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**North  
Northamptonshire  
Council**

**Meeting:** Area Planning Committee Wellingborough  
**Date:** Wednesday 12th October, 2022  
**Time:** 7.00 pm  
**Venue:** Council Chamber, Swanspool House, Doddington Road, Wellingborough, Northants, NN8 1BP

**To:**


**Members of the Area Planning Committee Wellingborough**

**Councillors Paul Bell (Chair), Malcolm Waters (Vice-Chair), Scott Brown, Jonathan Ekins, Ken Harrington, Philip Irwin, King Lawal, Lora Lawman and Malcolm Ward**

Substitute:

Councillor Tim Allebone

| <b>Agenda</b>                     |  |                           |                 |
|-----------------------------------|--|---------------------------|-----------------|
| <b>Item</b>                       | <b>Subject</b>   | <b>Presenting Officer</b> | <b>Page no.</b> |
| <b>01</b>                         | Apologies for non-attendance   |                           |                 |
| <b>02</b>                         | Members' Declarations of Interest  |                           |                 |
| <b>03</b>                         | Minutes of the meeting held on 14 September 2022 (adjourned and reconvened on 22 September 2022)   |                           | 5 - 10          |
| <b>Items requiring a Decision</b> |  |                           |                 |
| <b>04</b>                         | <b>Planning Application<br/>NW/21/00174/FUL<br/>46 - 48 Cannon Street, Wellingborough</b><br>Change of use from A1 to C3 to create 14 no. residential apartments. Erection of a new floor and new mansard roof<br><b>Recommendation: Grant</b> | Relevant Case Officer     | 11 - 40         |
| <b>05</b>                         | <b>Planning Application<br/>NW/22/00503/FUL<br/>117 The Drive, Wellingborough</b><br>Change of use of domestic outbuilding (C3 use) into a hairdressing salon (E (a) use)<br><b>Recommendation: Grant</b>                                      | Relevant Case Officer     | 41 - 56         |

|  |   |                          |         |
|--|---|--------------------------|---------|
| 06   | <b>Planning Application<br/>NW/22/00585/FUL<br/>34 Finedon Road, Wellingborough</b><br>Change of Use from a Residential Care Home (C2) to a 9 bed, 9 person HMO (Sui Generis)<br><b>Recommendation: Grant</b> | Relevant<br>Case Officer | 57 - 78 |
| 07   | Planning Appeal Decision Letter<br>(a) Dungee Corner, Harrold Road, Bozeat (and cost decision)  |                          | 79 - 90 |
| 08   | Close of meeting  |                          |         |
| <p>Adele Wylie, Monitoring Officer<br/>North Northamptonshire Council</p>  <p><b>Proper Officer</b><br/><b>Tuesday 4 October 2022</b></p> |   |                          |         |

The reports on this agenda include summaries of representations that have been received in response to consultation under the Planning Acts and in accordance with the provisions in the Town and Country Planning (Development Management Procedure) Order 2015.

This agenda has been published by Democratic Services.

Committee Administrator: Fiona Hubbard

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| ITEM                                    | NARRATIVE  | DEADLINE                              |
|---|--|---------------------------------------|
| Members of the Public Agenda Statements | Requests to address the committee must be received by 12 Noon on the day before the meeting. Speakers will be limited to speak for 3 minutes.  | 12 Noon<br>Tuesday 11<br>October 2022 |
| 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<br>Tuesday 11<br>October 2022 |

Please see the [procedures for speaking at the Planning Committee](#) before registering to speak.

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Members are reminded of their duty to ensure they abide by the approved Member Code of Conduct whilst undertaking their role as a Councillor. Where a matter arises at a meeting which **relates to** a Disclosable Pecuniary Interest, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

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# Agenda Item 3



## **Minutes of a meeting of the Area Planning Committee Wellingborough**

held at 7.00 pm on Wednesday 14th September, 2022 (adjourned and reconvened on Thursday 22<sup>nd</sup> September, 2022 at 7.00 pm) in the Council Chamber, Swanspool House, Doddington Road, Wellingborough, Northants, NN8 1BP

### **Present:-**

#### Members

Councillor Paul Bell (Chair)  
Councillor Scott Brown  
Councillor Ken Harrington  
Councillor King Lawal

Councillor Malcolm Waters (Vice Chair)  
Councillor Lora Lawman  
Councillor Malcolm Ward

#### Officers

Mrs F Hubbard (Senior Democratic Services Officer) (Committee Administrator)  
Mrs E Robinson (Democratic Services Support Officer)

### **1 Apologies for non-attendance**

It was noted that apologies were received from Councillor Jonathan Ekins and Councillor Philip Irwin.

The Chair welcomed Councillor Scott Brown to the meeting as a Full Member of the Committee.

Following the death of Her Majesty, Queen Elizabeth II, the Chair paid tribute to her dedicated commitment to public service and devotion to the nation and expressed condolences to King Charles III and the Royal family. A two-minute silence was observed.

In recognition of the period of mourning, the Chair recommended and proposed that the meeting be adjourned to Thursday 22 September 2022 at 7 pm. This was seconded by Councillor Lora Lawman.

On being put to the vote the motion to adjourn the meeting was unanimously carried.

### **RESOLVED:-**

That the meeting be adjourned.

The Chair adjourned the meeting at 7:04 pm to be reconvened on Thursday 22 September 2022 at 7 pm.

*The meeting reconvened on Thursday 22 September 2022 at 7.00 pm in the Council Chamber, Swanspool House, Doddington Road, Wellingborough, Northants, NN8 1BP.*

**Present:-**

Members

Councillor Paul Bell (Chair)  
Councillor Scott Brown  
Councillor Jonathan Ekins  
Councillor Ken Harrington

Councillor Malcolm Waters (Vice Chair)  
Councillor King Lawal  
Councillor Malcolm Ward

Officers

Ms J Sandhu (Interim Planning Management and Enforcement Lead Manager)  
Mrs D Kirk (Senior Development Management Officer)  
Mr D Law (Senior Development Management Officer)  
Mr N Bell (Legal Adviser)  
Mrs F Hubbard (Senior Democratic Services Officer) (Committee Administrator)  
Mrs E Robinson (Democratic Services Support Officer)

It was noted that apologies were received from Councillor Philip Irwin and Councillor Lora Lawman.

**2 Members' Declarations of Interest**

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

There were no declarations received.

**3 Minutes of the meeting held on 17 August 2022**

**RESOLVED:-**

That the minutes of Planning Committee held on 17 August 2022, be confirmed as a correct record and signed.

**4 Planning Application NW/22/00068/FUL 20 Redwell Road, Wellingborough**

The Committee considered an application for demolition of an existing two storey dwelling and construction of 2 no. detached 5 bedroom dwellings and 1 no. detached 3 bedroom bungalow with associated parking and landscaping at 20 Redwell Road, Wellingborough.

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

The Committee considered the planning application report and noted the additional information in the Committee Update Report. In response to the comments received in the Committee Update Report, the Senior Development Management Officer, explained that any roots found within the application site of the false acacia on the neighbouring property, are required to be protected, as necessary during construction, by condition 8 and condition 7 which requires the submission of a landscaping scheme to compensate

for any loss. In addition, in relation to the comment with regard to parking, parking is provided on site and there is no anticipated impact on surrounding highway.

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

A request to address the meeting had been received from Councillor Graham Lawman as Ward Councillor.

Councillor Graham Lawman was unable to attend the reconvened meeting and his script was read out by the Senior Democratic Services Officer (Committee Administrator).

The following principal comments were contained in the script:

- (i) Councillor Graham Lawman considered the new build to be out of keeping with the Hatton Park area and commented that the current building being a unique bespoke design, mirrored the individuality and fine aspect of the area and could be renovated;
- (ii) He considered the proposed properties being out of character;
- (iii) Councillor Graham Lawman disagreed with the comments made by Place Services in relation to the proposal being sympathetic to the area but concurred with their comments about the car port and that this should be removed entirely;
- (iv) Whilst the site was a good plot he considered it to be over development, leading to a lack of good amenity space;
- (v) Councillor Graham Lawman commented on the addition of another access point and the changes to the front boundary which further changes the street scene;
- (vi) He stated that local residents had approached him with regard to overlooking, the change of character, loss of trees and loss of on street parking as many of the houses in Hatton Park Road have no off street parking and have to use Redwell Road;
- (vii) Councillor Graham Lawman referred to views made by Wellingborough Town Council that this was overdevelopment and out of character;
- (viii) He asked that the Committee refuse the application or defer it if the applicant was willing to make amendments to meet the objections.

The Chair then invited the Committee to determine the application.

The Committee knew the area well and it was commented how the Hatton Park area had been redeveloped over many years. It was also noted that there was an active Hatton Park Residents Group who have made no complaints. The Committee also commented that there are many different types and styles of properties in that area, that this was a good development on a substantial plot with no lack of amenity space and the development had car parking.

One member had concerns in relation to the parking due to the narrow road and asked that during construction, Redwell Road be not impeded, and the highway kept clear. In response, the Legal Adviser clarified that there was a condition for a construction management plan which dealt with traffic during construction.

Another member had concerns for the trees but noted the Tree Preservation Order and hoped that the Council carried out checks to protect the trees. In response, the Senior Development Management Officer clarified that the Yew tree needed some remediation work, due to its size and touching overhead wires. In addition, trees on the site were being retained, apart from one, which following an inspection, received a separate Tree Preservation Order Permission to be removed, as it was found to be unsafe.

It was proposed by Councillor Ken Harrington and seconded by Councillor Malcolm Waters that planning permission be granted.

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

**RESOLVED:-**

That planning permission be granted subject to the conditions (and reasons) numbered 1 to 18 in the report.

**5 Planning Application NW/22/00447/FUL Plots 9 and 11 (to be known as 32 and 34) The Sorrels, Isham**

The Committee considered an application for a proposed development of 2 x 4 bedroom residential dwellings (redesign of previously approved dwellings under references WP/19/00079/FUL and WP/17/00452/VAR) for Plots 9 and 11 (to be known as 32 and 34) The Sorrels, Isham, Kettering.

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

The Senior Development Management Officer referred to Isham Parish Council's objections in relation to surface water drainage and flooding; and its request to restrict access during development through the village to 10:00 to 14:30 Monday to Friday.

In response, she explained that the applicant had confirmed that 'the proposed extensions to the plans already approved would not drain on to the road and would be soakaways in the individual gardens, a considerable distance away from the original Sorrells properties'. The applicant had additionally advised that 'the road was now functioning as a permeable road now that the tarmac surface has had holes inserted and block paving laid'.

The Senior Development Management Officer reported that the Local Lead Flood Authority had confirmed that their response to the application dealt solely with surface water considerations within the applicant's proposed area as the drainage in this area was intended to be dealt with through infiltration. The applicant's submitted information indicated that no further consideration of the drainage system was required at this point. If there continues to be a wider concern with regards to flood risk in this area, a separate



discussion with the Local Lead Flood Authority based on evidence relevant to the location flooding, would be required.

In relation to the Parish Council's request to restrict access during development through the village to 10:00 to 14:30 Monday to Friday, the Senior Development Management Officer responded that it would be unreasonable of the local planning authority to restrict construction access through the village for Plots 9 and 11, to between the hours of 10:00 and 14:30 Monday to Friday. Once construction works were completed the proposed development was unlikely to result in unacceptable noise disturbance to occupiers of neighbouring residential properties.

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

The Chair then invited the Committee to determine the application.

The Committee acknowledged that there had been issues with storm water and drainage at The Sorrels and noted the earlier comments made by the Senior Development Management Officer in relation to surface water.

A query was raised with regard to the rationale of the Parish Council restricting construction access through the village to between the hours of 10:00 and 14:30 hours. In response, the Senior Development Management Officer stated that it was due to the site being in the vicinity of a school and they wanted the hours to be outside the start and end of the school day. She explained that the access to the site had previously been across a field, but the Licence had expired, which meant the construction vehicles would need to travel through the village. The Senior Development Management Officer added that there are two final plots to be built, and therefore not many deliveries, as 16 properties had already been built and were now occupied.

