedroom flats. REFUSED (03.11.2017).
- 4.8 17/00569/FUL - Change of use from A1 to C3 and the addition of a third storey to create six residential units - REFUSED (11.08.2017).
- 4.9 11/01575/OUT - Outline: 6 No flats - 2 x one bedroom and 4 x two bedroom. REFUSED 03.08.2012).
- 4.10 08/02303/OUT - Three storey residential development of 6 flats (4No 2bed 2No 1bed apartments) and associated parking – WITHDRAWN (17.04.2009).

5. Consultation Responses

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

5.1 Rushden Town Council

Objection: There is no provision for parking within the submitted plan. The Local Highway Authority (LHA) recommends that a single parking space is required for a 1-bedroom dwelling. Support the comments from the LHA regarding reliance on public car parks. As there are already 4 flats on the site with no parking, it is requested that permission for this application is refused.

5.2 Neighbours / Responses to Publicity

One letter has been received. The issues raised are summarised below:

- Overdevelopment of the site
- Rat infestation due to the huge piles of rubbish left by tenants
- Excessive noise during the night of tenants slamming the gate and jumping down the stairs
- Parking issues

5.3 Natural England

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.

5.4 Local Highway Authority (LHA)

A one-bedroom flat is proposed and would require one parking space.

It is understood that the building currently provides four flats at the first floor above the retail units. The High Street in Rushden only has a single yellow line for a partial parking restriction. To the front of 119 is a disabled bay and a loading bay. Without double yellow lines, there is likely to be an impact on the highway where residents wish to park near to their residence.

It is an amenity issue to decide whether residents may park in public car parks.

The only public car park within 5 minutes' walk, with 24-hour parking, is John Street which has 102 spaces. The LHA do have concerns with relying on parking spaces which form part of a public car park and that whilst there are currently no restrictions this may not be the case for the lifetime of the development.

5.5 Environmental Protection Team

No obvious concerns - conditions recommended to ensure no burning of waste and to restrict construction times.

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)

Policy 1 – Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 4 - Biodiversity and Geodiversity
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 7 - Community Service and Facilities
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 11 - The Network of Urban and Rural Areas
Policy 12 - Town Centres and Town Centre Uses
Policy 22 - Delivering Economic Prosperity
Policy 23 - Distribution of New Jobs
Policy 28 - Housing Requirements and Strategic Opportunities
Policy 29 - Distribution of New homes
Policy 30 - Housing Mix and Tenure

6.4 East Northamptonshire Council Local Plan (Saved Policies) (LP) (1996)

None relevant.

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

EN1 – Spatial Development Strategy
EN13 – Design of Buildings / Extensions
EN21 – Town Centres and Primary Shopping Frontages
EN23 – Development of Main Town Centre Uses around The Local Centres
EN29 – Delivering Wheelchair Accessible Housing
EN30 – Housing Mix and Tenure to Meet Local Need
EN31 – Older Peoples Housing Provision
EN34 – Reimagining Town Centres – Guiding Principles

- 6.4 Rushden Neighbourhood Plan (RNP) (2018)
Policy R1 - Town Centre Uses
Policy H1 – Settlement Boundary
Policy H4 – Market Housing Type and Mix
Policy EN1 – Design in Development
Policy T2 – Car Parking Provision
- 6.5 Other Relevant Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters
- Flood Risk and Drainage
- Ecology
- Heritage

7.1 Principle of Development

- 7.1.1 The National Planning Policy Framework (NPPF) recognises that town centres are at the heart of communities and policies should be produced which support their vitality and viability. It states that local policies should be clear in defining the extent of town centres and primary shopping areas making it clear which uses will be permitted in such locations.
- 7.1.2 Paragraph 85 of the NPPF recognises that residential development often plays an important role in ensuring the vitality of town centres and encourages residential development on appropriate sites.
- 7.1.3 With regards to housing requirements, the NPPF states that Local Planning Authorities should identify the type of housing that is required in a particular area and bring back in to use empty buildings.
- 7.1.4 Policy 6 of the JCS states that Local Planning Authorities will seek to maximise the delivery of development through the reuse of suitable previously developed land and buildings within the urban area.

- 7.1.5 Both of the retail units to the front of the site are now occupied and do not rely on the ground floor element of the storage facility in order to operate. Although the creation of a flat to the rear of the retail units would not benefit the building as a whole, the proposal would nevertheless deliver a small dwelling on a brownfield site.
- 7.1.6 Policy 12 of the JCS supports development within town centres and primary shopping areas provided that it does not undermine the predominance of typical town centre uses, such as A1 retail use. The policy also supports residential development above shops which is not relevant in this case as the proposal is for a ground floor flat to the rear of the retail units.
- 7.1.7 The proposed development is located to the rear of the shop units and relies on a small extension to facilitate residential use. It can be argued that the proposal utilises an unused area to the rear of the site which is screened from view of the main High Street. The location, being tucked away from view and accessed via a dark and narrow alley would not be appealing to typical town centre commercial uses such as retail. It was considered on the previous and identical proposal that the access would also be gloomy, unsafe and un appealing for residential use. However, with regard to this particular site, although the Council still consider the access to be unsuitable for a residential property the Planning Inspector has previously assessed the access as being suitable and we would therefore not be able to substantiate a refusal on the grounds of unsuitable or unsafe access again.
- 7.1.8 Policy 29 of the JCS broadly supports development within the growth towns and the re- use of previously developed land and buildings.
- 7.1.9 Policy R1 of the adopted Rushden Neighbourhood Plan (RNP) relates to development within the town centre and supports town centre uses in line with the NPPF. The NPPF broadly supports residential accommodation within town centre locations and RNP Policy R1 relates to design of development within the town centre and the visual impact in terms of the facades of the buildings. It is considered that as the proposal would not be visible from the High Street or wider Conservation Area and would not have an impact on the shop front, that the proposal accords with Policy R1 of the RNP.
- 7.1.20 Policy H4 of the RNP resists flatted development within Rushden unless a number of exemptions apply. It also states that to meet the exemptions the applicant must robustly demonstrate that the exemption applies to the proposal. The relevant exemption in this case is where an existing non-residential building is being converted for residential use. The proposal does partially comply with this element of the policy as it would re-use part of the ground floor of the non-residential element of the building. The building was vacant for a number of years and it would now appear that the two retail units have been let without the tenants requiring use of the storage area to the rear.

- 7.1.21 As previously mentioned, the proposal would rely on a new build extension to facilitate the conversion to a flat, as the existing ground floor storage area could not accommodate a flat without the extension. For this reason, it was determined that the previous, identical, proposal did not fully comply with Policy H4. However, the previously refused proposal for the same scheme was subject to appeal by the applicant and the Planning Inspectorate ruled that the proposal did not conflict with the terms of that policy. The Inspector concluded that the proposed residential use would be delivered primarily by converting a non-residential building and went on to acknowledge that the conversion would require a small extension to necessitate the conversion. Importantly however, the Inspector stated that the policy wording would not prevent that.
- 7.1.22 For the reasons noted above, it is considered that the principle of development is acceptable subject to all other material planning considerations being addressed.

7.2 Visual Impact

- 7.2.1 The site is located within the Conservation Area. The existing building is L-shaped with a main two storey element to the front, facing High Street, and a part single, part two storey rear projection, the land to the rear of the site is also within the Rushden Conservation Area. The extension would be constructed from materials to match the existing building.
- 7.2.2 The proposed extension would measure approximately 3.734 metres in length by 2.396 metres wide, by 3.370 metres in height. The extension would be set back from the High Street and would be accessed via the semi-covered walkway which has a solid entrance door leading off High Street. Therefore, the extended element of the proposal and the rear of the existing building would not be visible from High Street. Whilst it would be visible from the land to the rear of the site which from the neighbouring DIY store and car park it is not considered that an extension comprising of matching materials with a pitched roof would have a detrimental impact on the wider Conservation Area.
- 7.2.3 Therefore, it is considered that the single storey extension would not have a detrimental impact on the character or appearance of the building itself or the wider Conservation Area.

7.3 Housing Mix

- 7.3.1 Policy 30 of the JCS states that development should reflect the need to accommodate smaller households with an emphasis on small and medium sized dwellings (1-3 bedrooms). As the application is for a single one-bedroom property, it is considered to meet this criterion. However, taken in context with the works that have been carried out on the first floor of the building through the conversion of the first floor to 4 no. one bedroom flats, the building as a whole does not provide a mix of house types or sizes. Policy 30 also requires development to avoid an over concentration of a single property type within a neighbourhood or ward.

7.3.2 The area surrounding the building itself is characterised by commercial and retail properties, many of which contain small flats above. The area surrounding the town centre also comprises a large number of purpose-built apartment blocks and converted former factory buildings.

7.3.3 It was noted during the refusal of the previous and identical proposal that the creation of a fifth flat within the site would cause concerns in terms of an over concentration of flats in the immediate area and the impact this would have on Town centre Parking as the proposal provides no parking. Reference was also made to the Neighbourhood Plan Policy H4 which resists flatted development in Rushden owing to the fact that Rushden has a large concentration of flatted accommodation. However, the Planning Inspector ruled that it has not been demonstrated that the proposal would conflict with the further requirement of JCS Policy 30 which requires smaller dwellings or dwellings suitable for older residents and that the proposal would not adversely affect the character or infrastructure of the area. Members are advised that housing mix would not be a sound reason on which to refuse this application, given the Inspector's conclusion previously.

7.4 Highway Safety and Parking

7.4.1 The proposal involves the creation of one additional residential unit. The site also comprises two retail units in use as a beauty therapist and tattoo parlour and 4 x 1 bedroom flats above the retail units, which the applicant claims have been converted using permitted development rights. The site does not currently have any parking associated with it. The land to the rear of the site previously did provide parking but was sold off to the nearby DIY store.

7.4.2 The Local Highway Authority has objected to the proposal as no parking provision is proposed. They have requested that one space per flat is provided. In this instance, this would mean that five parking spaces would be required at a ratio of one per flat. A large first floor flat did previously exist at first floor level with no parking..

7.4.3 The area immediately surrounding the proposed flat is subject to parking restrictions in terms of time. Large sections of High Street are also subject to double yellow lines or reserved bays for disabled parking or loading. The closest public car park with 24hour unrestricted parking would be approximately a five minute walk from the proposed flat.

7.4.4 In terms of the lack of parking provision, the Planning Inspector ruled on the previously refused and identical proposal that the scheme may well appeal to those who did not own a car. The Planning Inspector also accepted that should future occupiers own a car they would have to walk either from a nearby car park or suitable unrestricted on street parking.

- 7.4.5 The Inspector also made reference to the existing four flats located on the first floor of the building, which the applicant claims have been created using permitted development rights, which would continue to operate without off road parking should this proposal be refused. The Inspector also stated that the lack of off road parking would not necessarily lead to kerbside parking or the use of a car park to compromise highway safety and that it cannot be assumed that vehicles would be parked where they actively obstructed traffic.
- 7.4.6 Therefore, although the previous, and identical proposal, was deemed contrary to Policy 8 (b) (ii) of the North NNJCS and Policy T2 of the adopted Rushden Neighbourhood Plan. The Inspector's decision in relation to the previous refusal is an important consideration. Following the Inspectors opinion, a refusal reason on this basis cannot be substantiated.
- 7.5 Impact on Neighbouring Amenity**
- 7.5.1 The nearest properties to the proposal are no's 117,117A and 121 High Street and no's 3 and 7 West Street. It is noted that this represents a mix of typical town centre uses such as retail with residential accommodation above. However, this is a scenario that is widely accepted in Town centre locations.
- 7.5.2 *121 High Street*
This property is located to the north of the site. It appears that there are no habitable room windows on the south elevation of this neighbouring property as it adjoins the application building. Therefore, the proposal would not result in any detrimental harm to the occupiers of this building by reasons of overlooking or overshadowing. Given that there are no windows, the single storey nature of the proposal would also ensure that it would not have a detrimental overbearing impact either.
- 7.5.3 *117 and 117A High Street*
These properties are located to the south of the application site and again do not appear to have any habitable room windows within their north elevation that would be affected by the proposal.
- 7.5.4 *7 West Street*
This property is located to the west. The rear elevation of the extension would be approximately 25 metres from the rear of number 7 West Street. The single storey nature of the proposal and the blocking up of an existing opening on the rear of the building would ensure that there was no detrimental impact on this property in terms of overlooking or overshadowing and it would not appear overbearing.
- 7.5.5 *3 West Street*
No.3 West Street is located to the north of the proposal and has no south facing windows. Therefore, there are no concerns regarding the impact of the proposal on this neighbouring property.
- 7.5.6 For the reasons noted above, it is considered that the impact on the amenity of nearby properties would be acceptable.

Impact on Future Occupiers

- 7.5.7 Policy 30 of the JCS sets out that the internal floor area of new dwellings must meet the National Space Standards as a minimum in order to provide residents with adequate floor space for basic furnishings, storage and activities. The National Space Standards state that the requirement in terms of floorspace for a 1 bedroom, 1 person unit is 37m². The standards also state that this must include a minimum of 1m² of built in storage. The proposed flat would just comply with the minimum standards.
- 7.5.8 The proposed flat would benefit from a private outdoor amenity area to its west, and although relatively small, this would provide future occupiers with an outdoor space to use for recreation and drying clothes. This would comply with the requirements of Policy 8 (e) (vi) of the NNJCS
- 7.5.9 Access to the flat would be via a dark alleyway to the side of No.119 High Street with a metal staircase rising to the first floor of the building. This would not be welcoming and would not make for a pleasant place to enter a home. This was included as a refusal reason for the previous and identical scheme, however, the Planning Inspector considered this to be acceptable and suggested that suitable lighting could be secured by condition.
- 7.5.10 The main living and dining area would be served by windows facing into the entrance yard which in turn leads to the dark, semi-covered narrow alleyway between number 119 and 117 to the south. Both number 117 and the host building are large brick-built buildings. The proposed extension to the building to facilitate the flat would also block the majority of light coming from the west due to its roof height of approximately 3.734 metres. The outlook from the lounge would be restricted and it was considered on the previous and identical proposal that the outlook and setting of the flat would be gloomy and oppressive and would lead to a reliance on artificial light for the majority of time spent in the lounge.
- 7.5.11 However, the Planning Inspector noted that, although the outlook from the lounge window would be constrained, light would also be forthcoming from the kitchen and the lounge would not be unduly gloomy or oppressive.
- 7.5.12 The bedroom would be served by a single window facing south which would overlook the private amenity space and it is considered that the level of natural light would be adequate to serve a bedroom.

7.5.13 The proposed kitchen would form the extended element of the proposal and would be served by two windows and two glazed panelled doors. One window and a door would face west, overlooking the private amenity space, and a further window plus the main entrance door would face east toward the rear wall of the existing building and overlooking the rear entrance yard. The outlook and amount of light from the west facing window and door would be acceptable; but, the east facing window and door would be more constrained due to the proximity to the rear of the building. However, the Inspector's decision for the previous and identical scheme which concluded that the proposal would not conflict with JCS Policy 8(e)(i) & (ii) and that living conditions would be acceptable, and a further refusal on these grounds would not be justified.

7.6 Heritage

7.6.1 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.

7.6.2 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.

7.6.3 The choice of material and the design of the proposed extension is in keeping with the surrounding buildings and character of the area which is defined by Victorian style buildings with tall pitched and tiled roofs and small yards to the rear. The proposed extension would not be visible from the street scene and would therefore not have a negative impact when viewed from the High Street or the wider Conservation Area.

7.7 Environmental Matters

7.7.1 The proposal does not raise any concerns in terms of contamination, noise or odour. The Council's Environmental Protection Team has been consulted and has raised no objections. The team has required that if permission were to be granted, a planning condition should secure that no burning should be carried out on site during construction to minimise the threat of pollution and disturbance to local amenity. The team has also requested a condition to restrict construction working hours to prevent noise nuisance.

7.8 Ecology

7.8.1 The application site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified. Should the application be recommended for approval, a payment of £296.55 would be required to mitigate any harm that the development may have on the SPA.

- 7.8.2 The applicant has paid this mitigation fee and as such it is considered that suitable mitigation has been provided.

8. Other Matters

- 8.1 Equality: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.2 Waste: The Council's Waste Management Team has advised that, due to the Town centre location, it would be likely that refuse would be collected in sacks.
- 8.3 Rat infestation: Comments have been received that state that the area is subject to a rat infestation caused by huge piles of rubbish left by tenants of the existing flats above 119 High Street. This is not a planning matter and the management of waste is a matter for Environmental Protection.
- 8.4 Noise: Comments have been received relating to excessive noise during the night caused by tenants of the existing first floor flats slamming the gate and jumping down the stairs. This is not a planning matter and is a matter for investigation by Environmental Protection in terms of noise caused by tenants.

9. Conclusion / Planning Balance

- 9.1 The recent Inspector's decision regarding the refusal of an identical scheme on this site considered the proposal to be acceptable on all counts with the exception of the non-payment of the SPA mitigation fee. As that fee has now been paid with this re-submission, it is considered that this proposal is acceptable and a refusal would not be justified.

10. Recommendation

- 10.1 That Planning Permission be GRANTED subject to the following conditions:

11. Conditions

- 1 The development 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 following plans and documents:

- Application Form, received 8th June 2021,
- Design and Access Statement, received 8th June 2021,
- Location Block Plan NN10 0NZ, received 15th June 2021
- Proposed Site Plan, drawing number 0619 SK 32, received 15th June 2021,
- Proposed Plans – Studio flat to rear, drawing number 0619 SK 30 A, received 15th June 2021,
- Proposed Elevations, drawing number 0619 SK 31 A, received 15th June 2021.

Reason: To ensure that the development is carried out as permitted and to clarify the terms of this permission.

3 The development hereby permitted shall be carried out using materials as to match those used on the existing building and as specified in the application form, design and access statement and submitted and approved drawings.

Reason: in the interests of visual amenity.

4 There shall be no burning of any material during construction, demolition or site preparation works.

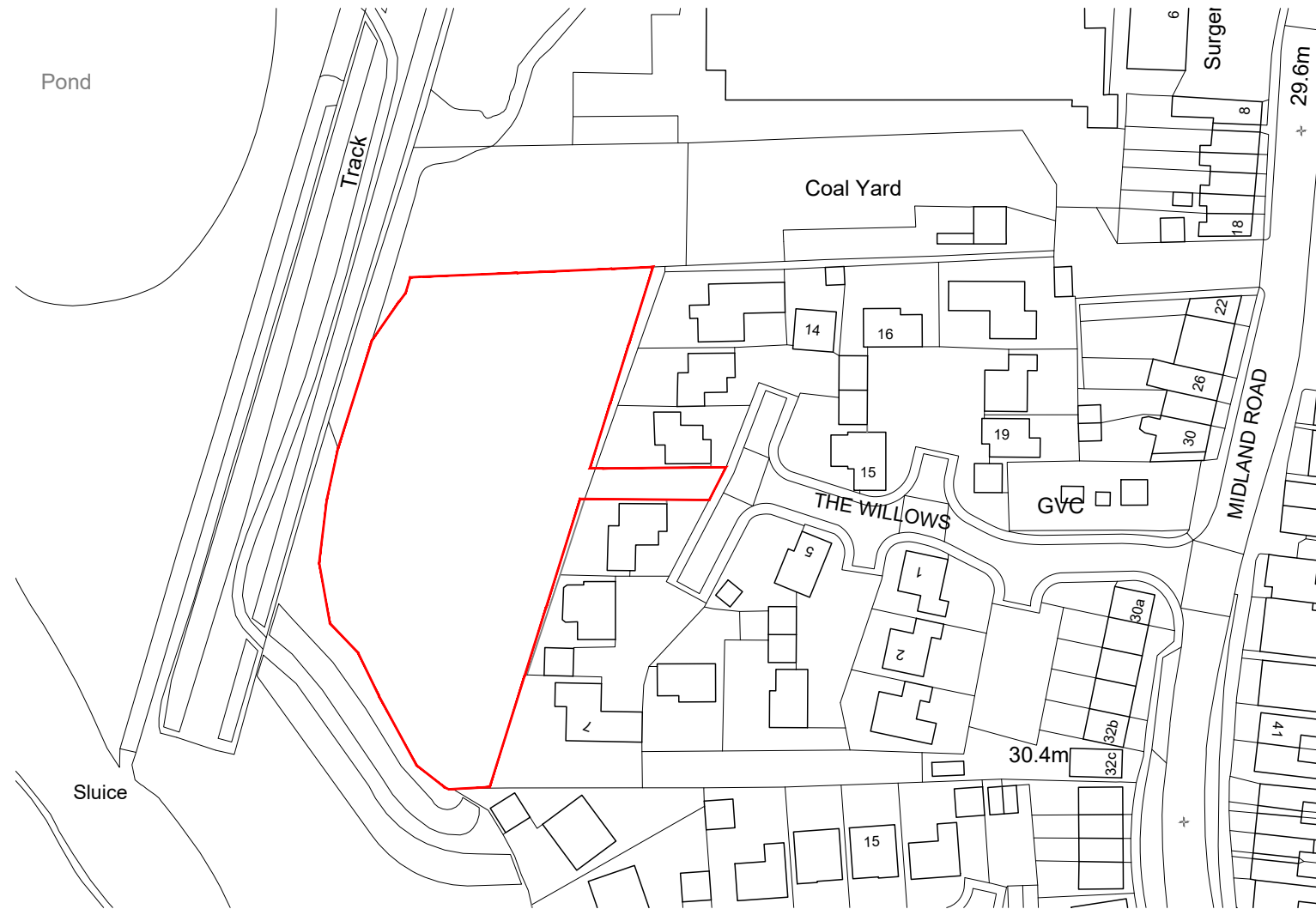
Reason: To minimise the threat of pollution and disturbance to local amenity.

5 No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays, Bank Holidays or Public Holidays unless otherwise agreed with the local planning authority.

Reason: To ensure the protection of the local amenity throughout construction works

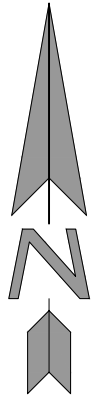
6 Prior to first use or occupation of the development hereby permitted, a scheme of external lighting for the communal access shall be submitted to the Local Planning Authority for written approval. Only lighting as agreed shall be installed and the approved lighting shall be retained and maintained in accordance with the agreed details in perpetuity.

Reason: In the interests of personal safety and security and to prevent light disturbance



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Rev	Description	Date
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Project
**THE WILLOWS
 THRAPSTON**

Drawing Title
LOCATION PLAN

Status
PLANNING

Project Number	Date
2178	19/03/21

Scale
1:1250 @ A3

Drawing Number	Revision
100	*

Appendix

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**North Northamptonshire Area Planning Committee
(Thrapston)
20 September 2021**

Application Reference	21/00542/REM
Case Officer	Peter Baish
Location	Land rear of 7 – 12 The Willows, Thrapston, Northamptonshire
Development	Reserved Matters: Revised house types within parameters of approved scale, appearance, landscaping, and layout pursuant to 18/02459/OUT - Proposed residential development to erect four dwellings on redundant land
Applicant	Lourett Developments
Agent	Aitchison Rafferty – Mr Andrew Gray
Ward	Thrapston
Overall Expiry Date	21 June 2021
Agreed Extension of Time	24 September 2021

Appendices

Appendix 1 – Appeal Decision APP/G2815/W/19/3232099.

Scheme of Delegation

This application is brought before the Area Planning Committee because it falls outside of the Councils Scheme of Delegation as the proposal has received more than three neighbour objections.

1. Recommendation

- 1.1 That Reserved Matters Approval is GRANTED subject to conditions.

2. The Proposal

- 2.1 The proposal is for the approval of the reserved matters pursuant to application reference number 18/02459/OUT which was allowed on appeal on 17 December 2020 (APP/G2815/W/19/3232099 – Appendix 1) for the erection of four dwellings. Access and scale were agreed at outline planning stage with only the appearance, landscaping and layout to be determined under this current reserved matters application.

3. Site Description

- 3.1 The application site is situated to the west of Thrapston, on land to the rear of 7-12 The Willows. The site is an area of redundant land which covers an approximate area of 1.1 acres/0.4 ha. It is served from the existing access off The Willows between Nos. 9 and 10. The site is located within flood zone 2, as identified on the Environment Agency's flood map; within a Nature Improvement Area (NA), within the buffer zone of an SSSI; and within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA).
- 3.2 The Willows is a recently constructed housing development, which is located east of the site and comprises two storey detached dwellings constructed in a mixture of buff and red brick with grey roof tiles.
- 3.3 Sedge Close and Osier Way are located to the south-east of the site and form a housing development constructed circa early 2000. Houses are predominantly detached, with two instances of town houses closer to Midland Road. The detached dwellings are two storeys, with some instances of three storey properties scattered throughout the estate.
- 3.4 The site does not lie within a Conservation Area and there are no listed buildings nearby.
- 3.5 Access and scale were agreed by way of the recent appeal decision. Condition 5 stipulates that the height of the proposed dwellings should not exceed 7.2m from finished floor levels.

4. Relevant Planning History

- 4.1 19/01616/OUT - Outline: Erection of 4 dwellings (All matters reserved except access and scale) Re-submission of 18/02459/OUT – APPROVED (20.02.2020)
- 4.2 18/02459/OUT – Outline: Proposed residential development to erect four dwellings on redundant land (all matters reserved except for access and scale) - REFUSED (27.02.2019) – Appeal Ref: APP/G2815/W/19/3232099 APPROVED (17.12.2020)

5. Consultation Responses

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

5.1 Thrapston Town Council

Originally objected to the plans as they stood as they were unable to make a consideration as the datum levels were missing. They also had concerns regarding the environment corridor as the landscaping did not appear to enhance the natural environment.

However, Further comments received and the Town Council withdrew their objection subject to a dischargeable condition being put in place regarding ecological provision.

5.2 Environmental Protection

No comments.

5.3 Natural England

No comments.

5.4 NorthamptonshireHighways

Comments can be summarised as:

Vehicular accesses over 45 metres in length can have refuse collection implications. Part H of the Building Regulations limits carry distances for residents to no more than 30 metres from their building and that of operatives collecting waste to no more than 25 metres. Please note it is unlikely for a refuse vehicle to enter and use a private drive.

The applicant must provide the necessary 2 metres x 2 metres pedestrian visibility splays required on both sides of the access. These splays must be contained fully within the applicant's site and not include any public highway land, or any other third party owned land. The splays shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.

Please note that all driveways and private drives must meet the highway at a 90-degree angle in the interest of highways safety as not doing so may cause visibility issues when exiting.