It was proposed by Councillor Paul Bell and seconded by Councillor Jonathan Ekins that planning permission be granted.

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

**RESOLVED:-**

That planning permission be granted subject to the conditions (and reasons) numbered 1 to 18 in the report.

**6 Close of meeting**

\_\_\_\_\_

Chair

\_\_\_\_\_

Date

The meeting closed at 7.30 pm

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## North Northamptonshire Area Planning Committee (Wellingborough)

|                                 |   |              |
|---------------------------------|---|--------------|
| <b>Application Reference</b>    | NW/21/00174/FUL   |              |
| <b>Case Officer</b>             | Mr Duncan Law   |              |
| <b>Location</b>                 | 46 - 48 Cannon Street<br>Wellingborough<br>Northamptonshire<br>NN8 4DT  |              |
| <b>Development</b>              | Change of use from A1 to C3 to create 14 no. residential apartments. Erection of a new floor and new mansard roof |              |
| <b>Applicant</b>                | Mr Rajani   |              |
| <b>Agent</b>                    | Mr Dipesh Surti   |              |
| <b>Ward</b>                     | Victoria  |              |
| <b>Overall Expiry Date</b>      | 25 May 2021   |              |
| <b>Agreed Extension of Time</b> | 14 October 2022   |              |
| <b>Checked</b>                  | Interim Principal Planning Manager  | Jasbir Sadhu |

### Update

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The North Northamptonshire Area Planning Committee (Wellingborough) at the meeting held on 17 August 2022 resolved to defer the application to enable the applicant to undertake a further 'parking beat survey'.

### Scheme of Delegation

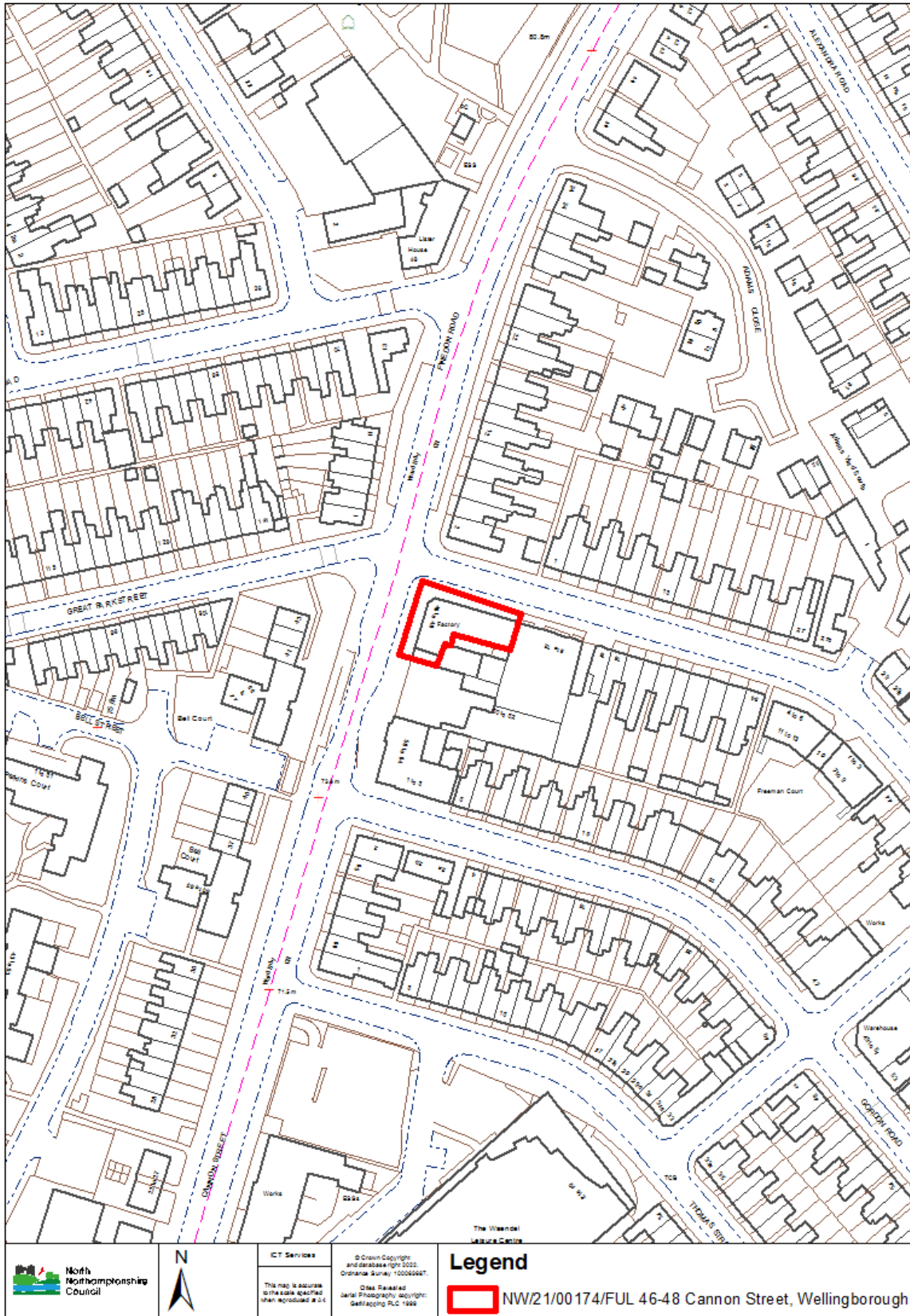
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This application is brought to committee because it falls outside of the council's scheme of delegation as written objections have been received from more than five neighbouring households.

#### 1. Recommendation

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



## 2. The Application Proposal and Background

2.1 The application seeks full planning permission for the change of use from A1 to C3 (residential) to create 14 no. 1 bed residential apartments. This will be facilitated by the erection of a new floor with a mansard roof and internal conversion works.

2.2 The principle of residential use for the property was established through extant planning permission reference WP/19/00556/FUL that was approved by BCW planning committee held on 26.02.2020 for a 'change of use from A1 to C3 and conversion to create 9 bedroom self-contained residential apartments bed with a new mansard roof to replace the existing.' This permission established the principle of residential use for the property and concluded that:

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

2.3 The principle points of discussion are therefore the impacts of the changes proposed under this application when compared to the extant planning permission reference WP/19/00556/FUL which includes the addition of a new floor to increase the quantum of development to 14 x 1 bed residential units.

2.4 Furthermore the application was presented to North Northamptonshire Area Planning Committee (Wellingborough) on 17 August 2022 where it was resolved to defer any decision to allow an updated 'parking beat survey' to be carried out and submitted to the local planning authority. The updated 'parking beat survey' was received on 14 September 2022 and comments were received from the Local Highway Authority on 16 September 2022.

2.4 As required through the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework. Consequently, amended plans and supporting information have been submitted during the consultation period. The following documents were submitted in support of the application:

- Location Plan
- Site Plan
- Proposed Site Plan, Floors Plans and Elevations
- Parking Survey Data
- Planning Statement
- Parking Inventory
- Parking Survey
- Sound Report
- Ventilation Report

Over Heating Assessment  
Ecology Survey  
Environmental Survey  
Design and Access Statement  
Viability Assessment  
Drainage Run  
Updated Parking Survey

### 3. Site Description and Surroundings

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3.1 The application site contains a two storey, red brick and render property located at the junction of Stanley Road and Cannon Street in the growth town of Wellingborough. The property is a former nineteenth century factory, likely to have been associated with the footwear industry of the area. The surrounding area is predominantly residential except for the two adjoining commercial sites. The building is not listed and nor is it within a conservation area.

### 4. Relevant Planning History

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|                 |   |            |
|-----------------|---|------------|
| WP/19/00556/FUL | Approved with conditions<br>Change of use from A1 to C3 and conversion to create 9-bedroom self-contained residential apartments bed. New mansard roof to replace the existing - Amended application form, plans and design and access statement received 23 January 2020 | 26.02.2020 |
| BW/1978/0676    | Refused<br>Change of use of workshop and shop to private social club  | 06.09.1978 |
| BW/1977/0975    | Approved<br>New shop front and alterations to form shop and workshop  | 23.01.1978 |
| BW/1977/0753    | Approved with conditions<br>Change of use of ground floor and basement of building from light industrial to retail sales of motorcycles including repair and maintenance  | 10.11.1977 |
| WU/1967/0204    | Approved with conditions<br>Erection of store, toilet and office accommodation  | 06.12.1967 |
| BW/1976/0526    | Approved with conditions<br>Proposed change of use of 75 sq. ft. office area for retail use   | 19.08.1976 |

### 5. Consultation Responses

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

**5.1 Wellingborough Town Council** – no comments received.

**5.2 Neighbours/Responses to publicity**

Objections have been received from 11 neighbouring properties relating to impacts on parking and surface water drainage.

**5.3 Local highway Authority (LHA) –  
Updated comments received 16 September 2022**

The Local Highway Authority does not intend to raise an objection to the application on highway safety or capacity grounds.

The parking survey submitted in support of the application indicates that sufficient on street accommodation can be found in the vicinity of the application site. This form of parking provision imposes demands upon car owners and will oblige them to seek spaces possibly at some distance from their homes. It should be acknowledged that, except for the major route of Cannon Street and Finedon Road where it is suggested that on-street parking should not be encouraged, available spaces are extremely scattered and would take some time and effort to locate. It is generally noted that where parking provision for a development is inadequate or not conveniently located, residents and visitors will park on verges and streets that have not been designed for that purpose, leading to unsightly and possibly dangerous roads in and around developments.

It should be noted that on street parking cannot be allocated or assigned to any individual person or property and its availability to accommodate the parking requirements of the development cannot be assumed or relied upon.

**Comments dated 3 March 2021.**

Recommend that subject to compliance with the following requirements of the Local Highway Authority and the local planning authority being satisfied as to the adequacy and suitability of available parking accommodation in the vicinity of the proposed development the Local Highway Authority does not intend to raise an objection to the application on highway safety or capacity grounds.

The extent of highway maintainable at the public expense is indicated on the attached plan. The application site must be amended at the junction between Cannon Street and Stanley Road to correspond with the highway boundary. A suitable line of delineation comprising concrete edging or similar should be placed on the highway boundary.

No part of the proposed development, including the cycle parking shelter, may extend over or into the public highway and all highway surfaces affected by the proposals must be reinstated in accordance with the specification of the Local Highway Authority and subject to a suitable licence/agreement under the Highways Act 1980.

A positive means of drainage must be installed to ensure that surface water from the cycle parking shelter and paved areas surrounding the building does not discharge onto the highway.

Except for accommodation for cycles on the frontage of the building the proposal makes no provision for off street parking accommodation. Unless otherwise agreed,

parking accommodation should be provided in accordance with the Northamptonshire Parking Standards and satisfy policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

The parking survey submitted in support of the application is now dated but in spite of present Covid restrictions the results are still considered to be acceptable and indicates that sufficient on-street parking space to serve the proposed development can be found in the vicinity of the application site.

It should be acknowledged that, except for the major route of Cannon Street and Finedon Road where it is suggested that on-street parking should not be encouraged, available spaces are extremely scattered and would take some time and effort to locate. This form of parking provision imposes demands upon car owners and will oblige them to seek spaces possibly at some distance from their homes. It is generally noted that where parking provision for a development is inadequate or not conveniently located, residents and visitors will park on verges and streets that have not been designed for that purpose, leading to unsightly and possibly dangerous roads in and around developments.

The local planning authority should be satisfied that the use of on street parking to serve the development will provide sufficiently safe and convenient accommodation to comply with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy. It should be noted that on street parking cannot be allocated or assigned to any individual person or property and its availability to accommodate the parking requirements of the development cannot be assumed or relied upon.