Please note the required number of parking spaces per number of bedrooms (in accordance with the NCC Parking Standard Documents dated September 2016)

The applicant will be required to obtain a Section 184 licence, from Northamptonshire Highways Regulations in order to install the site access and the vehicle crossover of public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place.

5.5 Environment Agency

No objection.

The submitted floor plans include the proposed finished floor levels in metres above Ordnance Datum and as they are above those conditioned in 19/01616/OUT (resubmission of 18/02459/OUT) they have no further comments to make.

5.6 Housing Strategy

No comments.

5.7 Lead Local Flood Authority

No comments

5.8 Waste Management

Comments can be summarised as:

The Council's Refuse Collection Vehicle will not be going along the shared access drive to these properties unless it is adopted, which is assumed unlikely. This means that residents will have to bring their waste collection containers down to The Willows as waste collection staff would not walk to collect. A hardstanding bin presentation point (or possibly even a shorter one on both sides of the drive) will need to be provided immediately adjacent to The Willows on the access drive or they will have to be presented in front of Nos 9 and 10 The Willows. If all properties opt for a green waste bin that means on the collection week there could be eight 240 litre wheeled bins and 4 food caddies presented for collection.

5.9 Neighbours / Responses to Publicity

6 representations have been received raising the following concerns:

- Contrary to policy
- Highway safety implications
- Noise disturbance and smells
- Impact on character and appearance of area
- Impact on privacy
- 3 and 4 bedroom properties not acceptable
- Dwellings out of keeping with surrounding properties
- The first-floor terraces will overlook neighbouring properties
- Noise from new properties socialising in their gardens

- Details of refuse strategy
- Object to tree planting as they could block out light
- Gas pipe crossing the site
- Access to neighbouring amenity land
- No footpath, just a road leading to the site
- Neighbour fences on the road with no path
- Impact on wildlife
- Land suitability

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 and Guidance

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)

Policy 1 - Presumption in Favour of Sustainable Development

Policy 3 - Landscape Character

Policy 4 - Biodiversity and Geodiversity

Policy 5 – Water Environment, Resources and Flood Risk Management

Policy 8 - North Northamptonshire Place Shaping Principles

Policy 9 - Sustainable Buildings

Policy 11 - The Network of Urban and Rural Areas

Policy 13 – Rural Exceptions

Policy 15 – Well-connected Towns, Villages and Neighbourhoods

Policy 28 - Housing Requirements

Policy 29 - Distribution of New Homes

Policy 30 - Housing Mix and Tenure

6.4 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)

Policy 2 - Windfall Development in Settlements

Policy 4 – Green Infrastructure

6.5 East Northamptonshire Local Plan Part 2: Submission Plan March 2021 (2011 – 2031)

Policy EN1 – Spatial Development Strategy

Policy EN13 – Design of Buildings/Extensions

Policy EN30 – Housing Mix and Tenure to Meet Local Need

6.6 Other Documents

Northamptonshire County Council – Local Highway Authority Standing Advice for Local Planning Authorities (2016)

Northamptonshire County Council – Local Highway Authority Parking Standards

Joint Planning Unit – Design Supplementary Planning Document (March 2009)

East Northamptonshire Council – Domestic Waste Storage and Collection Supplementary Planning Document (July 2012)

Biodiversity Supplementary Planning Document (February 2016)

Upper Nene Valley Gravel Pits Special Protection Area SPD

7. **Evaluation**

7.1 **Principle of Development**

7.1.1 The principle of residential development has already been established with the granting of outline consent 18/02459/OUT for the development of four dwellings on redundant land (all matters reserved except for access and scale) which was approved at appeal (APP/G2815/W/19/3232099) on the 17th December 2020.

7.1.2 A second outline consent was granted 19/01616/OUT on 20th February 2020 for the erection of 4 dwellings with all matters reserved except access and scale.

7.1.3 This reserved matters application seeks approval for the appearance, landscaping and layout of the development under the original outline planning consent (18/02459/OUT – Appeal Ref: APP/G2815/W/19/3232099)

7.2 **Access**

7.2.1 The position and layout of the access was consented as part of the outline application, with condition no.17 of the consent providing full requirements of surfacing, visibility splays, parking and drainage. Condition 4 of the outline application agrees the access from the Willows into the site but excludes the internal layout of the proposed dwellings. It is considered that the layout of the dwellings allows for a circular turning area where driveways can be accessed from. This is deemed an acceptable internal arrangement on a private drive for a scheme of four dwellings. There are to be no alterations to the existing access arrangements as approved under reference 18/02459/OUT (APP/G2815/W/19/3232099).

7.2.2 The current proposal has been viewed by the Local Highway Authority and no additional observations have been raised to the development in terms of the information submitted to inform the planning application. Condition no.17 of the outline consent covers the requirements that need to be implemented prior to first use of occupation of the development. The proposal is not therefore considered to have a harmful impact on highway safety.

- 7.2.3 A representation was received making comments about the access, in particular the fact that the drive has no footpaths and the neighbouring fences are in essence against the edge of the drive. The access is a private drive that leads to the four proposed dwellings with no requirements for footpaths on a private drive. This access arrangement was agreed at the outline stage.
- 7.2.4 Ultimately, given that the outline consent dealt with 'access', officers are satisfied that the development would not have any significant adverse impact upon highway safety and safe access from the adopted highway can be provided as previously agreed.

7.3 Appearance

- 7.3.1 The site is in a relatively sensitive location on the edge of the town, however despite reservations, the appeal inspector concluded that the proposed development would form its own unique small cul-de-sac to the rear of The Willows. The inspector at the time noted that the detailed design was not for consideration during the outline application but did state that the new dwellings should be no taller than the surrounding development.
- 7.3.2 Condition 5 of the outline planning consent required the height of the proposed dwellings to not exceed 7.2 metres from the finished floor levels and the width and depth of each plot were set as part of the appeal decision. All of the proposed dwellings would all be at a maximum of 7.2 metres in height from the finished floor levels at their tallest point and the proposed width and depth of each unit is within the scale parameters allowed at appeal. In this regard, the application complies with condition 5 of the outline consent.
- 7.3.3 The applicant has sought a contemporary appearance in the building design. The NPPF does not prohibit contemporary or innovative design approaches but does allow great weight to be given to innovative designs which promote high levels of sustainability or raise the standard of design more generally in the area.
- 7.3.4 Plots 1 and 4 represent a 3-bedroom detached dwelling with an integral double garage. An outdoor terrace is located above the garage, which is accessible from the open plan living area at first floor level and a staircase to the side of the property (underneath which an air-source heat pump is discreetly located). Space is provided within the hallway to accommodate a future lift, with the dwelling designed to Lifetime Homes Standards. Within the utility room, space is made for battery storage which will retain energy produced by solar panels positioned to the rear of the roof slope. The property will also include the installation of a water barrel to allow for rainwater recycling to meet typical gardening needs. The dwellings will be dressed in Red Cedar timber cladding and off-white render, finished with a zinc standing seam clad roofing system.

- 7.3.5 Plot 2 forms a 4-bedroom property, with two feature gables across the front elevation. The dwelling will be finished in off-white render with a zinc standing seam clad roofing system. A double integral garage would be provided. The property would contain a small plant room to accommodate battery storage associated with the solar panels. An air source heat pump would be discreetly located beneath the external stairs to the first-floor terrace. Space is provided within the hallway to accommodate a lift for future occupants as part of a Lifetime Homes compliant dwelling. A water barrel will also be installed to allow rainwater recycling to meet typical gardening requirements.
- 7.3.6 Plot 3 represents a 3-bedroom dwelling which is dressed in Red Cedar timber cladding, off-white render and finished with a zinc standing seam roof system. It is formed as a 1.5 storey dwelling whilst still making space to accommodate a future lift for the purposes of Lifetime Homes. It is designed with a contemporary dormer feature across the front and rear elevations. A double integral garage would be provided, with battery storage provision located within the utility room which will store energy produced by the solar panels. An air source heat pump would be discreetly located underneath the external stairs leading to the first-floor terrace. A water barrel will be provided to allow rainwater recycling to meet typical gardening requirements.
- 7.3.7 Each dwelling has been designed to meet 'Passivhaus' standards. This is defined as a dwelling in which thermal comfort can be achieved solely by post-heating or post-cooling the fresh air flow required for a good indoor air quality, without the need for additional recirculation of air. It is noted that a representation has been received stating that 3 and 4 bedroom dwellings are not appropriate, however this size of dwelling is considered to be acceptable given the context of the surrounding development, furthermore the inspector concluded on the outline permission that generally 70% of the properties should be smaller dwellings (1-3 bedrooms). In this instance the proposal accords to this guidance as 3 of the dwellings would be 3 bedroom with the remaining 1 dwelling providing 4 bedrooms. The proposed housing mix would therefore broadly comply with Policy 30 of the North Northamptonshire Joint Core Strategy 2016.
- 7.3.8 The surrounding area is neither a Conservation Area nor does it contain any Listed Buildings within the immediate surroundings. The proposed dwellings have been designed as a cluster with commonality within the features and materials. The provision of complementary dwellings is therefore seen as an appropriate design solution given the scheme represents an exemplar in sustainable living. Plot 2 has been positioned to ensure its 2-storey gable feature frames the forward view from The Willows. Gables are the predominant feature within the surrounding street scene. Historically, the site has been a single holding and the cul-de-sac access arrangement with the view forward framed by plot 2, ensures the scheme is in keeping with the surrounding form of development which is also at a comparable height to that which is proposed.

7.3.9 It is considered that the accommodation is reflective of modern-day living requirements whilst working to exceed current Building Regulations by using sustainable technologies. The proposal is very contemporary, however the approach taken in the detailed design and appearance is considered to be acceptable and in accordance with Policy 8 of the Joint Core Strategy and the relevant guidance noted in the NPPF with regard to design.

7.4 Landscaping

7.4.1 The applicant has previously submitted a Landscape and Visual Impact Assessment as part of the outline approval. The Planning Inspector found that the visual effect of development would be contained, as there was already some landscaping and vegetation along the site boundaries and towards the river to the west; before concluding that the proposal would not have an unacceptable effect on the character of appearance of the area.

7.4.2 On this basis, the applicant has submitted, as part of this application, a landscape scheme that builds on the existing vegetation. A mixture of plants, trees and hedges would be planted to encourage more wildlife to the site and result in some biodiversity net gain.

7.4.3 The landscaping scheme remains simple and, other than the existing site boundaries, would be more ornamental in appearance. Along the eastern boundary there would be a number of trees planted within a native hedge to provide an attractive screen between the development and the properties on The Willows. A representation has been received stating that the trees could block light from the gardens of the Willows. Given the size and scale of the proposed trees, their location, distance and orientation from the properties on the Willows, it is unlikely that there will be any significant impact upon sunlight/daylight into the neighbouring rear gardens or properties.

7.4.4 All of the properties would have gardens laid to lawn with permeable resin driveways, patios and a mixture of paddock fencing and close boarded fencing which is typical of a residential scheme.

7.4.5 The proposal would continue to accord with Policy 3 of the North Northamptonshire Joint Core Strategy (JCS) in respect of landscape matters. The landscape scheme has also been prepared to ensure some bio-diversity net gains, over and above the existing redundant land, in accordance with Policy 4 of the JCS and the NPPF. The proposal is therefore considered to be acceptable in terms of its landscaping.

7.5 Layout

7.5.1 The proposal is served off a private driveway with one way in and out. Plot 2 has been designed to feature gables across its front elevation and has been positioned within the site layout to ensure that forward views capture this visual element; which is a form of development that reflects the form of dwellings along The Willows (given gables are the predominant feature of the street scene). The Planning Inspectorate on appeal considered this design approach to represent a form of development reflective of the existing street which would accord with the requirements of the NPPF to provide a 'high standard of design'.

- 7.5.2 In allowing the appeal, the Inspector, whilst recognising existing residents currently benefitted from an open aspect across the site, found that “an appropriate layout would provide not unacceptable levels of privacy, light and visual impact, as well as limiting overshadowing” and thereby could be controlled at reserved matters stage.
- 7.5.3 Plot 1 has been set back from the nearest existing dwelling by a minimum of 12.5m (from side elevation to rear elevation). Its position ensures that it does not result in any unacceptable loss of light. The submitted landscaping scheme proposes new landscaping along the eastern boundary helping to ensure that there is an acceptable relationship between the existing and proposed dwellings. There is only one window at first floor level on the elevation facing towards the properties on The Willows. This window would be conditioned to be obscure glazed to further protect any overlooking issues into the rear gardens of neighbouring properties. In terms of impacts upon neighbouring residential amenity a representation was received stating that the properties would generate noise and smells from people using the gardens. It is considered that the residential use is compatible with the existing residential nature of the area and concerns of noise and smells are not warranted over and above any existing neighbouring residential use. It is understood that there is a gas pipe that runs across the site, in this instance it will be the responsibility of the applicant to deal with the pipe in conjunction with whichever body owns the gas pipe.
- 7.5.4 The remaining three properties are set back in a horseshoe shape and are considered to be laid out in a manner that makes best use of the land available without compromising private residential amenity. Plots 1 and 4 have large terrace areas that would have the potential to overlook into the rear gardens of Plots 3 and 2, however the applicant is proposing a 1.8m venetian hit and miss cedar fence that will allow plants to grow on it to create a ‘green wall’. This fence is considered to provide adequate screening to the plots and accord with the character of the site. A condition is attached requiring details of the fence prior to first occupation to ensure its quality. It is considered that the proposed housing scheme would not cause harm to the residential amenity of existing neighbouring occupiers and the relationship between each of the proposed dwellings is also acceptable, subject to the condition to ensure screening around the balcony areas for Plots 1 and 4. Therefore, the proposal complies with JCS Policy 8 and the aims and objectives of the NPPF with regard to neighbouring amenity.

7.6 Scale

- 7.6.1 The proposed density is consistent with the numbers of dwellings approved at outline stage. Although the dwellings are larger than those adjacent on The Willows, it is not considered that the proposed dwellings would be harmful to the surrounding character.
- 7.6.2 Despite officer reservations, the scale was agreed at outline stage with the proposed dwellings not to exceed 7.2 metres in height from the finished floor levels (as secured by condition 5 of the outline planning permission). In this sense the application meets the requirement in terms of scale and is therefore acceptable in this regard.

7.7 Flooding

7.7.1 The application site is within Flood Zone 2 and as such, the Environment Agency has been consulted on the application. No objection is raised, based on the information submitted, subject to a condition to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment. This has already been conditioned on the outline planning approval and an additional condition is not required as part of any reserved matters approval.

7.8 Ecology

7.8.1 The applicant has submitted an ecology appraisal which was found to be acceptable as part of the appeal scheme. As such, the Council has no reason to doubt that the submitted Ecology Survey is deficient and it is recommended that a condition be used to ensure that the development is carried out in accordance with the methods and recommendations within the survey.

7.8.2 The application site is located within 3km of a Special Protection Area (SPA) and Natural England has advised that mitigation against harm caused by residential development should be secured via a financial contribution. The applicant has already paid this contribution as part of the outline scheme as approved by the Planning Inspectorate.

7.9 Contamination

7.9.1 Further investigation of possible contamination is required given the former use of the site. Some remediation has already taken place; however, the outline planning permission secures pre-commencement conditions in regards to contamination.

8. Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.2 Waste: A condition is recommended to ensure that a bin collection area is identified on plans to support this application for reserved matters approval. It is not expected that waste collection vehicles would enter the site. If a bin collection point cannot be agreed then the Council will need to operate a sack collection from the site.

8.3 Contributions: The proposed development does not trigger any other developer contributions.

9. Conclusion / Planning Balance

- 9.1 The proposed development is considered to be compliant with the relevant national and local policy and follows the parameters set by the outline planning approval (18/02459/OUT). The proposed residential development to erect four dwellings on redundant land is considered to be acceptable in regards to access, landscaping, appearance, layout and scale.

10. Recommendation

- 10.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that permission be GRANTED subject to the following conditions.

11. Conditions

1. The development hereby permitted shall be carried out strictly in accordance with following plans received by the Local Planning Authority:
- 2178 – 100 – Site Location Plan (29.03.2021)
 - 106 – Landscape Plan (22.07.2021)
 - 2178 – 100 Rev C – Proposed Site Plan (18.08.2021)
 - 2178 – 101 Rev B – Proposed Floor Plans & Elevations Plots 1 & 4 (18.08.2021)
 - 2178 – 103 – Proposed Floor Plans & Elevations Plot 2 (02.06.2021)
 - 2178 – 102 Rev C – Proposed Floor Plans & Elevations Plot 3 (18.08.2021)

Reason: In order to clarify the terms of this consent.

2. The development hereby permitted shall be constructed in accordance with the materials as specified on the approved plans submitted as part of this application listed in full under Condition 1 and therein maintained in perpetuity.

Reason: To enhance the appearance of the development in the interests of visual and residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

3. The development hereby permitted shall be constructed in accordance with the levels details as specified on approved plan references: 2178 – 101 Rev B (Plots 1 & 4), 2178 – 103 (Plot 2) and 2178 – 102 Rev C (Plot 3) submitted as part of this application for reserved matters consent.

Reason: In the interests of residential and visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

4. Details of the cedar venetian hit and miss fencing on the first floor terraces of Plots 1 & 4 are to be submitted to and agreed in writing by the Local Planning Authority. The fencing shall thereafter be implemented in the manner agreed by the Local Planning Authority prior to the first occupation of the dwelling to which the fencing is attached and therein maintained in perpetuity.

Reason: In the interests of residential and visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

5. Details of the bin collection strategy for the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the bin collection strategy as agreed shall be implemented prior to occupation of the development and therein maintained in perpetuity.

Reason: In the interests of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

6. Prior to the occupation of Plots 1 & 4 the east facing windows at first floor level on both Plots 1 & 4 will be obscure glazed to a minimum of Pilkington Level 4 or equivalent and shall only be top opening and therein retained in this manner in perpetuity.

Reason: In the interests of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

7. The proposed development shall be implemented in accordance with the mitigation measures and recommendations as set out in Biodiversity Enhancement Statement by Ecology Link dated July 2021 and the Landscape Plan (Dwg: 106) received by the Local Planning Authority on 22nd July 2021. These biodiversity measures shall be retained in perpetuity.

Reason: To safeguard ecology and biodiversity in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2016.

12. **Informatives**

The applicant will be required to obtain a Section 184 licence, from Northamptonshire Highways Regulations in order to install the site access and the vehicle crossover of public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place.

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Appeal Decision

Site visit made on 1 December 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/G2815/W/19/3232099

Land rear of 7-12 The Willows, Thrapston, Northamptonshire NN14 4LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Lourett Developments Ltd against the decision of East Northamptonshire District Council.
 - The application Ref: 18/02459/OUT, dated 19 December 2018, was refused by notice dated 28 February 2019.
 - The development proposed was originally described as a 'residential development'.
 - This decision supersedes that issued on 24 January 2020. That decision on the appeal was quashed by order of the High Court."
-

Decision

1. The appeal is allowed and planning permission is granted for a residential development to erect four dwellings at land rear of 7-12 The Willows, Thrapston, Northamptonshire NN14 4LY in accordance with the terms of the application, Ref: 18/02459/OUT, dated 19 December 2018, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs was made by Lourett Developments Ltd against East Northamptonshire District Council. This application will be the subject of a separate Decision.
3. The Council also outlined an application for costs, albeit this was not followed up with the claim itself. Nevertheless, I have considered it as such an application and this will also be the subject of a separate Decision.

Procedural Matters

4. The description of development set out in the banner heading above is taken from the planning application form. Both the descriptions on the Council's decision notice and the appeal form refer to a proposed residential development to erect four dwellings on redundant land. As this more accurately describes the proposal, I have considered the appeal on this basis, excluding the superfluous elements. This is reflected in my decision paragraph.
5. The application is in outline form with all matters reserved for future consideration apart from access and scale. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being

illustrative only. To what extent scale¹ is to be considered at this stage and what should be considered under reserved matters is a matter of contention between the main parties, with regard to height. The appellant has now provided the details of the height of the proposed dwellings, which the Council has had the opportunity to comment on. Scale in its entirety can now be dealt with at this outline stage.

6. The appellant originally signed Certificate A on the application form which stated that Lourett Developments Ltd were the sole owner of the appeal site. This was incorrect because there are two other freeholders. Accordingly, the appellant served notice on the freeholders and so has discharged the relevant provisions² concerning the serving of notice.
7. The appellant submitted a revised indicative site layout plan with the appeal, as well as a number of other plans which show how the proposal would relate to the existing housing on adjoining land. I have considered these plans in my decision on an indicative basis.
8. The Council has confirmed that it is no longer defending reasons for refusal 1,4 and 5 in its decision. This is due to a recent permission³ for a residential development on the site for 4 dwellings, additional survey evidence related to breeding birds and great crested newts, and evidence that demonstrates that the site has not been public open space. As these issues no longer form matters of dispute between the main parties, I have considered the appeal on this basis. The main parties remain in disagreement over reasons for refusal 2 and 3 which concern, respectively, housing mix and character and appearance.

Main Issues

9. Based on the above, the main issues are the effect of the proposal on (i) housing mix; and (ii) the character and appearance of the area.

Reasons

Housing Mix

10. Policy 30 of the North Northamptonshire Joint Core Strategy 2011 – 2031 (2016) (JCS) states that housing development should provide a mix of dwelling sizes and tenures to cater for current and forecast accommodation needs and to assist in the creation of sustainable mixed and inclusive communities. Part a) sets out that the mix of house types within a development should accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms), amongst other considerations.
11. The approach which Policy 30 takes is based on the Council's Strategic Housing Market Assessment toolkit (2015) (SHMA), which is detailed in the supporting text to the policy. The need is said to be for smaller dwellings. Around 70% of new households are forecast to be of a size that 'need' 1 or 2 bedrooms, 30% will need 3 bedrooms and very few will need 4 or more bedrooms.
12. However, there is also flexibility as regards accommodating some of the demand for larger dwellings. This will be supported provided that

¹ As defined by Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO)

² Articles 13 and 14 of the DMPO

³ Council ref: 19/01616/OUT

- developments provide a significant proportion (generally at least 70%) of small and medium sized properties (1-3 bedrooms), which will provide the more affordable market housing options to meet identified needs. Proposals for a higher proportion of larger (4+ bedroom) dwellings should be supported by evidence in relation to the existing housing stock and the local housing market.
13. The relevant means by which Policy 30 seeks to ensure that an appropriate housing mix would be provided in order to meet accommodation needs is through the number of bedrooms that would be provided. The Council, though, place emphasis on scale as a way of assessing housing mix. However, if Policy 30 considered that other ways were to be utilised, it would say so. It does not and so the sole relevant way of assessing housing mix under the policy is the number of bedrooms, rather than scale or other ways, such as the floor area.
 14. With the application's outline form, the details that have been provided as regards the number of bedrooms is indicative. What is shown on the submitted plans would not accord with the number of bedrooms which Policy 30 would envisage that a housing development would provide. However, this would not preclude properties with less bedrooms being provided for at the reserved matters stage in order for the proposal to comply with the policy. This would arise, simply, if 3 of the proposed 4 dwellings were 3 bedroom, when the flexibility is applied. As an outline approval forms the planning permission for a proposal, it would be reasonable and necessary to impose a condition to ensure this is addressed at the reserved matters stage.
 15. The Council also contest that the proposal would not constitute an efficient use of land because of the low density and as a greater number of smaller homes could be accommodated on the site. Having regard to the evidence before me, Policy 30 is the appropriate way of assessing whether the proposal would make such a use of land because it is based on the local market conditions, by virtue of the SHMA. As I has set out above, the proposal is not inconsistent with Policy 30.
 16. Matters in relation to whether a greater number of proposed dwellings could be accommodated with regard to access and the effect on the living conditions of the occupiers of neighbouring properties have a limited bearing because this does not constitute the proposal which is for my consideration.
 17. I conclude that the proposal would not be unacceptable with regard to housing mix, subject to the condition. Hence, it would comply with Policy 30a as regards the mix of house types that a development should reflect and, on this basis, it would assist in the creation of sustainable mixed and inclusive communities.

Character and Appearance

18. The site comprises an area of open land which lies to the rear of a modern residential development known as The Willows. The site benefits from a defined access in between 2 of the neighbouring properties. The Willows is set out in a planned layout around an access road and a number of cul-de-sacs. The dwellings comprise uniform house types. They are fairly well proportioned and of a 2 storey form. The remaining land around the site is of a more open nature and reflects that it lies on the edge of the town and close to a river and the open countryside.

19. The scale parameters are set out by virtue of the submitted floor plans for the depths and widths (lengths) of the proposed dwellings. The depths of the proposed dwellings would be similar to those found already on The Willows. The lengths would be greater, but there is already variation with the existing dwellings which are also positioned fairly close together to already give a built up character. The proposed lengths would not be a determinative factor.
20. The appellant has confirmed that the height of the proposed dwellings would be no higher than 7.2 metres from the finished floor levels. This is a precise way of ascribing height because it provides a clear measurement. It would not be achieved by utilising a vaguer description by way of the number of storeys, whether it would be 2 or 3. The appellant has also provided evidence that the height of at least one neighbouring property would be similar to the proposal. The proposed height would not be discordant.
21. As a result, when the proportions of the proposed dwellings are taken together, the scale would not appear out of keeping with the existing dwellings on The Willows.
22. The Council does not now contest the location of the proposal. I see no reason to disagree as it would effectively continue the existing pattern of residential development to the rear of where it currently ends.
23. In respect of the visual impact, the proposal would also appear as a continuation of The Willows. It would sit comfortably in its surroundings, in particular due to the location on the edge of the town. The lower density of the proposal would enable a transition between The Willows and the countryside beyond.
24. There would also be likely limited visibility from the streetscene because of the screening provided by the houses on The Willows, even with the proposed access arrangements. The visual effect would also be contained as there is already some landscaping and vegetation around the site boundaries and towards the river corridor to the west. This is also ably demonstrated by the appellant's Baseline Landscape and Visual Impact Appraisal. The layout and the landscaping, to be considered at the reserved matters stage, would also provide some control and reassurance in this regard.
25. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, it would comply with Policy 8D of the JCS which sets out that development should create a distinctive local character. This includes by way of responding to the site's immediate and wider context and local character, the overall form, and character and landscape setting of the settlement, amidst other considerations. It would also comply with the National Planning Policy Framework where it concerns achieving well-designed places.

Other Matters

26. The site is located within 3 kilometres of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). The qualifying features for the SPA designation are the concentrations of Great Bittern, Gadwall and European Golden Plover bird species. The recreational presence of people and dog walking is a principle threat to the birds by way of disturbance and thereby the qualifying features.