The applicant should be advised to discuss arrangements for refuse collection with the appropriate person at NNC waste team.

#### **5.4 Northamptonshire Police Crime Prevention Design Advisor – comments.**

There should be some formal defensible space by way of boundary treatment (as per previous plans and as per planning statement). This will help to reduce anti-social behaviour from the local night-time economy affecting the residents and reduce the likelihood of the occupants becoming victims of crime and cuckooing.

The covered cycle stores under a bedroom window could be a cause of anti-social behaviour if these are used as smoking shelter or for habitation. It would be preferable for bikes to be stored within the building, however if this is not possible the residential bike store should be close to the front door and in a secure store. If a secure store is not possible then they should not be covered.

#### **5.5 NNC Assistant Archaeological Advisor – no objection.**

The previous consent (WP/19/00556/FUL) was granted with a condition for archaeological work attached, to secure a programme of building recording before any development works take place. In order to secure this please attach a condition for an archaeological programme of works as per NPPF paragraph 205 to any permission granted in respect of this application. The suggested wording for the condition is as follows:

Condition:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of



investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

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

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

### **5.6 Key Services (Education, Libraries, Broadband) and Northamptonshire Fire and Rescue Service (NFRS) – no objection.**

This response follows the principal guidance in the NNC's adopted Planning Obligations Framework and Guidance Document (2015), which follows the tests of paragraph 57 of the National Planning Policy Framework (2021) and is therefore relevant to this planning application. From the information received regarding this application, it is understood that the development would comprise the creation of up to 14 no. residential units and associated works, with the proposed mix of units as follows:

14 x 1 bed units

These figures have been used to guide this response.

**Education** - It is not expected that there will be any children of school age fully resident living within the development. As such, it will not be necessary to secure a s106 planning obligation towards Education infrastructure, however this position will be reviewed in the event of any changes to the intended use, scale or mix of the units.

**Libraries** - Where a new development will generate additional need and library space requirement, NNC requires contributions towards the costs of providing new, extended and/or improved library facilities to support the delivery of growth.

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

A Libraries Contribution of £1,526 is required, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development, including digital/IT infrastructure. This figure will be reviewed, with a specific project identified, at such time as the s106 for the development is entered into

**Fire Hydrants & Sprinklers** -

New developments generate a requirement for additional fire hydrants and sprinkler systems in order for fires, should they occur, to be managed. An assessment of the site will need to be undertaken by the Water Officer of Northamptonshire Fire and

Rescue Service in order to establish the precise requirement. It is expected however that this development may require a minimum of 1x fire hydrant to be provided and installed. The capital cost of each hydrant (including its installation) is £892 per hydrant, the cost of which is expected to be met by the developer in full.

Any hydrants and/or sprinkler systems, if required, should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial building being occupied. This is to ensure adequate water infrastructure provision is made on site for the fire service to tackle any property fire. The final location of any fire hydrants and/or sprinkler systems for the new development must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation and secured through a planning condition. Below is a recommended standard condition for securing fire hydrants and sprinkler systems:

'No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the local planning authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire'.

#### **5.7 Natural England – no objections.**

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

Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document. Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

#### **5.8 NNC Principal Project Officer (Ecology) – no objections.**

Having reviewed the bat survey report supplied satisfied that neither a licence nor mitigation will be required in this case. To provide enhanced roosting opportunities It is recommended that a suite of integrated bat bricks be installed on the south (car park-facing) elevation under the eaves. These could be mortared into the new brick and once secure would not need further maintenance. Given the size of the building and number of units it is recommended that between 7 and 10 bricks should be installed.

#### **5.9 NNC Senior Planning Policy Officer – no objections.**

The proposal is within the growth town of Wellingborough where the majority of the housing growth outlined in policies 28 and 29 are, and is on a brownfield site which are to be prioritised by policy 6 of the JCS. Therefore, the site could be considered an acceptable site in principle in accordance with the overall spatial strategy in the JCS. There is an existing permission granted for 9 dwellings on the site and so has been considered a suitable and sustainable site for residential

development. This should be balanced against the resultant loss of retail and employment floorspace which is usually resisted under policy 22 (c) of the JCS and policy E3 of the PBW. The previous permission granted on the site would indicate that this loss has already been supported in principle.

The scheme will need to be assessed against the criteria in policy 8 of the JCS, in particular whether the scheme provides satisfactory levels of parking and access for the type and scale of development being proposed and whether the addition of a new storey on top of the existing building would be acceptable in terms of local character and local amenity.

The scheme should be in accordance with policy 30 (b) & (c) of the JCS in terms of National Space Standards and Accessibility Standards, any full application should be in full compliance with these standards and the water use standards in policy 9 of the JCS. In accordance with paragraph 65 of the NPPF the proposal should incorporate 10% affordable home ownership products.

In accordance with policy G14 and G15 of the PBW the development would be required to provide contributions towards open space and sports provision. An example of what contributions could be required is included as an appendix to this response. The proposal should also comply with policy 4 of the JCS.

#### **5.10 NNC Built Heritage Consultant – no objections.**

Following the submission of revised proposals, is unopposed to this application being implemented in accordance with drawing “Cannon Street 03 – rev C”, subject to the following recommended conditions:

‘Prior to commencement of external works, a schedule of external finish materials, including roofing, and proposed brick and bond style to match existing, and rainwater goods, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such’.

‘Prior to installation, a schedule of drawings that show details of all proposed windows, including conservation rooflights, and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, cills, and, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such’.

#### **5.11 NNC Environmental Protection Officer (noise) – no objection.**

The concern for this development is that due to high traffic noise levels, occupiers of the proposed flats will need to keep windows closed in order to achieve the desirable noise standards for habitable rooms set out in Table 4 of BS8233:2014. In order to achieve adequate ventilation with windows closed, a mechanical ventilation system has been proposed. There was also a need to assess whether overheating in the properties would be an issue and whether windows could be opened to alleviate overheating without noise having an adverse impact on occupiers. The Acoustics Ventilation and Overheating Residential Design Guide (AVO Guide) provides an approach to assess and address thermal and acoustic comfort in dwellings. In accordance with the AVO Guide, the applicant initially undertook a ‘Level 1 risk assessment of noise relating to overheating’, with results shown below:

Level 1 Risk Assessment 07:00-23:00 = 60.2dB(A) LOW/MEDIUM risk.

Level 2 assessment is optional

Level 1 Risk Assessment 23:00-07:00 = 50.4dB(A) LOW risk.

Level 2 assessment is optional

The results indicate that during the night, windows can be opened to alleviate overheating with a low risk of adverse impact from external noise. During the daytime, there is a low to medium risk of adverse impact from noise. Although the AVO Guide suggests that a 'Level 2 Assessment is optional', the applicant undertook a Level 2 assessment requiring an overheating assessment.

The Overheating Assessment by Greenguage (March 2022), states that with windows closed, there is a high risk of overheating in the 3 top floor flats in the summer months (June to August). Although windows can be opened to alleviate overheating, a cooling system (air conditioning unit) has been proposed which will give occupiers the option to either open windows or to use the cooling system should they wish to minimise noise ingress.

Having reviewed the submitted documents, is satisfied that suitable ventilation and cooling systems have been proposed to address both thermal and acoustic comfort issues previously raised. Therefore, have no objections to the proposed development however, as there are varying options for the ventilation and cooling systems, would recommend the following condition is imposed if planning consent is granted:

'Prior to installation, details of the proposed ventilation and cooling systems shall be submitted to and approved in writing by the local planning authority Thereafter the approved details shall be implemented in full, prior to the development becoming occupied, and shall thereafter be permanently maintained in full accordance with the approved details.

Reason: To protect the amenities of occupiers of the proposed development in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy. .

#### **5.12 Local Lead Flood Authority (LLFA) – no objections.**

Having reviewed the applicant's submitted details located within:

1. Northamptonshire County Council Lead Local Flood Authority Response dated 4th March 2021
2. Anglian Water Sewer Asset Mapping, Anglian Water (30th April 2022)
3. Flood Map for Planning Extract, Environment Agency (22nd February 2021)
4. Geo-Environmental Desk Study, Goldfinch Environmental Limited (April 2019)
5. Proposed New Drainage Run Plan, Plan my Property (June 2022)

LLFA would advise that there is sufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

The Lead Local Flood Authority (LLFA) have previously commented on this planning application on 4th March 2021 requesting a drainage strategy and Flood Risk Assessment (FRA) be provided to support the planning application.

LLFA recommend that Anglian Water are consulted with regards to the proposed foul drainage strategy identified in the Proposed New Drainage Run Plan provided.

In the absence of a formal sustainable surface water drainage strategy: LLFA note, no external changes are identified as being proposed to the building. Only an internal change of use and as such, there will be no changes to the area of hardstanding or demolition/construction to add a SuDS scheme to the proposed development. LLFA note that agreement to the proposed internal changes will require agreement with the existing sewer undertaker and Anglian Water may require further evidence as to the suitability of this change of use.

LLFA therefore advise that surface water drainage has been addressed to our satisfaction and LLFA have no further comment to make on this application.

### **5.13 Anglian Water**

#### **Wastewater Treatment**

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

#### **Used Water Network**

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to Anglian Water sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991.

#### **Surface Water Disposal**

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy submitted with the planning application relevant to Anglian Water is unacceptable. Anglian Water would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). Anglian Water recommends a condition requiring a drainage strategy covering the issue(s) to be agreed.

#### **Planning Condition**

As a consequence of the inadequate surface water strategy submitted, the recommended condition below is to be included:

Notwithstanding the approved plans, prior to the construction above damp-proof course, a scheme for on-site surface water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the local planning authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

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

## **6. Relevant Planning Policies and Considerations**

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### **6.1 Statutory Duty**

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

### **6.2 National Policy**

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)

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

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);

Policy 7 (Community Services and Facilities)

Policy 10 (Provision of Infrastructure)

Policy 11 (The network of urban and rural areas)

Policy 22 (Delivering Economic Prosperity);

Policy 23 (Distribution of New Jobs);

Policy 28 (Housing Requirements);

Policy 29 (Distribution of New Homes);

Policy 30 (Housing Mix and Tenure).

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

Policy D.20 (Wellingborough town boundary)

Policy GI4 (Enhancement and Provision of Open Space);

Policy GI5 (Enhancement and Provision of Sport and Recreation Facilities);

Policy E3 (Employment Outside Established Employment Estates);

Policy H4 (Retirement Housing, Supported Housing and Care Homes).

### **6.5 Other Relevant Documents:**

Sustainable Design

Biodiversity

Planning Out Crime in Northamptonshire

Northamptonshire Parking Standards (Sept 2016)

## **7. Evaluation**

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The proposal raises the following main issues:

- principle of development and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- impact on landscape visual amenity and Biodiversity;
- sustainability;
- heritage assets;

- archaeology;
- flood risk and surface water drainage;
- foul sewage and water;
- noise:
- air quality;
- biodiversity;
- the Upper Nene Valley Special Protections Area;
- living conditions of future occupiers (compliance with national space standard, national accessibility standards);
- living conditions of the neighbouring occupiers;
- housing mix;
- affordable housing
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- contamination;
- crime and disorder;
- planning obligations and viability;
- conditions

### **Principle of Development and material considerations –**

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

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

7.3 This proposal is for the development of 14 residential units on a site within the town of Wellingborough as defined by D.20 (Wellingborough town boundary) proposals map of the Plan for the Borough of Wellingborough (PBW).

7.4 The North Northamptonshire Joint Core Strategy (JCS) sets the overall spatial strategy for Wellingborough and seeks to direct the majority of new housing growth to the growth town of Wellingborough which is where most of the housing targets set out in policies 28 and 29 of the JCS will be met.

7.5 There is also support given in both the NPPF and policy 6 of the JCS for development on previously developed land, this proposal would develop a currently vacant brownfield site in the growth town and is therefore considered in compliance with the overall spatial strategy of the JCS.

7.6 In addition policies 22 (a) and 23 (a) of the JCS set out the employment and job targets for NNC and seek to safeguard existing commercial sites unless it can be demonstrated that there is no reasonable prospect of the site being used for a commercial purpose. The principle of residential development in this location has been established through the granting of previous and extant planning permission reference WP/19/00556/FUL therefore policies 22 and 23 of the JCS are not triggered in this instance. The principle points of discussion are therefore the impacts of the changes proposed under this application when compared to the extant permission which are the addition of a floor to increase the quantum of development

from 9 to 14 residential units and the removal of any on-site parking, these impacts have to be balanced against the benefits provided by the amended proposal including affordable housing and planning obligations to secure community benefits and mitigate existing infrastructure.

7.7 The application form indicates that pre-application advice has been sought from the council. The NPPF extols the virtues of applicants engaging in pre application discussion with the council to resolve any issues that may arise to help applicants avoid any unnecessary delays and costs.

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

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

7.9 The government at paragraph 130 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

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

7.11 The application site is within an existing established residential area; subsequently additional residential units in this locale will not have any resultant adverse character impacts. With regards to design, it is noted that the proposal would largely convert an existing former residential building and so would not have any considerable impact on local character. Given that the proposal would result in buildings being renovated and brought back into active use, the proposal would have a positive impact on the character of the local area.

7.12 As a result of extant planning permission reference WP/19/00556/FUL, the permitted roof height was 9.3 metres, the current proposal would increase this further to 10.35 metres. This 1 metre increase would not result in a development that is detrimental to the character and appearance of the original building or the wider character of the area. New fenestration and openings are considered proportionate and acceptable in design terms. Materials used are to match the existing structure with the roof slate re-used where possible to assist in ensuring an appropriate development. It is considered that the proposal would not be harmful to the appearance or character of the host property or the character and appearance of the surrounding area and that this application is appropriate in respect of design impacts and is therefore in accordance with JCS at policy 8 (d) (i) and (ii).



## **Biodiversity**

7.13 Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The JCS at policy 4 - biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.

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

7.15 Given the context of the application site and proposal, the small scale of the site negates any landscape qualities to enhance and there are limited opportunities for meaningful biological enhancement within the red line. The submitted Ecology report confirmed that no bats, evidence or suitable roosting features were found. NNC principal project officer (ecology) confirmed that having reviewed the bat survey report supplied is satisfied that neither a licence nor mitigation will be required in this case. To provide enhanced roosting opportunities it is recommended a suite of integrated bat bricks be installed on the south (car park-facing) elevation under the eaves. These could be mortared into the new brick and once secure would not need further maintenance. Given the size of the building and number of units recommends between 7 and 10 bricks should be installed. Subject to the imposition of a condition requiring the installation of bat bricks it is recommended that policy 4 of the JCS and advice contained within chapter 15 of the NPPF in relation to the protection and enhancement of biodiversity has been satisfied.

## **Sustainability**

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

## **Effect on heritage assets**

7.17 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.

7.18 Policy 2 (a) and (b) of the JCS requires development to conserve and where possible enhance the heritage significance and setting of heritage assets.

7.19 With regards the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 201 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 202 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the

harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.20 The property is identified as a non-designated heritage asset and is listed in the English Heritage Boot and Shoe Survey; the survey indicated that the factory building dates from 1895. It is one of few remaining nineteenth century factories that populate the town, likely to have been associated with the footwear industry of the area. The site abuts another former factory building at 8-12 Stanley Road which appears to have been part of the same factory complex, as can be seen from historic first edition Ordnance Survey mapping of the area. As such this building is also identified as a non-designated heritage asset for the same reasons as 46-48 Cannon Street. The property is also located on an important approach road to Wellingborough Town Centre Conservation Area and the building therefore features in the setting and appreciation of the Conservation Area.

7.21 Through consultation undertaken, NNC's built heritage consultant had no objection in principle to the change of use to Class C3 as the conversion is sympathetic to the historic and architectural interest of the non-designated heritage asset. The amended proposed plans and elevations shown on the submitted drawings are considered to be acceptable by the NNC built heritage consultant subject to the imposition of conditions in relation to a schedule of external materials and a schedule of drawings that show details of all proposed windows, including conservation rooflights and doors in section and elevation.

7.22 Subject to the imposition of conditions in relation to external materials and window, door and conservation roof type details the proposed development would comply with policy 2 (a) and (b) of the JCS.

### **Archaeology**

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

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

7.24 The application site is located on the eastern side of Cannon Street, and the junction with Stanley Street. The building proposed for conversion is a former shoe factory and is suitable for further recording. The significance of the building lies in its place in the history and development of Wellingborough and of the Boot and Shoe industry in Northants, as well as its historic fabric. Paragraph 205 of the NPPF states that the local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'. NNC's Assistant Archaeological Advisor recommends that a condition is imposed for building recording to level 2 as defined in Historic England: Understanding Historic Buildings (2016).

7.25 Subject to the imposition of a recording condition the proposed development would comply with JCS policy 2 (d) and advice contained within paragraph 205 of the NPPF.

### **Flood risk and surface water drainage**

7.26 The JCS at policy 5 sets out a raft of sub policies aimed at preventing or reducing flood risk. The revised NPPF at chapter 14 sets out government views on how the planning system should take into account the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process. Neighbour responses have been received in relation to the effects on flooding/surface water drainage.

7.27 Following a request from the Lead Local Flood Authority (LLFA) for a drainage strategy and Flood Risk Assessment (FRA) to be provided to support the planning application, it was considered that the proposed surface water drainage scheme for the proposed development was acceptable and no objections are raised in this regard. The Flood Map for Planning extract identifies that the Site lies wholly within Flood Zone 1, outside the maximum extents of flooding in both the 1 in 100 year and 1 in 1,000-year extents associated with any nearby Main River. The Groundsure Report contained within the Geo-Environmental Desk Study identifies that the Site is in an area of Very Low Risk from surface water flooding and noted that the proposal is for a change of use of an existing property.

7.28 The surface water strategy submitted with the planning application relevant to Anglian Water is unacceptable. Anglian Water would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). Anglian Water recommends a condition requiring a drainage strategy covering the issue(s) to be agreed.

7.29 The LLFA recommended that Anglian Water were consulted on the proposed foul drainage strategy identified in the 'Proposed New Drainage Run' plan provided however it was also noted that no external changes are identified as being proposed to the building. Only an internal change of use and as such, there will be no changes to the area of hardstanding or demolition / construction to add a SuDS scheme to the proposed development'.

7.30 Subject to the imposition of a condition requiring a scheme for on-site surface water drainage works, including connection point and discharge rate to the public network, the proposed scheme would accord with JCS Policy 5 in respect of flood risk and drainage.

### **Foul sewage and water**

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

facilities. As requested by the LLFA, Anglian Water were consulted on the proposed foul drainage strategy identified in the 'Proposed New Drainage Run' plan.

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

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to Anglian Water sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991.

7.33 The proposed development would comply with JCS policy 10 (b), (c) and (d). An informative will be applied for any notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval as consent will be required by Anglian Water.

### **Noise**

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

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

7.35 Through consultation, NNC environmental protection officer stated that 'the conversion to residential will make the use more noise sensitive, in particular it should be demonstrated that the internal noise levels in the bedrooms have a satisfactory internal noise level with windows open for ventilation. Where a satisfactory internal noise level cannot be achieved with windows open for ventilation then proposals should be submitted for suitable mitigation scheme. NNC environmental protection officer requested details due to the potentially noisy location of a main road into Wellingborough town centre, a condition should be imposed which would require the submission for approval of sound insulation measures in accordance with the suggested criterion to protect the future occupiers of the development from any untoward noise levels from the adjacent road.. Once construction works are completed which will be controlled through a condition requiring a CEMP to protect existing residential amenity during conversion/construction works the proposed development is unlikely to result in unacceptable noise disturbance to occupiers of neighbouring residential properties and subject to the imposition of a noise mitigation condition would comply with policy 8 (e) (ii) of the JCS.

### **Air quality**

7.36 To ensure quality of life and safer and healthier communities JCS at policy 8 (e) (i) requires both new and existing development to be prevented from contributing to or being adversely affected by unacceptable levels of air pollution.

7.37 Chapter 15 of the revised NPPF offers broad advice on how local planning authorities should prevent both existing and new development from being adversely affected by unacceptable levels of air pollution. NNC's environmental protection officer have not raised any objections to the scheme with regards to air quality which is in accordance with JCS at policy 8 (e) (i). An Informative should be added to any permission seeking any gas fired boilers to meet a minimum standard of 40 mgNOx/Kwh.

#### **Effect on the Upper Nene Valley Special Protection Area**

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

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

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

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

7.42 A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken as the applicant has made an SPA mitigation payment of **£3,772.16** has been made under section 111 of the Local Government Act 1972 and the development meets the criteria set out in the SPA SPD for this approach to be taken. The proposed development would comply with Policy 4 of the JCS and with the requirements of the SPA SPD. The contribution provided to date will be used for measures to reduce the impacts of the proposed development and allows a conclusion of no adverse effect on the integrity on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site. The additional contribution triggered by the current application has been subject to viability as discussed below.

#### **Housing mix**

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

should provide for a mix of dwelling sizes and tenures to cater for the current and forecast accommodation needs. The Strategic Housing Market Assessment (SHMA) was revised in January 2015 and table 9.10 of this report (page 18) identifies that the following breakdown of units is required to meet projected housing requirements 2011-2031:

- 1 bed (58%)
- 2 bed (10%)
- 3 bed (30%)
- Some 4+ bed (2%)

7.44 This application complies with this requirement as it is seeking to provide 14 x one bed flats. The development on balance is considered to contribute to creating a balanced and sustainable community in line with policy 30 (a) (i) & (ii) of the JCS.

### **National Space Standards**

7.45 The JCS at Policy 30 (b) requires the internal floor area of new dwellings to meet the National Space Standards as a minimum including adequate built in storage and requisite bedroom sizes. The submitted plans have been amended to demonstrate compliance in this regard. As such the proposal is in compliance with Policy 30 (b) of the JCS that requires the internal floor area of new dwellings to meet the National Space Standards as a minimum.

### **National Accessibility Standards**

7.46 Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility Standards as a minimum. All units should achieve category 2 of the National Accessibility Standards as a minimum and the submitted details indicate that Apartment 4 has been updated to meet Part M4 Category 3 and benefit from 'step free' wheelchair accessibility in accordance with JCS Policy 30 (c). A condition would be imposed on any planning permission to ensure that all the dwellings meet category 2 and apartment 4 would meet category 3 (a) of the National Accessibility Standards in accordance with policy 30 (C) of the JCS.

### **Affordable Housing**

7.47 Policy 30 (d) seeks on private sector development of 15 or more (net) or where combined gross floor area of dwellings will 1,500 square metres in the growth towns and market towns the local planning authority will seek the provision of affordable housing in line with the following targets: 30% of total dwellings in growth or market towns.

7.48 At 14 units, the requirement for provision of affordable housing of policy 30 (d) is not triggered. Paragraph 65 of the NPPF states that major development (10 or more dwellings) should provide at least 10% affordable home ownership products unless meeting the exemptions in criteria a-d in Paragraph 65 of the NPPF, as such 10% or one unit of the scheme should be affordable home ownership products subject to scheme viability to be secured through s106. National policy, following a written ministerial statement, says that First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. This site should therefore provide one affordable home ownership property and the preference would be for this to be First Homes product subject to viability discussed below.

### **Living conditions of the neighbouring occupiers**

7.49 The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers. At paragraph 130 (f) of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users.