27. The proposal is located within the zone of influence around the SPA. Due to its recreational value, the future residents of the proposal would be likely to visit the SPA. This provides a pathway of effect for recreational disturbance. As a consequence, and when applying the precautionary approach, the proposal would be likely to have a significant effect on the SPA. Accordingly, I am required to undertake an Appropriate Assessment as the competent authority under the Conservation of Habitats and Species Regulations 2017.
28. The mitigation strategy for the SPA involves a financial contribution per dwelling that is used for Strategic Access Management and Monitoring. This involves measures such as fencing, screening and wardens to minimise the risk of recreational disturbance on the qualifying features. Such an approach is agreed by the Council and Natural England, as the Statutory Nature Conservation Body. This financial contribution has already been paid to the Council by the appellant and it is not in dispute that it would be used for the intended mitigation purposes. On this basis, the proposal would not adversely affect the integrity of the SPA.
29. With regard to the Council's emerging local plan, this is still at a stage relatively early on in the plan preparation process and so it attracts limited weight in my decision. Concerning the use of the site, there is not substantive evidence that public access has been anything other than informal and at the discretion of the landowner. At the time of my visit, the site had largely been fenced off. As a result, the proposal would not give rise to the loss of public open space. I have dealt with matters related to visual impact earlier in my decision.
30. Adequate visibility would be able to be achieved at the site access in accordance with Highway Authority requirements, as would levels of commensurate off-street car parking, together with refuse storage provision. Construction impacts would be likely of a fairly short duration. These matters would be adequately controlled through planning conditions. The same applies as regards land contamination relating to the historical usage of the site.
31. Reserved matters, in particular layout, would ensure that satisfactory living conditions for the occupants of the neighbouring properties is maintained. Whilst I am mindful that these residents currently benefit from an open aspect across the site, an appropriate layout would provide not unacceptable levels of privacy, light and visual impact, as well as limiting overshadowing.
32. The Flood Risk Assessment (FRA) also ably demonstrates that the proposal would be acceptable with regard to flood risk, while matters in relation to the utilities infrastructure on the site are for the appellant and the operators.
33. The main parties have made reference to the previous Inspector's decision. It is my role, though, to redetermine the case and not review this decision. Where matters are raised that are relevant to my decision, I have taken these into account.

Conditions

34. I have imposed conditions by way of the reserved matters and the timescales for submission and implementation. In the interests of certainty, I have also imposed a condition concerning the approved plans as access and scale are matters before me. For the same reason, I have imposed a condition

concerning the height of the proposed dwellings, based on the details that the appellant has provided.

35. I have also imposed a condition in respect of the internal layout of the proposed dwellings. This is in order that the housing mix assists in the creation of mixed and inclusive communities. A condition is also imposed concerning the finished floor levels, in the interests of protecting the character and appearance of the area.
36. I have imposed a condition in relation to the mitigation measures set out in the FRA, in the interests of minimising flood risk. I have also imposed conditions concerning the construction period in the interests of protecting the living conditions of the nearest residents. I have also imposed conditions involving land contamination in the interests of public health and pollution control, and the vehicular access and parking in the interests of highway safety.

Conclusion

37. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping and layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 120-TA02 Revision A, 1544-SK02 Revision A, 1544-SK03, 1544-SK04, 1544-SK05 but only in respect of those matters not reserved for later approval and excluding the internal layout of the proposed dwellings.
 - 5) The height of the proposed dwellings shall not exceed 7.2 metres from the finished floor levels.
 - 6) No development shall take place until a scheme for the internal layout of the proposed dwellings has been submitted to and approved in writing by the local planning authority as part of the reserved matters submission required by condition 1. The scheme shall include the details of the number of bedrooms in each proposed dwelling. The development shall be implemented in accordance with the approved details.
 - 7) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed dwellings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority as part of the reserved matters submission required by condition 1. The development shall be carried out in accordance with the approved levels.
 - 8) The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (Ref: 120-FRA-01-C) dated October 2018 and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 30.83 metres above Ordnance Datum (AOD).
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 9) No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 08:00 and 18:00 Mondays to Fridays and 08:00 and 13:00 on Saturdays, and at no times on Sundays or Bank or Public Holidays.
 - 10) During site clearance and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development

site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.

11) Prior to the commencement of piling operations, a scheme for the control and mitigation of noise, including vibration, affecting surrounding premises shall be submitted to, and approved in writing, by the local planning authority. Such measures shall operate throughout the piling operations in accordance with the approved details or amendments which have been submitted to and approved in writing by the local planning authority.

12) The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the local planning authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the local planning authority dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the local planning authority.

This must be conducted in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

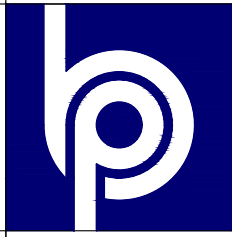
13) Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the local planning authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

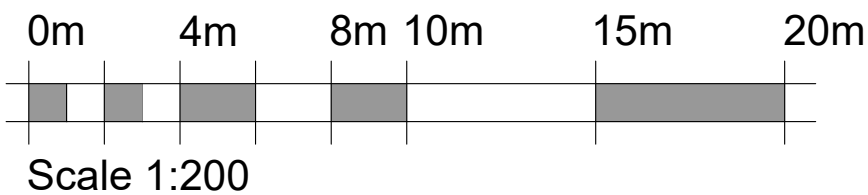
14) Remediation of the site shall be carried out in accordance with the approved remedial option.

- 15) On completion of remediation, two copies of a closure report shall be submitted to the local planning authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.
- 16) If, during development, contamination not previously considered is identified, then the local planning authority shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the local planning authority .
- 17)
 - a. Prior to first use or occupation of the development hereby permitted, the means of access shall be paved with a hard-bound surface for at least the first 10m from the highway boundary. Such surfacing shall thereafter be retained and maintained in perpetuity. The maximum gradient over a 5m distance (from the highway boundary) shall not exceed 1 in 15.
 - b. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2m x 2m shall be provided on each side of the vehicular access. These measurements shall be taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access/footway level.
 - c. Prior to first use or occupation, the proposed vehicular access and parking facilities shall be provided in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.
 - d. Prior to first use or occupation, suitable drainage shall be provided at the end of the driveway to ensure that surface water from the vehicular access does not discharge onto the highway or adjacent land.
 - e. No gate(s), barriers or means of enclosure shall be erected within 8m of the highway boundary. Any such feature erected beyond that distance should be hung to open inwards only. The gates shall be retained as such thereafter.

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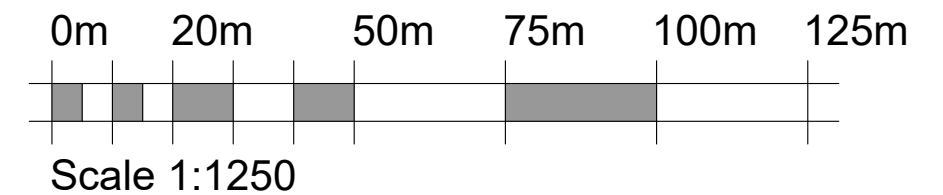
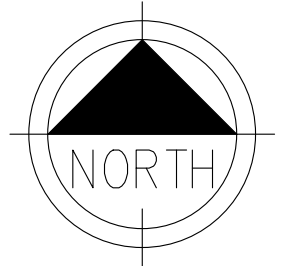


Proposed Block Plan
Scale 1:200



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Site Location Plan
Scale 1:1250



PLANNING ISSUE

PLEASE NOTE
 THESE DRAWINGS ARE FOR THE PURPOSE OF
 PLANNING ONLY
 THESE ARE NOT CONSTRUCTION DRAWINGS

Appendix



5 BLOTTS BARN, BROOKS ROAD, RAUNDS, NORTHANTS, NN9 6NS
01933 551389 :: info@blueprintdesign.org.uk

TITLE	2 Storey Extension for Mr & Mrs Rogers 29 High Street, Stanwick, NN9 6QA		
DETAIL	Site Location & Proposed Block Plan		
SCALE	As Noted	SHEET:	A3
DRAWN	KD	CHECKED	KLG
DATE	April 2021	ISSUE	PLANNING
			20-174-12

CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE. ONLY FIGURED DIMENSIONS ARE TO BE WORKED FROM DISCREPANCIES MUST BE REPORTED TO BLUEPRINT BEFORE PROCEEDING. © THIS DRAWING IS COPYRIGHT.

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**North Northamptonshire Area Planning Committee
(Thrapston)
20 September 2021**

Application Reference	NE/21/00677/FUL
Case Officer	Jennifer Wallis
Location	29 High Street, Stanwick, Northamptonshire
Development	Proposed single storey front and side extension, first floor extensions above garage and existing utility/dining room. Removal of columns and arches to the side/rear of the property.
Applicant	Mr And Mrs Rogers
Agent	Blueprint Architectural Design - Miss K Davis
Ward	Raunds
Overall Expiry Date	22 June 2021
Agreed Extension of Time	24 September 2021

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Officer's recommendation is contrary to the Parish Council's objection.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application proposes the erection of a single storey front and side extension to accommodate a utility room and family area at ground floor.

- 2.2 A first-floor extension above the existing garage is proposed to accommodate a bedroom and en-suite. A further first floor extension is proposed over the existing utility/dining room to create an enlarged bedroom and study.
- 2.3 The application also proposes the removal of existing columns and arches to the side/rear of the property and is to be constructed in brick and tile to match the existing with off-white render.
- 2.4 Amended plans have been submitted during the determination of the application reducing the height of the first-floor extension over the garage to match the ridge height of the existing property.

3. Site Description

- 3.1 The building is a modern two storey, detached dwelling sited at the head of a cul de sac serving a small development to the north of High Street. The property is constructed in buff brick and is roofed in concrete tiles with an adjoining double garage. The immediate area is residential and characterised by similar dwellings.

4. Relevant Planning History

- 4.1 94/00138/FUL – Single storey rear extension - Approved - 19.04.94.
- 4.2 90/00869/FUL – Convert garage to games room and erect new garage – Approved - 26.10.87.
- 4.3 87/00934/FUL – Two storey extension – Approved - 26.10.87

5. Consultation Responses

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

5.1 Stanwick Parish Council

The Parish Council objects to the application as the extension does not appear to be subordinate to the existing dwelling and will be overbearing on the site. The Parish Council is of the opinion that any concerns raised by adjoining residents be resolved.

5.2 Neighbours / Responses to Publicity

Letters sent to eleven properties. One letter of representation has been received objecting on the following grounds;

Objection to the first-floor extension being added above the garage which raises the roofline of this part of the property by approximately 2.5 metres and well beyond the original roofline of the 2 storey part of the property. The level of the roofline is significant because of the impact an extended roofline would have on the neighbourhood and the harm it would do to the character of the area. In particular when viewed from the south west the raised roofline obscures the view across the village towards the church.

The church continues to "dominate" the character of the local area because (in general) care has been taken in approving planning permissions to ensure that the height of buildings in the area does not change this. This is further evidenced in the history of planning permission for the surrounding properties (build at the same time in the same style).

The existing north elevation extension ridgeline is not the original ridgeline. Number 35 High street is already a significantly extended property which has an existing two storey extension on the north elevation. This earlier extension has already raised the ridgeline of the dwelling above the original ridgeline.

On receipt of amended plans;

Continue to object to the planned addition of another storey above the garage. As a split level, 3 storey dwelling this additional level creates 2 1/2 storeys overall and it is difficult to see the circumstances in which the plans would not cause overbearance - even if subordinate to the existing building. The drawings show the ridgeline of the extension to be in line with the level of the original ridgeline of the property - clearly not subordinate.

As well as overbearance, the extension also impacts on the spacing between properties and the corresponding character and setting of the surrounding area. (In particular the views of Stanwick Church).

The drawings showing the elevations and ridgelines for previous extensions are incorrect. It is therefore not clear whether the measurements are correct or what they apply to. So, the planning statement "All levels are to run flush with existing dwelling" is at best ambiguous and at worst misleading.

5.3 Highways (LHA)

The LHA confirms no observations as there are no further requirements for a dwelling with 4 plus bedrooms.

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)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 4 – Biodiversity and Geodiversity
Policy 5 – Water Environment, Resources and Flood Risk Management
Policy 8 - North Northamptonshire Place Shaping Principles
- 6.4 Emerging East Northamptonshire Part 2 Local Plan (LPP2) – Submission Draft March (2021)
Policy EN1 – Spatial Development Strategy
Policy EN13 – Design of Buildings/Extensions
- 6.5 Neighbourhood Plan – Stanwick Neighbourhood Plan (NP) (2017)
No relevant policies
- 6.6 Other Relevant Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Householder Extensions Supplementary Planning Document (June 2020)

7. Evaluation

The key issues for consideration are:

- Visual Impact
- Impact on Neighbouring Amenity
- Impact on Highway Safety and Parking
- Other issues

7.1 Visual Impact

- 7.1.1 National guidance contained within the NPPF states that Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy 1 of the North Northamptonshire Joint Core Strategy seeks to secure sustainable development and Policy 8 requires new development to comply with a number of sustainable principles including being of a high standard of design.
- 7.1.2 Planning permission is sought for the erection of a single storey front and side extension to accommodate a utility room and family area at ground floor with a first-floor extension over the existing utility/dining room to create an enlarged bedroom and study. The proposed frontage extension has been designed to be subordinate to the main dwelling and constructed in materials to match. The proposed first floor extension to the frontage would be sympathetic in scale and design to the host property.