7.50 The surrounding nature of development is predominately residential therefore the introduction of additional residential properties in this sustainable location is not considered to adversely affect neighbouring amenity. It is held that as the extent of additions or changes to the existing built form are limited, the scheme would retain the existing standard of amenity which is currently enjoyed by the adjacent and proposed residential occupiers. The additional floor proposed is not considered to result in any additional adverse neighbouring amenity impacts when compared to the extant permission.

7.51 The minutes from the North Northamptonshire Area Planning Committee (Wellingborough) held on 17 August 2022 note that a member had concerns in relation to the noise and fumes from the adjoining garage premises on the amenity of future residents however the plans demonstrate that the windows in this elevation serve a corridor and not habitable windows. Therefore, the adjoining garage premises would not have any unacceptable adverse effects on the standard of amenity for the future occupiers of the flats as no habitable rooms would be affected by any noisy external activities taking place as such the proposed development considered to be in accordance with JCS policy 8 (e) (i) in this regard.

### **Highway safety**

7.52 JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters. JCS policy 8 (b) (ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

7.53 Paragraph 111 of the NPPF also confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Pedestrian access**

7.54 The existing pedestrian access will remain.

### **Parking**

7.55 The proposal makes no provision parking spaces to serve the flats. When assessed against the requirements of NNC Parking Supplementary Planning Guidance as required by JCS policy 8 (b) (ii) , there is a requirement of 1 space per 1 bed unit, a total of 14 not including visitor parking spaces however policy compliant cycle storage provision is contained within the red line of the proposed building. An updated parking survey was submitted in support of the proposal.

7.56 In their response to the submitted updated parking beat survey which was undertaken on Sunday 11 of September 2022 between 04:00 and 05:00 and

Tuesday 13 September 2022, NNC highways development management engineer noted in the updated response that:

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

7.57 It is accepted by the Local Highway Authority that adequate parking facilities to serve the proposed development can be found within the study area although this form of parking provision imposes demands upon car owners and will oblige them to seek spaces possibly at some distance from their homes.

7.58 It is acknowledged that this development is sited within walking distance to the town centre near to public transport facilities which including a mainline railway station and bus routes, The proposal is considered to be in a reasonably sustainable location and as such it is considered that future occupiers of the building could have minimal reliance on the private car when compared to other developments out of town or within villages.

7.59 It is also material that the existing lawful E (a) use of the unit with a total Net Internal Area of 745 square metres would require 1 space per 25 square metres that equates to a parking requirement of 30 on site spaces that are not provided. It is within the gift of the applicant to revert to this lawful use and the associated parking demands.

7.60 Having taken the concerns of local residents into account, and in review of the submitted information including the sites sustainable location and alternative transport options to the private car, it is considered that, on balance, the applicant has demonstrated that sufficient parking is available in the wider context and the residual cumulative impacts on the road network would not be severe, therefore the proposal is in compliance with policy 8 (b) (i) and (ii) of the JCS and advice contained within paragraph 111 of the NPPF and is acceptable in highway terms.

### **Contamination**

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

### **Crime and disorder**

7.62 Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area. The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime. The adopted designing out crime supplementary planning guidance gives detailed advice this issue.



7.63 The revised NPPF at paragraph 130 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

7.64 Subject to conditions to secure details of security measures, boundary treatment and cycle storage to address concerns raised by the Crime Prevention Design Advisor, the application accords with the crime and disorder aims of JCS at policy 8 (e) (iv).

### **Planning obligations and viability**

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

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

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

7.67 In addition to the above regulations the government has recently updated its PPG with regards to planning obligations and below is summary in relation to how the salient elements of the guidance have an influence on this proposal. Local planning authorities should ensure that the combined total impact of planning conditions, highway agreements and obligations does not threaten the viability of the sites and scale of development identified in the development plan. It is acknowledged that the site is not allocated in the current development plan for housing, but it is considered that the principle of not requesting an obligation which would result in a site being unviable can be applied to this application.

7.68 The government repeatedly states in its guidance that obligations must be entirely necessary, and they must be fully justified and evidenced. Applicants should submit evidence on scheme viability where obligations are under consideration and wherever possible, this should be open book.

7.69 There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development; however, these restrictions do not apply to development on 'rural exception sites'. The NPPF at paragraph 57 states that planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This advice is reiterated under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

7.70 Policy 7 (a) of the JCS seeks the provision on site where necessary or contributing towards accessible, new or enhanced community services and facilities to meet the needs arising from a development. Policy 10 (a) seeks develop either to make direct provision or contribute towards the provision of infrastructure required by the development either alone or cumulatively with other developments. Policy 10 (c) seeks planning permission to only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity provided within an agreed timescale to support and meet all the requirements arising from a proposed development. Policies GI4 and GI5 of the PBW require the development to provide contributions towards open space and sports provision.

7.71 The below details of the financial contributions to be secured through legal agreement are:

Draft s106 Heads of Terms.

- £16,065 - enhancement and establishment of a poor-quality park and garden.
- £6,636 - Indoor Facilities Contribution (£3,206 (Sports Halls) and £3,430 (Swimming Pool))
- £8,421.12 - off-site Natural and Semi Natural project
- £696.15 - Enhancement and establishment of an existing standard quality children's play space
- £8,454 - Playing Pitch Contributions
- £8,134.47 - primary healthcare
- £1,526 - library space and facilities

7.72 These contributions meet the tests for obligations as outlined at paragraph 57 of the NPPF and are in accordance with CIL Regulations 122 and 123, and are considered reasonable, acceptable and appropriate to offset the impact from the development.

7.73 Viability - The NPPF at paragraph 58 states 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'. On the 24 April 2022, the council was informed by the applicant they had appointed S106 Management Viability Consultants to carry out a financial viability assessment for the scheme, to inform discussions around the financial contributions sought within the Section 106 agreement. This report concluded that

'As such, this FVA demonstrates that, on a 100% open market basis, the resulting actual return to the developer following all costs including land value detracted from gross development value would be significantly below target return. Therefore, the development cannot viably provide additional s106 contributions'.

7.74 Viability is defined as the ability of a development to meet its costs including the cost of planning obligations whilst ensuring an appropriate site value for the landowner and a market risk-adjusted return to the developer in delivering that project. Ultimately in setting the level of commuted sum for any development, it is limited to the level beyond which the scheme would be made 'unviable', in that the return to the developer and the landowner would fall below a level at which it is deemed that they would allow the scheme to come forward.

7.75 Policy 30 (d) of the JCS states that the Council will have regard to the current viability of developments. At 14 units, the requirement for provision of affordable housing of Policy 30 (d) is not triggered. Paragraph 65 of the NPPF states that major development (10 or more dwellings) should provide at least 10% affordable home ownership products unless meeting the exemptions in criteria a-d in Paragraph 65 of the NPPF, as such 10% or one unit of the scheme should be affordable home ownership products subject to scheme viability. Where it has been demonstrated, to the Council's satisfaction, that the provision of affordable housing is unviable, a flexible approach to achieving viability will be taken, including reviewing the proportion of affordable housing. As a small scale scheme, it has been put to the council that any additional planning gain, including Section 106 obligations would render the scheme unviable.

7.76 The financial viability appraisal was assessed on behalf of NNC by independent expert surveyors at Bespoke Property Consultants that agreed with the financial viability assessment submitted and concluded:

'Based on our review of the proposed scheme we advise that it is unlikely that the scheme may be able to provide any affordable housing or S106 obligations. Although a BLV has not been established, it is clear that the subject premises is worth in excess of the residual value generated'.

7.77 The submitted viability assessment has been confirmed by the councils independent assessors who concluded that the scheme cannot support any affordable housing offer or s106 obligations. Consequently, and on balance, the proposal is considered to accord with paragraph 58 of the NPPF and JCS policy 30 (d)

### **Conditions**

7.78 The revised NPPF at paragraph 56 requires conditions to only be imposed where they are: necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The PPG reiterates this advice. It is considered that the recommended conditions meet the tests set out in the revised NPPF and the PPG.

## **8. Other Matters**

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**8.1 Health Impact Assessment** – Paragraph 92 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable support healthy lifestyles for example, through the provision of safe and accessible green infrastructure, sport 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 enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds.

## 9. CONCLUSION/PLANNING BALANCE

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9.1 The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF. The application has been subject to a viability assessment that confirmed the scheme cannot support any affordable housing offer or s106 obligations therefore in the absence of any material considerations of sufficient weight and when compared to extant permission reference WP/19/00556/FUL granted for 9 dwellings on the site which considered the development a suitable and sustainable site for residential growth, it is recommended that the proposal be approved subject to conditions.

## 10. RECOMMENDATION

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

## 11. Conditions

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

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

2. The development hereby approved shall be carried out in accordance with the following drawings received 14 June 2022:

Dwg. 46CS: PA03revF/03 Location and Site Plans, Section B/B

Dwg. 46CS: PA03revF/04 Proposed Floor Plans

Dwg. 46CS: PA03revF/05 Proposed Elevations

Dwg. 46CS: PA03revF/06 Drainage Run

DWG S4721 COO1 (drainage layout) received 5 July 2022;

DWG S4721 COO2 (drainage maintenance plan) received 5 July 2022;

DWG S4721 COO3 (drainage details 1 of 2) received 5 July 2022;

DWG S4721 COO4 (drainage details 2 of 2) received 5 July 2022;

Reason: To define the permission for the avoidance of doubt and in accordance with best practice guidance set out in paragraph 022 of the National Planning Practice Guidance.

3. Prior to the commencement of any external works, a schedule of external finish materials, including roofing, proposed brick and bond style to match existing, and rainwater goods, shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

Reason: To ensure that the external appearance of the building is satisfactory and to not detract from the character and appearance of the heritage asset in accordance with policy 2 (a) and (b) of the North Northamptonshire Joint Core Strategy.

4. Prior to installation, a schedule of drawings that show details of all proposed windows, including conservation rooflights, and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, cills shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To ensure that the external appearance of the building is satisfactory and to not detract from the character and appearance of the heritage asset in accordance with policy 2 (a) and (b) of the North Northamptonshire Joint Core Strategy.

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

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

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

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

7. No construction works shall be undertaken above slab level until details of new boxes for bats either integral to or mounted to the buildings have been submitted to and approved in writing by the local planning authority. The scheme shall include details of external bat roosting boxes, and the development shall thereafter be carried out in accordance with the approved details prior to the occupation of the building.

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

8. The dwellings hereby approved shall be built to meet the requirements of the National Accessibility Standards in category 2 (accessible and adaptable dwellings) and apartment 4 shall be built to meet the requirements of the National Accessibility Standards in category 3 (a) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).

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

9. 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 local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

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

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

10. Notwithstanding the approved details, no development shall take place above slab level until details of the proposed boundary treatments have been submitted to and approved in writing by the local planning authority. The details shall include a boundary treatment plan (at a minimum scale of 1:500) detailing the position of all proposed boundary treatment and annotated or accompanied by a schedule specifying the type, height, composition, appearance and installation method of boundary treatment throughout the site. The approved boundary treatment shall be erected before occupation. Development shall be carried out in accordance with the approved details and thereafter retained in that form.

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

11. Prior to installation, details of the proposed ventilation and cooling systems shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented in full, prior to the development becoming occupied, and shall thereafter be permanently maintained in full accordance with the approved details.

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

12. Prior to development above slab level, a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the local planning authority. Once approved the scheme shall be implemented before the first occupation of any associated residential unit and therefore maintained in the approved state at all times. No alterations shall be made

to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

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

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

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

14. No development shall take place above slab level until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the local planning authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

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

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

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

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

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

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

## 12. INFORMATIVES:

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1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.

2. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property. Application forms for Street Naming and Numbering are available at [https://www.wellingborough.gov.uk/info/200011/building\\_control/1039/street\\_naming\\_and\\_numbering](https://www.wellingborough.gov.uk/info/200011/building_control/1039/street_naming_and_numbering)

3. The North Northamptonshire Council encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.

To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours: 0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

4. All gas fired boilers should meet a minimum standard of 40 mgNO<sub>x</sub>/Kwh.

5. The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes. The Act is separate from obtaining planning permission or building regulations approval. The applicant is advised to refer to this guidance to address any issues relating to the stone boundary wall.

6. The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants.

7. With reference to provision of fire hydrants condition above, the developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure.

8. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.





## North Northamptonshire Area Planning Committee (Wellingborough)

|                                 |  |             |
|---------------------------------|--|-------------|
| <b>Application Reference</b>    | <b>NW/22/00503/FUL</b>   |             |
| <b>Case Officer</b>             | Ms Kate Skingley   |             |
| <b>Location</b>                 | 117 The Drive<br>Wellingborough<br>NN8 2DD   |             |
| <b>Development</b>              | Change of use of domestic outbuilding (C3 use) into a hairdressing salon (E (a) use) |             |
| <b>Applicant</b>                | Cleo Austin  |             |
| <b>Agent</b>                    | Anna-Louise Jardine  |             |
| <b>Ward</b>                     | Croyland and Swanspool Ward  |             |
| <b>Overall Expiry Date</b>      | 1 September 2022   |             |
| <b>Agreed Extension of Time</b> | <b>15 October 2022</b>   |             |
| <b>Checked</b>                  | Senior Development Management Officer  | Debbie Kirk |

### Scheme of Delegation

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This application is brought to committee because it falls outside of the council's scheme of delegation as 5 or more objections have been received, and the officer's recommendation is to approve.

The ward councillor has requested a site visit by the Wellingborough planning committee before a decision is made.

Having reviewed the issues concerning the site and the area around the site, the decision has been taken by agreement of the Chair, Vice Chair, interim principal planning and enforcement manager and senior planning officer not to undertake a site viewing for this application.



## **1. Recommendation**

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

## **2. The Application Proposal and Background**

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2.1 The application proposes the change of use of an existing outbuilding in the rear garden of 117 The Drive, which is a residential property. The existing outbuilding measures 3.4 metres (width) x 5.5 metres (Length) x 2.3 metres (height) and is constructed from treated timber. The outbuilding is accessed via double doors and there are 3 No. windows – 2 No. to the front elevation and 1 to the side, which overlooks the access from the house.

The outbuilding is in the rear garden of the residential property (117 The Drive, Wellingborough) and was originally built as a domestic garden room. The building's current use is incidental to the enjoyment of the main house and falls within the height restrictions set out under Schedule 2, Part 1, Class E (e) (ii) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for structures in proximity to the boundary. Therefore, in its current form, the structure is lawful as it meets all the criteria for an outbuilding set put under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and constitutes permitted development.

The applicant now seeks a change of use in order to operate a hair salon from the outbuilding.

### **Proposed Refurbishment works**

To facilitate the proposed change of use to a hair salon (E (a) use), the proposed works to the outbuilding include the internal lining of the walls and roof with rigid insulation board and plaster.

The applicant will then be sub-dividing a corner of the building to create a WC cubical with wash basin.

There is existing electrical power to the outbuilding and new waste and water supply to be connect to existing private drain at the property.

The applicant proposes to refurbish the exterior to refresh the existing stained cladding, replace the felt and repair the guttering. These enhancements are to preserve the life of the building but will not alter the overall appearance of the building.

### **Business Operation**

The proposed business use is for hairdressing. The applicant will be a sole trader – there will be no other people employed in the business.

The hours of business are proposed to be 09:00 -18:00 from Monday to Saturday (closed Sundays and Bank Holidays).

The property benefits from 3 parking spaces which are located on the other side of the road from the house. These parking spaces are existing and measure 16.059 metres in length and 3.5 metres in width.

A further space at the front of the dwelling is proposed to be formalised, through the introduction of a vehicular crossover/access.

Access to the salon will be by appointment only and via the side access for the house and through to the garden, along existing hardstanding areas.

There are no proposed changes to the landscape at the property.

### **3. Site Description and Surroundings**

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3.1 The application site is located in the rear garden of no.117 the Drive, a two-storey detached property located in a largely residential area to the south of Wellingborough town centre. To the south of the property is No. 115 The Drive, and to the north is No.119 The Drive. To the west, the rear boundary of the garden abuts Shaftesbury House, 46 Doddington Road which is sheltered housing accommodation (C2 use).

3.2 The application relates to an outbuilding of wooden construction that is located within the rear garden of the property. The garden and outbuilding can be accessed via a gate that is located to the side of the house but is not visible from the road.

3.3 The property has 3 parking spaces which are located on the opposite side of the road, adjacent to number 90 The Drive and a further 1 space at the front of the house.

### **4. Relevant Planning History**

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|              |  |            |
|--------------|--|------------|
| BW/1990/0596 | Approved with conditions<br>Single storey extension to side and rear of dwelling house | 10.09.1990 |
|--------------|--|------------|

### **5. Consultation Responses**

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

#### **5.1 Wellingborough Town Council**

Members note the vast number of objections for this application; however, NNC highways have accepted the parking proposal.

No objection; subject to a condition added that they are restricted to standard working hours between 09:00 – 17:30 to minimize the impact on neighbouring properties.

## 5.2 Neighbours/Responses to publicity

8 letters of objection from 6 households in The Drive have been received. The issues raised are summarised below:

- Concerned about security and privacy – customer will see directly into kitchen window/downstairs living area.
- Access – the parking area has a restricted view on exiting due to a high fence, endangering vehicles and pedestrians
- Impact on visual amenity and view from kitchen window
- Loss of light if large vehicles are parked in the spaces
- Noise and light pollution and disturbance with more cars coming down the road
- The area is already busy during school hours
- The driveway has not been maintained during the last 30 years and is in a state of disrepair. There is a drop in levels of surface
- Cars entering and leaving the space during winter months with full headlights will have an impact
- Object to it being a hairdressing salon and it is a residential street
- Parking will be an issue
- The hours are long from 09:00 to 18:30 6 days a week
- The allotted parking will be dangerous for other vehicles to endanger the entry and exit of the drive
- Object in the strongest terms
- The drive is a narrow, residential street that has parking problems
- Difficult for a fire engine to go down the street additional cars will make this worse.
- The parking area is narrow and will result in shuffling of cars
- Tall fence on one side which means views up the road are restricted
- How long before clients will park on the road causing issues to residents in the vicinity of the site
- The Drive is located between 2 school sites. Parents use The Drive at both ends of the school day to drop off & collect their children.
- The operating hours of the proposed salon are 9.00 - 18.30. By 18.30 a lot of the local residents are home from work and the street is very crowded indeed. More cars would only add to the problems.
- Want the spaces to be used by customers, not for them to park on the road
- Working hours could cause issues when people come home from work and they cannot park at their house
- Concerned about added vehicles along a residential street and may cause injury to pedestrians and vehicles.
- Already have parking on the road for residents and for pickup of children from Wrenn School
- Concerned about parking of emergency vehicles/carers etc if there is no parking available on the road.
- Parking opposite has a blind spot, and many will just park on the road where it is easier for them.
- Object to increased traffic in a residential area with limited parking for residents
- Do not feel that customers will use the parking spaces opposite.

- Hours of business seem excessive for 6 days a week.

### **Supportive comments**

1 Supportive comment has been received. The comments are summarised as follows:

- No objection. The property has its own parking spaces for 2 or 3 cars so it will not cause problems for residents.

### **5.3 Ward Councillor (Councillor Anslow)**

Request a site visit so that the arrangements for parking can be assessed. Anyone who parks on the land opposite will have full view into the kitchen and living quarters of neighbouring property.

The parking area for the salon is a potential hazard

Do not object to the business being run from the house, it is the provision for parking that is the concern

### **5.4 Local highway Authority (LHA)**

Does not intend to raise an objection to the application on highway safety or capacity grounds

The arrangements to be made for parking are noted and, although separated from the site of the application, are considered acceptable.

### **Updated comments:**

Following the submission of an updated Design and Access Statement and highway plan that shows the proposed introduction of a formal vehicular crossover. The local highway authority have confirmed that the proposal is noted and is satisfactory. The local highway authority have advised that the applicant should make arrangements for a licence to construct the crossing with [regulations.ncc@westnorthants.gov.uk](mailto:regulations.ncc@westnorthants.gov.uk) at the appropriate time.

### **5.5 Northamptonshire Police**

Has no formal objection or comment to the application in its current form.

### **5.6 NNC Environmental Protection Officer**

Concerns about noise from the proposed use having an adverse impact on the amenities of occupiers of the neighbouring dwellings.

The proposed use as a hairdressing salon is to be based in a garden outbuilding positioned at the bottom of the garden of the applicant's dwelling. Noise will be generated from the use of hairdryers and low-level music from a radio in addition to loud voices which may give rise to noise disturbance to occupiers of adjacent properties in their gardens and potentially also in their homes. In addition, there will be the added noise from clients arriving at and leaving the premises in their vehicles and walking to and from the outbuilding. As there is little information relating to the sound insulation properties of the outbuilding and the proposed sound insulation.

Recommend the following conditions be imposed:

### Hours of use

The hours of use shall be: 09.00 to 18.00 Monday to Saturday and at no time on Sundays or Bank Holidays or any recognised public holidays.

### Sound Insulation Scheme

Prior to commencement of the use, details of the sound insulation properties of the outbuilding shall be submitted to the local planning authority for approval. The outbuilding should be capable of preventing noise breakout from noise generated by the proposed inside the outbuilding, and noise shall not be audible at the boundary of the neighbouring dwellings.

Following receipt of these comments the applicant provided an updated Design and Access Statement which provided additional details in relation to sound insulation proposal. These have been reviewed by NNC environmental protection officer who has provided the following response:

Reviewed the revised Design and Access Statement (Revision A: September 2022) for the above consultation.

Although no objections to the proposal in principal, have concerns about noise from the use having an adverse impact on the amenities of occupiers of neighbouring properties. Insufficient information has been submitted relating to the sound attenuation properties of the outbuilding, the level of noise to be generated inside the outbuilding, the potential for noise breakout from the outbuilding and the resulting noise levels in the gardens and / or homes of neighbouring dwellings.

The applicant has confirmed that noise will result from the use of a hairdryer which can emit noise levels upwards of 90dB(A), and the playing of background music via a radio which can vary in noise levels. Inevitably, there will also be noise from voices from the salon stylist and the client which may be raised over the sounds of the hairdryer and music. In the absence of a noise assessment that quantifies noise levels and the sound attenuation properties of the outbuilding, unable to determine the level of noise that will be generated inside the building, the level of noise break out from the building and the resulting noise levels in the gardens of adjacent residential properties and / or inside homes of adjacent properties. If the applicant is unable to supply additional information at this stage and the local planning authority are minded approving, recommend that the following conditions be imposed on any planning consent:

'Prior to commencement of the use hereby approved, a noise assessment shall be submitted to the local planning authority for approval. The assessment shall determine noise levels that will be generated inside the outbuilding from the use of hairdryers, music and other noise generating activities, including loud voices. The report shall determine the level of sound insulation required to the outbuilding and / or any other mitigation measures required to minimise noise breakout from the outbuilding in order to prevent noise having an adverse impact on occupiers of neighbouring properties.

Once approved, the sound insulation scheme and any mitigation measures identified within the report shall be implemented in accordance with the approved scheme. Following completion of the approved scheme, a verification report that demonstrates

the effectiveness of the scheme must be submitted for approval in writing from the local planning authority before commencement of the use hereby approved’.

Informative: It is recommended that you contact the local planning authority to agree the methodology prior to commissioning the report.