- 7.1.3 Set back from the frontage of the site is a proposed single storey flat roof, with roof lantern above, rendered extension. The single storey flat roof extension would be set back from the site frontage and partially screened by the proposed utility room. Situated within the rear garden area the extension would only be partially visible within the public realm. Due to the scale and design of the proposed single storey extension the development would remain sympathetic to the character of the host property and would not have an adverse impact upon the surrounding area.
- 7.1.4 A first-floor extension is proposed above the existing garage, to be served by two gabled dormer windows. Amended plans have been submitted to reduce the height of the proposed extension to be in line with the ridge height of the main property, previously the extension projected above the existing ridge line. The application site sits lower than the highway and the accommodation is over split levels. The existing property has various roof heights and slopes to the north as the land levels drops away.
- 7.1.5 The Council's Householder Extensions Supplementary Planning Document (June 2020) advises that side extensions should be set back from the front of the house and the ridge line should be slightly lower than the existing to help maintain the proportions of the original dwelling. The proposed first floor extension above the garage would be at the same height as the main ridge of the property and as such would not be subordinate in height. The extension would be set back within the site and over the existing garage which is sited to the rear of the property. The property is sited at the turning head of a cul-de-sac on lower ground than the neighbouring properties to the south and with ample spacing around the property. As such the impact of terracing would be avoided.
- 7.1.6 Sited on a lower level to properties to the south the impact of the ridge height over the garage would be reduced. Furthermore, the property is designed over split levels and as such the design of the extension would complement the design of the host property.
- 7.1.7 Concern has been expressed with regards to the extension being overbearing and not subordinate to the main property. There is also concern over the spacing between properties and impact on views of the church. The first-floor extension above the garage is not subordinate but would be set back within the site and as such would not be over dominant within the streetscene and would not create any terracing effect. Due to the change in levels across the site it is not considered that the proposal would have any overbearing impact. The property is sited within a relatively large site and the majority of the first-floor extension is sited over the existing footprint of the building and as such the spacing between properties is maintained. The church lies to the north east of the site, some distance from the application site. Whilst some of the views across the site might be slightly disrupted the proposal would not have a significant impact upon the setting or visibility of the church.
- 7.1.8 For these reasons the proposed extension would not result in a detrimental visual impact on the character and appearance of the street scene, the host dwelling or the surrounding area.

7.2 Impact on Neighbouring Amenity

- 7.2.1 The NPPF and Policy 8 of the Joint Core Strategy (2016) seek to protect amenity of neighbouring users. The policy also seeks to ensure residential amenity is not harmed as a result of development; the NPPF within the core principles states that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- 7.2.2 The application proposes various extensions and alterations to the property. To the north east, over the existing garage, is a proposed first-floor extension. To the northeast is the rear garden of No. 23 High Street. The first-floor extension is some distance from the rear of this property and off set from the shared side boundary. The proposed first-floor extension over the garage has been designed with no first floor windows, with three roof lights proposed within the roof slope of the extension. Due to the orientation of the property to the north east and distance separations involved, the proposal would not have any adverse impact on the residential amenity of No. 23.
- 7.2.3 To the south is No. 27 High Street, which has the rear aspect facing the application site. The first-floor extension over the garage has been designed with no windows in the end gable facing No. 27. The garage is angled away from the rear of the No. 27 and separated by the driveway and boundary treatment. No. 27 sits elevated to the application site and due to the design, orientation and distance separation it is not considered that the proposed first floor extension to the garage would have any adverse impact on the residential amenity of No. 27. The proposed single storey and first floor extension to the west of the property will be set back into the site away from the shared boundary and would not create any greater impact to No. 27 than the existing property.
- 7.2.4 The application also proposes a first floor and single storey extension to the west of the host property. Adjoining the site to the west is No. 31 High Street which has recently been granted planning permission for a first-floor extension over the garage, to the east of the site. The proposed single storey extension to the side is of such a scale and design as to have no adverse impact on the residential amenity of No. 31. The proposed first floor over the existing utility/dining area would create an additional bedroom with additional first floor windows serving a bedroom and en-suite. These windows would only overlook the frontage driveway to No. 31 and would not impact on the privacy of the occupants of the neighbouring property. There is an existing bedroom window in the front elevation of the application property and the additional windows would not create any greater overlooking or impact to No.31.
- 7.2.5 To the north of the site are properties on Spencer Parade which are separated by the garden to the host property and boundary treatment. The properties are some distance from the proposed single storey/first floor extension to the north west and would be screened by the host property from the first-floor extension to the garage. As a result, properties to the north are sufficient distance from the proposed extension so as not to be adversely affected by the development.

7.2.6 Dwellings to the southwest within the cul-de-sac are sufficient distance from the proposed development so as not to be adversely affected.

7.2.7 Having regard to the above it is considered that the proposal would not impact significantly upon neighbouring properties and a satisfactory relationship would remain.

7.3 Impact on Highway Safety and Parking

7.3.1 The property has an existing driveway to the frontage of the property with ample off-street parking and an adjoining double garage. The application proposes an extension over the existing garage with the parking at ground floor retained. The application would result in the increase in bedrooms to the property, however, sufficient parking would be available within the curtilage of the site. The existing parking to the frontage of the property would be unaffected by the development.

7.3.2 Accordingly, there is no impact on the existing parking provision to the frontage of the site and the development would not impact upon highway safety.

7.4 Ecology

7.4.1 The application site has no record of any protected species and, being mainly of private garden land, is considered to be of low biodiversity potential. There has been no representation with regards to biodiversity from any third party or the Council.

7.4.2 Policy 4 of the North Northamptonshire Joint Core Strategy 2016 requires all development to safeguard existing biodiversity. The proposal is minor in nature and would have a neutral impact upon biodiversity. Therefore, the proposal is considered to be in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2016.

7.5 Flooding

7.5.1 The application site is in Flood Zone 1, which means it has a low probability of flooding. In terms of drainage, the proposal would result in limited additional hard surfaces and there should therefore be no additional impact from surface water run-off. The proposal is therefore considered acceptable and complies with Policy 5 of the North Northamptonshire Joint Core Strategy 2016.

8. Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9. Conclusion / Planning Balance

9.1 In this instance the proposed ground and first floor extensions are not considered to cause significant harm that would outweigh the economic, social and environmental benefits of the proposal, therefore given the current policy position, the proposed development is considered to be compliant with relevant national and local planning policy as:

- Is of an appropriate scale and design;
- Would not have a harmful impact upon the character and appearance of the area;
- Would not have a significantly detrimental impact upon the amenity of neighbours;
- Would not have a harmful impact upon highway safety;
- Would be acceptable in terms of flood risk;
- Would safeguard existing biodiversity; and
- There are no other material planning considerations which have a significant bearing on the determination of this application

10. Recommendation

10.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that Planning Permission be GRANTED subject to conditions.

11. Conditions

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

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 strictly in accordance with the following documents:

- Site Location and Block Plan, 20-174-12, as received by the Local Planning Authority on 21st April 2021; and
- Proposed Ground Floor Plan, 20-174-04D, as received by the Local Planning Authority on 24th May 2021; and
- Proposed First Floor Plan, 20-174-05C, as received by the Local Planning Authority on 24th May 2021; and
- Proposed Elevations, 20-174-08D, as received by the Local Planning Authority on 24th May 2021; and
- Proposed Elevations, 20-174-07E, as received by the Local Planning Authority on 24th May 2021.

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

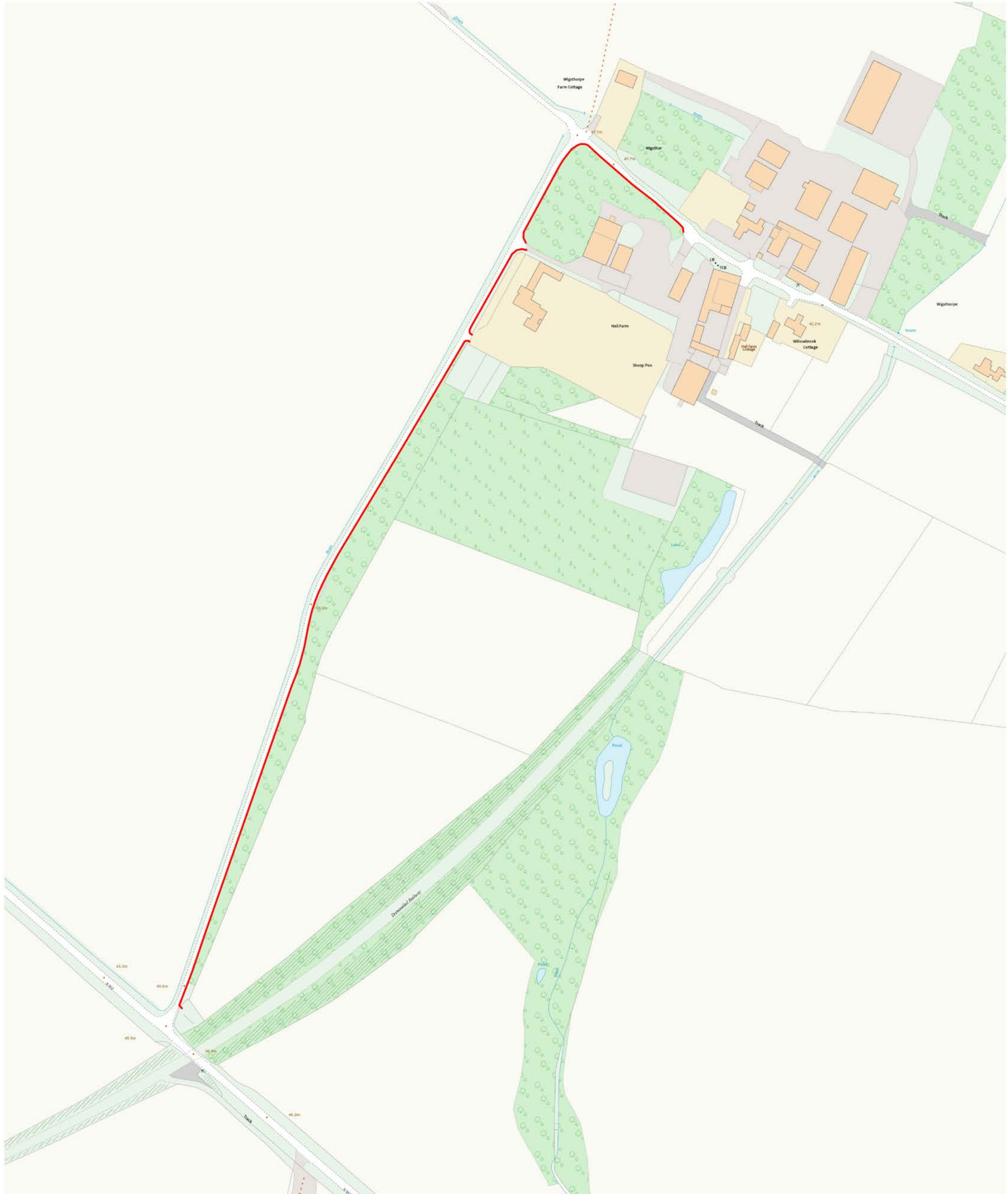
- 3 The development hereby permitted shall be finished externally in materials as detailed on the submitted application form and plans. The approved materials should be maintained and retained in perpetuity thereafter.

Reason: To achieve a satisfactory elevational appearance for the development.

12. Informatives

N/A

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**North Northamptonshire Area Planning Committee
(Thrapston)
20 September 2021**

Application Reference	NE/21/00906/FUL
Case Officer	Jennifer Wallis
Location	Hall Farm, Main Street, Wigsthorpe
Development	Construction of a Park railing fence 1 metre from the edge of adopted highway on a grass verge
Applicant	Mrs Virginia Burnett
Ward	Thrapston
Overall Expiry Date	30 August 2021
Agreed Extension of Time	24 September 2021

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Officer's recommendation is contrary to the Parish Council's objection.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application proposes the erection of steel park railing fencing. The proposed fencing would be 1.2m in height and would be sited alongside the highway surrounding Hall Farm.
- 2.2 The fencing would be post and rail in design and is to be sited 1m from the edge of the adopted highway.

3. Site Description

- 3.1 The application site includes Hall Farm and associated land on the edge of the small settlement of Wigsthorpe. The land lies to the south of Main Street and follows the highway to the junction with the B662, to the south. Hall Farm includes a large detached dwelling, cottage and a number of agricultural buildings. The boundary to the site is currently tree lined or a mixture of hedgerow and post and rail fencing. To the east and northeast of the site is the village of Wigsthorpe with open countryside to the south and west.

4. Relevant Planning History

- 4.1 None relevant

5. Consultation Responses

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

5.1 Lilford, Wigsthorpe and Thorpe Achurch Parish Council

That the Parish Council has no alternative but to object to the application due to its location on what is a single track lane which is used by large agricultural machinery, delivery trucks, utilities vehicles and residents and visitors to the village as well as walkers on the Nene Valley Way. Councillors are concerned that the site plan appears to show the proposed fence passing through the one existing passing place which in itself is insufficient for this access route as it is already known that motorists on occasions have to reverse back onto the B662 if they meet a large vehicle, or, if a smaller vehicle, pull onto the area to be fenced between the passing place and the junction with the B662. Lilford Wigsthorpe Thorpe Achurch Parish Council therefore objects to this application in its present form.