## **6. Relevant Planning Policies and Considerations**

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### **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)

Town and Country Planning (General Permitted Development) Order 2015 (as amended)

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

Policies:

- 1 (presumption in favour of sustainable development)
- 4 (biodiversity and geodiversity)
- 5 (water environment, resources and flood risk management)
- 8 (North Northamptonshire place shaping principles)
- 9 (sustainable buildings and allowable solutions)
- 12 (town centres and town centre uses)

### **Other Relevant Documents:**

Sustainable Design

Parking

## **7. Evaluation**

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The proposal raises the following main issues:

- principle of development and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- flood risk and surface water drainage;
- foul sewage;
- noise:
- living conditions of the neighbouring occupiers;
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- crime and disorder;
- conditions



## **Principle of Development and material considerations**

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

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

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

7.4 Pre-application advice has been sought from the council prior to the submission of this application. The NPPF from paragraph 41 extols the virtues of applicants engaging in pre application discussion with the council to resolve any issues that may arise to help applicants avoid any unnecessary delays and costs.

7.5 The scale and nature of this proposed use in the garden of a residential property is considered to be of a small scale business use and it is unlikely to be harmful to the retail and employment objectives of the spatial policies of the development plan, particularly policy 12(a) of the JCS which seeks to direct these types of uses to the town centre. The use is considered to be acceptable in principle and lies in close proximity to the Wellingborough town centre and is considered to be a sustainable location.

7.6 The principle of this small-scale change of use is therefore considered to be acceptable. However, it is still necessary to consider the proposals against the more detailed policies of the development plan and other material considerations.

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

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

7.8 The government at paragraph 130 (a) – (d) of the revised NPPF attaches great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

7.9 The National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the

Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

7.10 The outbuilding is located within the rear garden of number 117 The Drive. It is not visible in the public domain and will not have any impact upon the character and appearance of the area or street scene. The size and overall appearance of the outbuilding is appropriate in the rear garden of the house and does not appear out of character or place. The applicant proposes to refurbish the exterior to refresh the existing stained cladding, replace the felt and repair the guttering. These enhancements are to preserve the life of the building but will not alter the overall appearance of the building.

7.11 The scale of the business use is acceptable and compatible with a residential area. The information submitted with the application indicates that no additional staff will be employed, and the hair salon will be run on an appointment only basis. This use is acceptable and will not cause any unacceptable harm to the residential character of the area.

7.12 The proposed change of use is considered to comply with policy 8 (d) (i) & (ii) of the JCS and is acceptable.

### **Flood risk and drainage**

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

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

7.15 The site is located within flood zone 1 which is at the lowest risk of flooding. It is not located in an area at risk of groundwater flood risk. As such it is not considered that there are any flood risks associated with this development.

7.16 The proposal therefore complies with policy 5 of the JCS.

### **Foul sewage**

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

7.18 The information submitted with the application indicates that the applicant will be sub-dividing a corner of the building to create a WC cubical with wash hand basin. There is existing electrical power to the outbuilding and new waste and water supply will be connected to the existing private drain at the property.

7.19 The proposal is not considered to cause any unacceptable issues in relation to infrastructure provision to support the use. The proposal would be in compliance with policy 10 (b), (c) & (d) of the JCS.

### **Living conditions of the neighbouring occupiers**

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

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

7.22 It is noted that concerns have been raised by nearby residents in relation to how the proposed development may affect them, particularly in relation to privacy and parking arrangements and general compatibility of the business use in a residential area. The matter of parking is discussed later in this report.

7.23 In relation to privacy, some comments have been received in relation to loss of privacy and overlooking as a result of the parking space that are located across the road from the site, adjacent to number 90 The Drive. Concern has been raised that customers using these spaces, will have direct view into the side kitchen window of this property, and that the potential for large vehicles to park here could block light to the window. Concern has also been raised in relation to cars headlights causing disturbance.

7.24 Whilst these comments are noted, it is not considered that the use of these parking spaces by customers, will be significantly different to the current situation. The spaces are existing, and it is possible for the owner/occupier of 117 The Drive to park here, along with any visitors to the property. The window serving number 90 is not directly adjacent to the parking area, with No.90s driveway also being located between the house and No.117's parking spaces. It is not considered that this would encourage or create any additional or unacceptable overlooking for customers parking here.

7.25 In consideration of the issues that have been raised in relation to privacy, it is not considered necessary or appropriate to request a fence to be erected along the boundary of the site in order to create some separation between the parking area and the neighbouring property. This would restrict the parking area for each property and is not considered necessary to mitigate the proposed change of use of the outbuilding to a hair salon.

7.26 As such, whilst the comments and concerns of nearby occupiers and the ward councillor are noted in relation to this concern, it is not considered that the impact of the use of these parking spaces would be unacceptable.

7.27 In relation to hours of operation of the business, the applicant has clarified that the hours being sought are from 09:00 to 18:00 Monday to Saturday. These hours have been reviewed by NNC environmental protection officer who has confirmed that they are acceptable. The salon will have just one customer at a time, and it is not considered that this will lead to any unacceptable disturbance or intensification of use that would be incompatible with the residential area.

7.28 It is recommended however that a condition is imposed which restricts the use of outbuilding as a hair salon for use only by the current occupier and that no additional people will be employed at the site for this use. This will ensure that the nature of the use remains of a scale that fits within a residential setting.

7.29 In relation to noise impacts, the JCS at policy 8 (e) (ii) states that new development should be prevented from contributing to or being adversely affected by unacceptable levels of noise.

7.30 In relation to noise impacts NNC environmental protection officer raised concerns about noise from the proposed use having an adverse impact on the amenities of occupiers of the neighbouring dwellings.

7.31 The proposed use as a hairdressing salon is to be based in a garden outbuilding positioned at the bottom of the garden of the applicant's dwelling. Noise will be generated from the use of hairdryers and low-level music from a radio in addition to loud voices which may give rise to noise disturbance to occupiers of adjacent properties in their gardens and potentially also in their homes. In addition, there will be the added noise from clients arriving at and leaving the premises in their vehicles and walking to and from the outbuilding. As there is little information relating to the sound insulation properties of the outbuilding and the proposed sound insulation.

7.32 A condition was recommended in relation to the hours and the submission of further noise information as follows:

#### Sound Insulation Scheme

7.33 Prior to commencement of the use, details of the sound insulation properties of the outbuilding shall be submitted to the local planning authority for approval. The outbuilding should be capable of preventing noise breakout from noise generated by the proposed inside the outbuilding, and noise shall not be audible at the boundary of the neighbouring dwellings.

7.34 Following receipt of these comments, additional information was submitted by the applicant in an updated Design and Access Statement. The details indicated that the building will be internally insulated with Isover Acoustic Partition Roll (APR1200) 50 millimetres between timber studs and lined with plasterboard.

7.35 This additional information has been reviewed by NNC environmental protection officer who has confirmed that whilst they have reviewed the updated information, that in order to protect the amenity of nearby residential occupiers a condition should be imposed which requires a noise assessment to be submitted prior to the first use of the salon to determine the noise levels that will be generated inside the outbuilding from the use of hairdryers, music and other noise generating activities, including loud voices. The report shall determine the level of sound insulation required to the outbuilding and / or any other mitigation measures required to minimise noise breakout from the outbuilding in order to prevent noise having an adverse impact on occupiers of neighbouring properties.

Notwithstanding the above, it should be identified that the council's environmental protection service has powers to deal with any unacceptable noise the development may create as necessary under the provisions of the Environmental Protection Act 1990.

The proposed development would be acceptable, and subject to the imposition of the recommended conditions complies with policy (e) (i) or (ii) of the Joint Core Strategy.

### **Highway safety**

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

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

7.38 It is noted that there has been concern raised by several objectors in relation to the parking arrangements for the business, and concern that the increased demand for parking will result in parking on the road which will cause parking issues for residents.

7.39 Parking accommodation should be provided in accordance with the Northamptonshire parking standards (2016) and satisfy policy 8 (b) (i) of the JCS. Based on these standards the hair salon would require the provision of 1 off road parking spaces (based on a floorspace of 18.69 square metres). The existing dwelling has 3 bedrooms, and as such the standard requires that 2 parking spaces should be provided. This creates an overall requirement for 3 off road parking spaces.

7.40 As noted earlier in this report, parking to serve the dwelling and proposed hair salon (for up to 3 cars) is located across the road from the site adjacent to the driveway for no.90 The Drive.

7.41 The local highway authority has been consulted on this application and have confirmed that they have no objection in relation to the proposed parking arrangements, noting that they are located away from the main house.

7.42 Whilst the local highway authority has raised no objection, and the level of parking provided is in accordance with the Northamptonshire parking standards, the applicant was keen to address some of the concerns that had been raised locally. As such, an updated Design and Access Statement was received which sets out the intention for an additional space located to the front of the property at No.17 and the drive to be formalised through the creation of a vehicular crossover and dropped kerb.

7.43 A parking management section has also been included in the Design and Access Statement which explains that the hair salon will operate on an appointment only booking system, and through the provision of the allocated parking to ensure that customers do not park on the road. The primary space to serve the salon, will therefore be the space to be formally created at the front of No.17. First time clients will be directed to use this space via text message when booking.

7.44 The Drive is an unclassified road, and as such planning permission is not required for the vehicular crossover/dropped kerb to be installed. A highway licence will however be required. As such, it is recommended that a condition is imposed that

requires this work to be done prior to the first use of the hair salon. This will ensure that the space at the front of the property for use by customers will be available when the use first starts.

7.45 It is relevant to note however, that there is still enough parking available at the site to meet the Northamptonshire parking standards, without this space being created. The provision of this space will however assist in reducing the potential for customers to park on the road and to address some of the concerns that have been raised locally. This approach has been reviewed by the local highway authority who have confirmed that it would be acceptable.

7.46 It is also noted that concerns have been raised by some objectors in relation to the safety of the parking spaces located on the opposite side of the road in relation to visibility. This is noted; however, the spaces are existing, and no changes are proposed. The local highway authority have reviewed the arrangements and have confirmed that they are acceptable and that they have no objection.

7.47 The local highway authority have noted 'that it appears that the parking area on the opposite side of the road is within the control of the applicant and is a pre-existing facility. It benefits from a footway crossing but lacks adequate pedestrian to vehicle visibility on the northern side. This lack of visibility is shared with the adjoining, gated, driveway but is not considered sufficiently serious for an objection to be raised to its use on highway safety grounds.'

7.48 The proposed development is considered to be acceptable and would be compliance with policy 8 (b) (i) and (ii) of the JCS.

### **Crime and disorder**

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

7.50 The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime. The adopted designing out crime supplementary planning guidance gives detailed advice on this issue.

7.51 Northamptonshire Police's Crime Prevention Design Advisor has been consulted on this application and has no objections. It is therefore not considered that there are any crime or security issues related to this application that would prevent it coming forwards. The proposal is therefore considered to comply with policy 8 (e) (iv) of the JCS and is acceptable.

### **Conditions**

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

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

## **8. CONCLUSION/PLANNING BALANCE**

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

## **9. RECOMMENDATION**

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

## **10. Conditions/Reasons for Refusal**

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

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

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

Drawing: 22-0605-02 Existing and Proposed Plans and elevations (received 13 September 2022)

Design and Access Statement Rev A (amended) received 13 September 2022)

Reason: To ensure that the development is carried out in accordance with the approved plans and will form a satisfactory form of development.

3. The use of the outbuilding hereby permitted at No. 117 the Drive, Wellingborough, is for a hair salon business only and shall enure only for the benefit of the applicant, Miss Cleo Austin. The hair salon business shall not involve the employment of additional staff over and above the proprietor without the express planning consent by the local planning authority.

Reason: To protect the amenity of the neighbouring residential occupiers in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

4. The hair salon business shall only operate during the following hours:  
Monday to Saturday 09:00 - 18:00 and shall not operate on Sundays or on Bank Holidays or any recognised public holidays.