5.2 Neighbours / Responses to Publicity

Letters sent to four properties. Four letters of representations have been received commenting on the following grounds;

- Access needed for large agricultural vehicles that use more than the width of the single track road.
- Access also needed for deliveries and collections for the residents and farms in the village.
- The plans indicate the loss of the passing place that is vital to enable the safe passing of two way traffic. The passing place has been in use since the early 1980's.
- The road is used as a diversion onto the B662 when there is a problem on the A605. We see a large volume of traffic at times and even with a passing place the road becomes dangerous for other road users and pedestrians.
- The road comprises part of the Nene Way and is used by walkers, cyclists and horse riders. There would be a danger to these users from vehicles trying to pass each other on the narrow lane.

- This 3 metre wide road has only one passing place compared to 7 on the approach from the A605. It is somewhat overhung by trees planted 3 metres from the road which are not crown-lifted and already impede movement of high-sided vehicles. The proposal to leave 1 metre of grass strip on the east verge leaves no space to avoid oncoming traffic, as the west verge has both a ditch and drainage grips. The east verge has recently had a fibre optic cable laid underground which would be at risk of damage by fencing contractors.
- Due to the loss of the grass verge at the narrowest place of the road there would not be enough space for cars to pass making it unsafe.
- Narrowing the grass verge would mean that at some point when two vehicles meet it would result in either having to reverse back towards the village or on to the B662. With the over hanging trees it is not always easy to see if any vehicles are coming along the road to use the passing place.
- The other access onto A605 does not have great visibility making it difficult for farm vehicles to safely join the road.
- In general walkers and cyclists use the road, for example when walking the Nene Way. In the past people may have walked under the trees alongside the road which this application would fence off. However, these are now more mature and over hanging and this area is not a right of way. Should a fence be erected these trees would need to be pruned to ensure the one metre from the highway is clear. This would ensure a clear line of sight for vehicles should walkers need to step aside to allow to pass.
- This is a quiet straight lane so normally visibility is good and NNC should ensure that this will not be reduced by any proposals.

5.3 Highways (LHA)

The LHA requires that the applicant demonstrates that the proposed installation of the park railing does not affect the visibility splays of the junctions/accesses that the railing will be encroaching.

The applicant will be required to demonstrate the necessary vehicular visibility splays of 2 metres x 215 metres (for a 60mph road) on both sides of the access. These splays must not contain any other third party owned land and shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.

5.4 Natural England

No comment to make on this application.

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)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 8 - North Northamptonshire Place Shaping Principles
- 6.4 Other Relevant Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)

7. Evaluation

The key issues for consideration are:

- Visual Impact
- Impact on Neighbouring Amenity
- Impact on Highway Safety and Parking
- Other issues

7.1 Visual Impact

- 7.1.1 National guidance contained within the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy 1 of the North Northamptonshire Joint Core Strategy seeks to secure sustainable development and Policy 8 requires new development to comply with a number of sustainable principles including being of a high standard of design.
- 7.1.2 Planning permission is sought for the erection of park railing fencing along the highway to land associated with Hall Farm, on the edge of Wigsthorpe. The site is currently enclosed by trees, hedgerow and some timber post and rail fencing. The proposed fencing would be typical of park railings and constructed in steel. The fencing would be 1.2m in height in 1.1m sections and would be sited 1m from the edge of the adopted highway.
- 7.1.3 Sited along the boundary of the site the proposed fencing would be visible from the public realm. The fencing would be typical fencing that surrounds large estates and park land and would be predominantly open. The style and design of fencing proposed would not be out of character with the farm and farmland it is to be associated with and would not have a detrimental impact upon the surrounding area.

- 7.1.4 Planning permission is only required for the fence as it is 200mm higher than what would be permissible under permitted development rights. Under Part 2, Class A of the General Permitted Development Order 2015 (as amended) the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is permissible up to 1 metre above ground level adjacent to the highway. If the proposed fence were 1m or lower then it would not require planning permission and the local authority would have no control over the siting or design of the fencing.
- 7.1.5 The proposed park railing fencing is considered to be sympathetic to this rural location and would not have any detrimental impact on the character and appearance of the surrounding area.

7.2 Impact on Neighbouring Amenity

- 7.2.1 The NPPF and Policy 8 of the Joint Core Strategy (2016) seek to protect amenity of neighbouring users. The policy also seeks to ensure residential amenity is not harmed as a result of development; the NPPF within the core principles states that planning should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*.
- 7.2.2 The proposed fencing is to the boundary of Hall Farm along Main Street to the north and along the western boundary to the B662. To the north of the site on the opposite side of Main Street is Wigsthorpe Farm Cottage and Wigsthorpe House Farm. Properties to the north are separated by the highway and some distance from the proposed fencing. As such the proposed park railing would not have any adverse impact on the residential properties to the north.
- 7.2.3 To the south and west of the site is open countryside/farm land and to the east is land associated with Hall Farm.
- 7.2.4 Having regard to the above it is considered that the proposal would not impact significantly upon neighbouring properties and a satisfactory relationship would remain.

7.3 Impact on Highway Safety and Parking

- 7.3.1 The application proposes the erection of open park railing fencing to the north and west of Hall Farm. The fencing would be sited 1 metre from the edge of the adopted highway within a grass verge. The fencing is to be sited along Main Street, to the north, from the access to Hall Farm and then following the highway to the west to adjoin the B662.
- 7.3.2 Highways have requested that the applicant demonstrates that the proposed installation of the park railing does not affect the visibility splays of the junctions/accesses that the railing will be encroaching.

- 7.3.3 Further information has been submitted by the applicant showing the open nature of the railings proposed. They have also confirmed that the siting of the proposed railings will stop short of an existing gateway into one of their fields and there would be no impact on the visibility of traffic either turning onto the B662 from the track to Wigsthorpe or turning from the B662 towards Wigsthorpe. The highway comments are awaited on the information submitted and will be updated prior to committee.
- 7.3.4 The Parish Council and a number of objections have been received to the fencing in relation to the impact on highway safety, particularly in relation to the width of the highway and the nature of the traffic, passing places, walkers and the loss of the grass verge.
- 7.3.5 The proposed railings are to be sited on land within the applicant's ownership and only require planning permission as they are 200mm higher than a fence or means of enclosure that is permissible under permitted development. Furthermore, a fence up to 1m in height could be erected which is solid and not open like the proposed railings, which would have a greater impact on visibility.
- 7.3.6 The proposed park railing fence would be set back from the edge of the highway and, due to the design, would allow for visibility through the large gaps in the railings. The fence would be on private land, which could be enclosed by means of a wall, fence or other means of enclosure up to 1 metre in height without requiring planning permission.
- 7.3.7 Subject to no objection being received from the highway authority on the additional information and taking into consideration the realistic fallback position, that a non-see-through 1m high fence could be erected in this location, the proposed railings would not have a detrimental impact upon highway safety.

8. Conclusion / Planning Balance

- 8.1 In this instance the proposed park railing is considered to be compliant with relevant national and local planning policy as:
- Is of an appropriate scale and design;
 - Would not have a harmful impact upon the character and appearance of the area;
 - Would not have a significantly detrimental impact upon the amenity of neighbours;
 - Would not have a harmful impact upon highway safety; and
 - There are no other material planning considerations which have a significant bearing on the determination of this application

9. Recommendation

- 9.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore that Planning Permission be GRANTED subject to conditions.

10. Conditions

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

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 strictly in accordance with the following documents:

- Site Location Plan, as received by the Local Planning Authority on 5th July 2021; and
- Proposed Railing Plan, as received by the Local Planning Authority on 5th July 2021; and
- Elevation Plan, as received by the Local Planning Authority on 5th July 2021; and

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

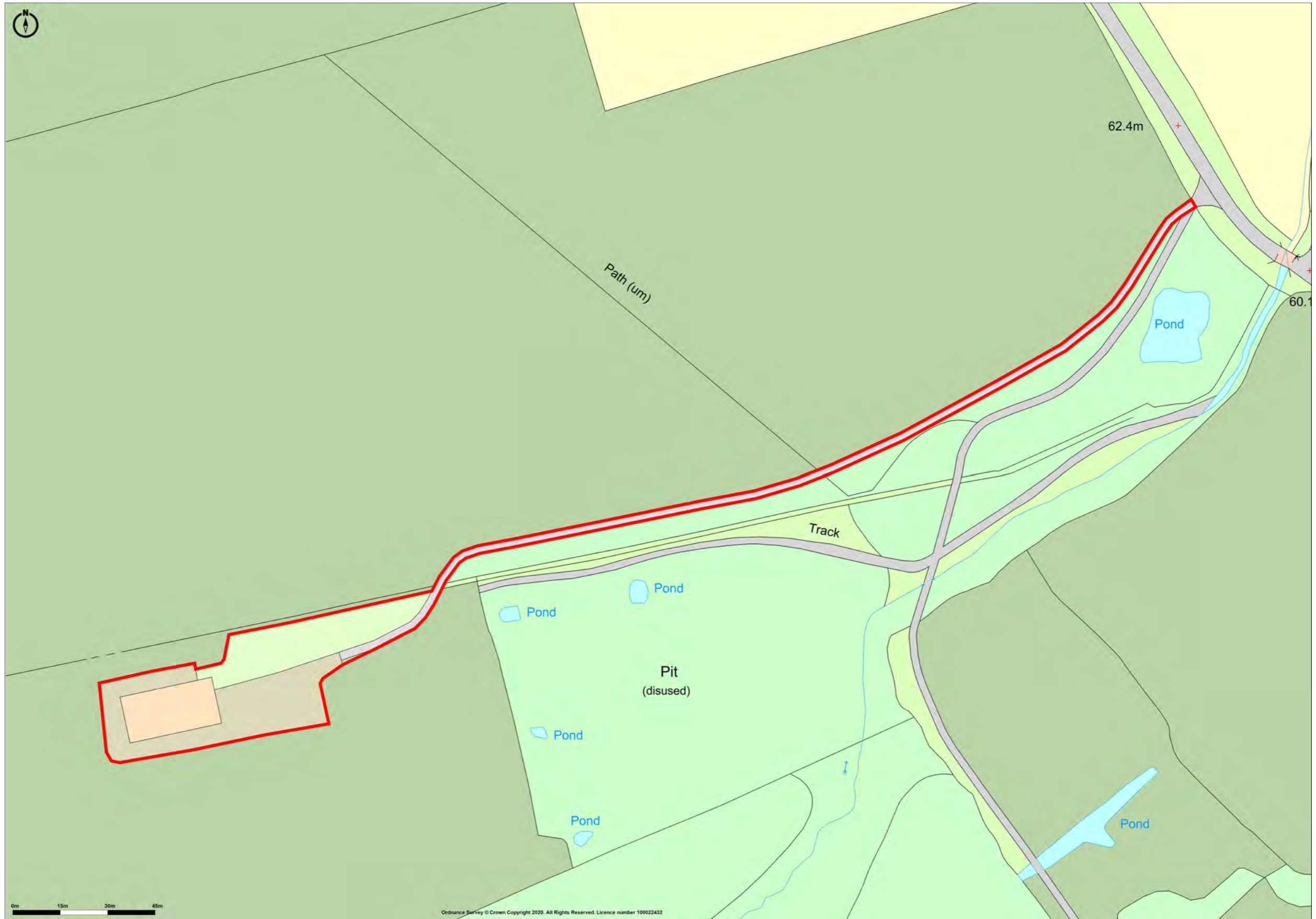
- 3 The development hereby permitted shall be finished externally in materials as detailed on the submitted application form and plans. The approved materials should be maintained and retained in perpetuity thereafter.

Reason: To achieve a satisfactory elevational appearance for the development.

11. Informatives

N/A

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**North Northamptonshire Area Planning Committee
(Thrapston)
20 September 2021**

Application Reference	NE/21/00791/FUL
Case Officer	Sunny Bains
Location	Brickworks Farm, Church Street, Hargrave, Northamptonshire
Development	Conversion of an agricultural building to one residential dwelling
Applicant	Brookwell Estate Limited – Mr Robin Sykes
Agent	Amet Property – Mrs Sophie Fulton
Ward	Raunds
Overall Expiry Date	23 July 2021
Agreed Extension of Time	27 September 2021

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Parish Council's objection is contrary to the recommendation of the Case Officer.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 This application seeks full planning permission for the conversion of an agricultural barn into a residential dwelling. The proposed conversion would include openings (windows and doors) on the four elevations of the existing building and would include improvement to the existing access off Church Street to highway standards, which would serve the proposed development.

- 2.2 Generally, permitted development rights (Class Q) allows for the conversion of agricultural buildings into residential dwellings subject to limitations, conditions and restrictions. The proposed development would exceed the curtilage size allowed under permitted development which is why a planning application is required in this case.

3. Site Description

- 3.1 The application site is situated within the open countryside near the settlement of Hargrave (approximately 769 metres away). A steel fabricated barn structure is located on the site which is accessed off Church Street (east of the application site). Agricultural land surrounds the application site which the land outlined in blue on the location plan is owned by the Applicant. The site also lies within flood zone 1 (low risk).

4. Relevant Planning History

- 4.1 20/01463/PDU – Change of use and associated operational development of a building from an agricultural use to five dwelling houses – Approved – 15.03.21.
- 4.2 20/00332/PDU – Change of use and associated operational development to create 5 dwelling houses (Schedule 2, Part 3, Class Q) – Refused – 18.05.20.

5. Consultation Responses

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

5.1 Hargrave Parish Council

Objects to the application as it is in open countryside and outside of the development boundary of the village. The Emerging Neighbourhood Plan, written to reflect the aspirations of Hargrave residents as ascertained from surveys, states that residents desire limited development within a specified development boundary. This site is not within that boundary.

The Parish Council does not think that an exception should be made for this application because the proposed dwelling is not of exceptional quality and design. Hargrave does not require further large, executive style homes.

The Parish Council is of the opinion that this development would harm the character of the countryside.

In the event that planning consent is granted, the Parish Council requests that conditions are imposed to ensure the following outcomes:

- Septic tank for foul water to protect the sewage infrastructure in Hargrave
- The existing public footpath be widened to 1 metre and preserved at 1 metre in the interests of public safety.
- All exterior lighting to be low level and designed to minimise light pollution in the interests of reducing light nuisance for the benefit of the environment
- Rainwater capture and use of grey water to minimise surface water flooding and to mitigate climate change
- Electric vehicle charging point/s to be included in the interest of reducing carbon emissions
- Permitted development rights to be removed to ensure all future changes are subject to scrutiny against planning policies.
- Prior to the first occupation of the development, the site access be upgraded in accordance with an approved access plan and Local Highway Standards. The visibility splays denoted on the access plan shall be free of obstruction over 0.6 metres high at all anytime in the interests of highway safety.

5.2 Neighbours / Responses to Publicity

Two letters of support have been received. The comments expressed are summarised below:

- The proposed development has permission for 5 dwellings (20/01463/PDU) and this application would be a significant reduction to 1 dwelling.
- The proposal would result in reduced traffic, be less disturbance and be better quality housing compared to the approval.
- No negative impact on the natural light or privacy of neighbouring properties.
- A number of properties have shared or single access onto Church Street and therefore the proposal is unlikely to cause highway harm.

5.3 Natural England

No comments to make.

5.4 Royal Society for the Protection of Birds (RSPB)

No representation received.

5.5 North Northants Badger Group

No representation received.

5.6 Local Highway Authority (LHA)

Highways states the following comments:

- The proposed dwelling is more than 45 metres from the highway boundary. Vehicular accesses over 45 metres in length from highway boundary to the face of a building should be referred to a Building Regulation Approved Inspector. In such circumstances, access and turning for emergency vehicles will be required and the Northamptonshire Fire and Rescue service require;
- All accesses over 45 metres in length to be a minimum of 3.7 metres wide for its whole length, to accommodate an appliance;
- Such accesses to accommodate a fire appliance with a 15 Ton axle loading;
- Turning space for a fire appliance;
- Please see “Fire and Rescue Pre-Application Advice and Guidance for Developers Designing New Residential and Commercial Development Schemes in Northamptonshire” for further information.
- Vehicular accesses over 45 metres in length can also have refuse collection implications. Part H of the Building Regulations limits carry distances for residents to no more than 30 metres from their building and that of operatives collecting waste to no more than 25 metres.
- The query whether or not the proposed development intends to share an access with an agricultural interest, this is contrary to NCC adopted highway policy which does not permit private residential dwellings sharing an access with commercial and or agricultural interests. This policy is made in the interests of highway safety in order to prevent private motorists finding themselves in conflict with, and in opposition to the large vehicles associated with an agricultural interest.
- The proposed development site is situated in a remote, unsustainable location in respect of transport; all journeys to and from the site will need to be made by private motor vehicle, there are no public transport services or public footways serving the site.

5.7 Senior Tree and Landscape Officer

No representations received.

5.8 Environmental Protection

The current agricultural use does not pose any contamination risk to future occupants and as such no objection to the proposed development.

5.9 Waste Management Team

Bins need to be presented immediately adjacent to the highway (Church Street).

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)

Policy 1 - Presumption in Favour of Sustainable Development
Policy 3 - Landscape Character
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 13 - Rural Exceptions
Policy 28 - Housing Requirements and Strategic Opportunities
Policy 29 - Distribution of New homes
Policy 30 - Housing Mix and Tenure

6.4 East Northamptonshire District Local Plan (DLP) (1996)

Policy AG4 – Re-use and adaption of buildings in the countryside
Policy AG9 – Replacement dwellings in the countryside

6.5 Emerging Hargrave Neighbourhood Plan (HNP) (2021)

Policy HNDP1 – Housing Growth
Policy HNDP2 – New Development within Hargrave
Policy HNDP4 – Housing Design
Policy HNDP5 – Landscape Character
Policy HNDP6 – Local Green Space
Policy HNDP7 – Environment
Policy JNDP8 – Sustainable Infrastructure
Policy HNDP10 – Rural Diversification and Employment

The Neighbourhood Plan is at the examination stage and is therefore at an early stage of the plan adoption process. Therefore, little weight can be given to this document.

6.6 Other Relevant Documents

Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)

Northamptonshire County Council - Local Highway Authority Parking Standards (2016)

East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)

East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)

7. **Evaluation**

The key issues for consideration are:

- Principle of Development
- Character and Appearance
- Residential Amenity
- Highways and Parking

7.1 **Principle of Development**

7.1.1 The proposed development seeks planning permission for a residential dwelling. Whilst the principle of new dwellings in open countryside is generally less favourable, there is also provision within legislation to allow for this under permitted development in certain circumstances. In the case of this site the principle of development has been established and is accepted by virtue of the consented prior approval application 20/01463/PDU for 5 dwellings. This forms a realistic 'fallback' position and is a baseline for assessment of this application.

7.2 **Character and Appearance**

7.2.1 The application site being within the countryside has a rural character. The prior approval consent (20/01463/PDU) allows for the existing agricultural barn to be converted and subdivided into five dwellings, which involves the retention of the existing frame and cladding of the barn and the additions of windows on four elevations including rooflights and doors on the south-east elevation. Internally, walls and mezzanine floors would also be added.

7.2.2 The proposed development would retain the existing frame and cladding of the barn but would alter the floor layout to form a 'L' shape instead of a rectangular floor layout. This results in a gross internal area of 312 sqm which compared to the consented scheme (465 sqm) would be a reduction of 153 sqm. The proposed size and arrangement of the openings (windows and doors) would also change compared to the consented scheme to reflect the functionality of the proposed dwelling.

7.2.3 It is considered that in visual terms the proposed development would not result in any more harm than the consented scheme and is arguably slightly more attractive as a single, large dwelling, than as 5 smaller ones. It would therefore comply with Policy 8(d) of the JCS and Paragraph 130 of the NPPF.

7.3 Residential Amenity / Highway Matters

- 7.3.1 The application site is in an isolated location, with the closest residential dwelling being 394 metres to the east of the site. The proposed development would therefore not cause harm to the residential amenity of nearby properties.
- 7.3.2 Sufficient internal amenity space would be provided by the proposed development which would accord with the National Space Standards. The external amenity space is also considered to be sufficient. As such, the proposed development complies with Policy 8(e) of the JCS.
- 7.3.3 The proposed development would utilise the existing access off Church Street but as part of the proposal the existing access would be widened to 4.5 metres for the first 10 metres of the access abutting the highway, as per visibility splays and access works plan (482-01).
- 7.3.4 Highways concerns are noted in regards to the access road being a minimum width of 3.7 metres for the allowance of emergency vehicles, refuse collection point being over 45 metres away from the highway and the access being shared by agricultural and domestic vehicles as well as the site being located in an unsustainable location.
- 7.3.5 The applicant's agent states that the access road is over 3.7 metres in width and could accommodate for emergency vehicles, the access would only be used by the proposed development and a private waste collection contract would be used for refuse collection. That may be how the future occupants wish to arrange their waste collection, but residential properties also have a right to a council collection, and this would need to be from the kerbside adjacent to Church Street.
- 7.3.6 The access road and the distance which future residents would have to pull their bins would be the same for the proposed development as it would be for the consented prior approval scheme. This is far from ideal, but the proposed development would have no more impact in terms of residential amenity of future occupants and highways than the already consented scheme. Also, under the consented scheme agricultural and domestic vehicles could share the access. Therefore, it would be unreasonable to request the access is only used for domestic vehicles. As such, a reason for refusal based on these matters would not be substantiated.
- 7.3.7 Should permission be granted then a condition can be imposed for the existing access to be upgraded to highway standards prior to occupation.
- 7.3.8 Whilst the site is located within an unsustainable location, the principle of residential development on the site is established and accepted by virtue of the prior approval consent (20/01463/PDU) therefore a reason for refusal would not be substantiated.
- 7.3.9 The proposed development would provide 4 car parking spaces which would exceed the minimum provision outlined in the Northamptonshire Parking Standards.

7.3.10 Overall, the proposed development is considered to comply with Policy 8(b) of the JCS.

8. Other Matters

8.1 Parish Council Comments: The comments of the Parish Council have been noted and addressed in the above section. Regarding the suggested conditions, it is noted below in the order of the suggested condition which may be imposed in line with the condition test (Paragraph 56 of the NPPF):

- *Septic tank for foul water to protect the sewage infrastructure in Hargrave* – it would be unreasonable and onerous for the proposed development to be responsible to protect the sewage infrastructure in Hargrave. In terms of foul drainage onsite, appropriate means of connection and disposing of this could be achieved and would be managed under Building Regulations. Therefore, it is not considered appropriate to impose such a condition.
- *The existing public footpath be widened to 1 metre and preserved at 1 metre in the interests of public safety* – Highways do not consider the widening of the footpath to be necessary and thus has not requested it. In addition, five dwellings could be implemented under the prior approval consent without the widening of the footpath. Therefore, it is not considered appropriate to impose such a condition.
- *All exterior lighting to be low level and designed to minimise light pollution in the interests of reducing light nuisance for the benefit of the environment* – this is considered appropriate and can be imposed.
- *Rainwater capture and use of grey water to minimise surface water flooding and to mitigate climate change.* - this is considered appropriate and can be imposed.
- *Electric vehicle charging point/s to be included in the interest of reducing carbon emissions* - this is considered appropriate and can be imposed.
- *Permitted development rights to be removed to ensure all future changes are subject to scrutiny against planning policies* - this is considered appropriate and can be imposed.
- *Prior to the first occupation of the development, the site access be upgraded in accordance with an approved access plan and Local Highway Standards. The visibility splays denoted on the access plan shall be free of obstruction over 0.6 metres height at all times.* - this is considered appropriate and can be imposed.

9. Conclusion / Planning Balance

- 9.1 Although this site is in open countryside, the principle of residential development has been established and accepted by virtue of the recent prior approval consent (20/01463/PDU) for five dwellings. The consented scheme presents a realistic 'fallback' position that can be implemented by the applicant and therefore forms the basis for the assessment of this application.
- 9.2 The proposed development is considered to cause no more harm to the character of the local area and highways than the consented scheme and is arguably a better quality proposal in this form than was the case in the consented scheme for 5 dwellings. It is also considered to provide adequate residential amenity for future occupants.
- 9.3 As such, it is considered that the proposed development would comply with local and national policies therefore it is recommended that planning permission is granted.

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 using external materials matching those of the existing building, as follows:

- Roof – green box profile roof cladding
- Walls - green box profile roof cladding
- Windows and Doors – grey aluminium clad UPVC

Reason: To achieve a satisfactory elevational appearance for the development.

- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);

- ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);
- iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
- iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);
- v) the erection of any walls, fences or other means of enclosure to all boundaries of the site (as detailed in Schedule 2, Part 2, Class A).

Reasons: To ensure that the Local Planning Authority retains control over future development in the interest of the local character of the area.

- 4 Prior to the first occupation of the development hereby permitted, the site access shall be upgraded in accordance with the approved access plan (482-01). The visibility splays denoted on the access plan shall be free of obstruction over a height of 0.6 metres at all times.

Reason: In the interest of highway safety.

- 5 The car parking spaces shown on the site plan shall be provided prior to the occupation of the development hereby permitted and maintained and retained in perpetuity.

Reason: In the interest of highway safety and residential amenity.

- 6 Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed in accordance with the approved details and maintained and retained in perpetuity. The lighting detail shall include a plan showing the position of the lights and full product details.

Reason: To safeguard the surrounding wildlife.

- 7 Prior to development above slab level of the development hereby permitted, details of sustainable measures to be incorporated within the approved dwelling, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be constructed in accordance with approved details. The details should include water and energy efficiency measures and a minimum of one electric vehicle charging point to demonstrate compliance with Policy 9 of the North Northamptonshire Joint Core Strategy 2016.

Reason: In the interest of climate change and environmental protection.

- 8 Prior to first occupation, full details of a kerbside waste / recycling collection point shall have been submitted to, approved in writing by the Local Planning Authority, and have been fully implemented. It shall thereafter be retained for the lifetime of the development.

Reason: Although private waste / recycling arrangements are cited in the application, a household is entitled to a council collection and this would require a kerbside collection from Church Street. Details of this are required to ensure that the collection point is fit for purpose in terms of visibility and accessibility.

- 9 The development hereby permitted shall be carried out in accordance with the approved plans as follows:

- Location Plan
- Proposed Site Plan
- Proposed Ground-Floor Plan – 7078PL02
- Proposed First-Floor Plan – 7078PL03
- Proposed Elevation Plan – 7078PL04
- Proposed Elevation Plan – 7078PL05
- Visibility Splays and Access Works Plan - 482-01

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

12. Informatives

- 1 None.

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