Reason: In order to protect the amenities of nearby residential occupiers and to comply with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

5. Prior to the first use of the outbuilding as a hair salon hereby approved a dropped kerb and vehicular crossing shall have been installed in order to allow off road parking at the front of 117 The Drive. A licence under Section 184 of the Highways

Act 1980 for the works to construct the crossing shall be obtained from the local highway Authority and the works undertaken by an approved contractor.

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

6. Prior to commencement of the use hereby approved, a noise assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall determine noise levels that will be generated inside the outbuilding from the use of hairdryers, music and other noise generating activities, including loud voices. The report shall determine the level of sound insulation required to the outbuilding and / or any other mitigation measures required to minimise noise breakout from the outbuilding in order to prevent noise having an adverse impact on occupiers of neighbouring properties.

Once approved, the sound insulation scheme and any mitigation measures identified within the report shall be implemented in accordance with the approved scheme and prior to the first use of the outbuilding as a hair salon business. Following completion of the approved scheme, a verification report that demonstrates the effectiveness of the scheme must be submitted for approval in writing from the local planning authority before commencement of the use hereby approved.

Reason: In order to protect the amenities of nearby residential occupiers and to comply with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

## **11. INFORMATIVE/S:**

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1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.
2. The applicant should make arrangements for a licence to construct the vehicular crossing with [regulations.ncc@westnorthants.gov.uk](mailto:regulations.ncc@westnorthants.gov.uk) at the appropriate time.
3. It is recommended that you contact the local planning authority to agree the methodology of the Noise assessment prior to commissioning the report.





## North Northamptonshire Area Planning Committee (Wellingborough)

|                                 |  |             |
|---------------------------------|--|-------------|
| <b>Application Reference</b>    | <b>NW/22/00585/FUL</b>   |             |
| <b>Case Officer</b>             | Mr Graham Northern   |             |
| <b>Location</b>                 | 34 Finedon Road<br>Wellingborough<br>NN8 4EB   |             |
| <b>Development</b>              | Change of use from a Residential Care Home (C2) to a 9 bed, 9 person HMO (Sui Generis) |             |
| <b>Applicant</b>                | Mr L Orefice   |             |
| <b>Agent</b>                    | Mr A Jelley  |             |
| <b>Ward</b>                     | Finedon Ward   |             |
| <b>Overall Expiry Date</b>      | 11 October 2022  |             |
| <b>Agreed Extension of Time</b> | <b>14 October 2022</b>   |             |
| <b>Checked</b>                  | Senior Development Management Officer  | Debbie Kirk |

### Scheme of Delegation

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

### 1. Recommendation

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



## **2. The Application Proposal and Background**

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2.1 Planning permission is sought to change the use of a former care home (C2 use - residential institution) to a house of multiple occupation (Sui Generis) for 9 persons. The proposals do not seek to add any additional built form and make use of the existing building and its curtilage.

2.2 The application was accompanied by a design, access and planning statement, a management plan and a parking beat survey.

### **Background**

2.3 Planning permission was refused previously under reference NW/22/00373/FUL for a change of use to a house in multiple occupation for 11 persons, including extensive additional built form to the rear of the existing property.

## **3. Site Description and Surroundings**

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3.1 The application site comprises a large double bay fronted end of terrace dwelling situated on the corner of Adams Close and Finedon Road. It comprises a dwelling of white render construction to the frontage with a brick projecting entrance and a dormer positioned in the centre of the front roof slope. To the rear of the property has an "A" symmetrical two storey projection which occupies half the width of the rear adjoining No 32 Finedon Road and with windows to both the rear façade and the side façade looking over the remaining garden area. No 32 Finedon Road has a similar rear projection which adjoins the rear projection to the application property.

3.2 The host dwelling has a detached double garage accessed to the side/rear of the property via Adams Close and the garden is enclosed by fence panels set between brick piers.

3.3 The properties to Finedon Road are large Victorian style with common features such as traditional windows, bay windows, brick detailing around doors and render used extensively.

3.4 The applications property and that of No 36 Finedon Road to the adjacent side of Adams Close both have rear projections but to both properties these are set in from the original side elevation of the dwelling which reduces their prominence and dominance from the street scene.

3.4 Adams Close presents a more modern residential road with brick predominant and properties of a more generic character. The dwellings on Adams Close are well set back from the entrance to the road however and there's a clear separation between the two characters.

## **4. Relevant Planning History**

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|                 |   |            |
|-----------------|---|------------|
| NW/21/00130/FUL | Application withdrawn<br>To change use from care home (C2 Use) to<br>one 4-bedroom residential dwelling (C3 use). | 01.04.2021 |
|-----------------|---|------------|

|                 |  |            |
|-----------------|--|------------|
| NW/21/00460/FUL | Approved with conditions<br>Change of use from residential care home (Use Class C2) to a single dwelling (Use Class C3)  | 26.07.2021 |
| NW/21/01030/FUL | Application withdrawn.<br>Change of use from residential care home (C2) to a 14 bed HMO (Sui Generis)  | 22.03.2022 |
| NW/22/00373/FUL | Refused.<br>Change of Use from Residential Care Home (C2) to a 11 bed, 11 person HMO (Sui Generis) with two storey and single storey rear extension and loft conversion to rear  | 18.07.2022 |
| WP/1999/0540    | Approved with conditions<br>Change of use from dwelling house to become a residential care home for adults with learning difficulties for more than six people                   | 02.02.2000 |
| BW/1985/0731    | Approved<br>Demolition and reconstruction of existing out building   |            |
| WP/2003/0169    | Approved<br>Retention of planning permission WP/99/540 with non-compliance with condition 2; proposed number of adults with learning difficulties to be 7 with 1 member of staff | 18.06.2003 |
| WP/2003/0081    | Approved with conditions<br>To make regular use of garage for gardening and craft purposes in association with existing use of property as residential care home.                | 26.03.2003 |

## 5. Consultation Responses

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

**5.1 Wellingborough Town Council** – No comments received to date.

**5.2 Neighbours/Responses to publicity** - 10 letters of objection have been received which raise:

- Crime and Threat of Crime
- Lack of Parking, intensification of on street parking. Finedon Road and Adams Close are used as parking for the visitors of Eastfield Park-highly used public space, that attracts a lot of weekend parking for sports, matches and general use, families with children. The road is regularly congested
- The road is already dangerous from parked cars reducing visibility.
- Validity of parking beat survey
- Overlooking and privacy impact
- Waste and refuse generated and no provision
- Overdevelopment of the site
- Noise and disturbance generated

- Intensification of use, 9 people could easily be significantly more with visitors' partners etc.

### **5.3 Local highway Authority (LHA)**

In view of the results of the parking survey the Local Highway Authority does not intend to raise an objection to the application on highway safety or capacity grounds

Parking accommodation should be provided in accordance with the Northamptonshire Parking Standards and satisfy policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

The parking survey submitted in support of the application indicates that limited but sufficient on street accommodation can be found in the vicinity of the application site. This form of parking provision imposes demands upon car owners and will oblige them to seek spaces possibly at some distance from their homes. It is generally noted that where parking provision for a development is inadequate or not conveniently located, residents and visitors will park on verges and streets that have not been designed for that purpose, leading to unsightly and possibly dangerous roads in and around developments.

On-street parking cannot be allocated or assigned to any individual person or property and its availability to accommodate the parking requirements of the development cannot be assumed or relied upon.

### **5.4 NNC housing development officer**

Do not have any comments from an affordable housing perspective as it will need to be reviewed by the private sector housing team.

### **5.5 NNC Private sector housing team**

No comments received.

**5.6 NNC Crime prevention design advisor** – Recommend informative and raise no objections

## **6. Relevant Planning Policies and Considerations**

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### **6.1 Statutory Duty**

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

### **6.2 National Policy**

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

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

Policies:

Policy 1 (Presumption in favour of sustainable development);

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 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 Other Relevant Documents:**

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

## **7. Evaluation**

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### **Principle of Development and material considerations**

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

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

7.7 Policy 11 (1) (a) of the JCS seeks the growth towns such as Wellingborough to be the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development.

7.8 Policy 29 of the JCS sets out that housing will be located in line with the spatial strategy with a strong focus at the growth towns followed by the market towns. The re-use of previously developed land and buildings will be encouraged.

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

7.10 The proposed development is for a residential use in a residential area and would make a positive contribution to the North Northamptonshire’s Housing Requirements and provides a sustainable reuse of a building. Furthermore, the site is in a sustainable location adjoining existing residential properties within close proximity to the town centre, employment areas, health facilities, leisure facilities public transport including bus services and Wellingborough Station and is broadly acceptable in principle subject to material considerations which are set out below.

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

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

7.12 The government at paragraph 130 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

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

7.14 The proposals differ significantly from the previous proposals and refused planning permission reference NW/22/00373/FUL in that they make use of the existing building and do not propose any additional built form, as such the proposals do not have any design or character implications and are considered in accordance with policy 8 (d) (i) & (ii) of the JCS.

#### **Living conditions of the neighbouring occupiers and Intensity of Use**

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

7.16 At paragraph 130 (f) of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users. The application property is a large Terrace property which originally would have provided generous size accommodation and suited a large family. The existing lawful use of the property is residential care home Use Class C2 – in which it is understood up to 7 persons were cared for. Planning permission has been granted to convert the property into a dwelling (C3).

7.17 Previous proposals sought for 14 persons (under withdrawn application reference NW/21/01030/FUL) and 11 persons (under refused planning permission reference NW/22/00373/FUL) house in multiple occupation and resulted in a significant expansion of the host buildings floorspace. Following a previously refused planning permission reference NW/22/00373/FUL the applicant has removed the previously proposed extensions and sought to convert the existing property into a 9 persons house in multiple occupation.

7.18 Whilst objections have been received that still raise intensification of use and the disturbance arising from it, officers consider that the proposals now represent a development that on balance given the fallback position of the care home use previously which was home to 7 persons and would have had a staff shift pattern is acceptable and will not result in a significant intensification of the use of the property.

7.19 In addition as a residential dwelling the property would have sufficient capacity to facilitate a very large family of 9 inhabitants.

7.20 The application has attracted substantial objections from the local community with many citing the scale and intensity of the proposals as a key concern which would erode their present amenity and result in noise and disturbance of an unacceptable degree.

7.21 Whilst it could be argued that the care home would have also resulted in noise and disturbance, a care home is staffed and officers consider that the previous use would be better managed to prevent disturbance arising with visitor hours and comings and goings readily controlled which is not feasible in the proposed use. None the less the scale of development has been reduced significantly from previous proposals to a point whereby officers consider the number of residents given the size of the property would be acceptable.

7.22 The removal of additional built form (extensions) also reduces the level of activity especially along the party neighbouring boundary and would provide residents with greater private outside space for amenity. All of which provides a better living environment for future residents and results in a less intense form of development.

7.23 The application is also accompanied by a management plan which outlines that residents agree to a set of rules and that the management will undertake regular inspections. The document does not however give any form of management and mitigation should neighbouring properties be impacted upon by residents' actions or behaviours or a contact for this to be reported.

7.24 The proposals are considered on balance an acceptable form of development that will not significantly harm residential amenity and as such complies with policy 8 (e) (i) of the JCS and paragraph 130 of the NPPF.

#### **Space Standards for Houses in Multiple Occupation.**

7.25 The Central Licensing Administration Unit for Northamptonshire also sets out the standards required for amenities within houses in multiple occupation particularly around cooking and dining space. (Please see appendix to this report) These standards are not legally binding but give a good foundation as to what minimum expectations are for licensing authorities across the East Midlands.

7.26 The minimum legal licensing requirement for a 1-person room is 6.51 square metres and 10.22 square metres for 2 persons in terms of houses in multiple occupation. It is however recommended in the above standards that a 1-person room should measure a minimum of 8 square metres and 2-person room should measure a minimum of 12 square metres. The proposals provide 9 bedrooms with the smallest measuring a minimum of 10 square metres and all would be single occupancy as such the proposals comply with legal requirements as well as the technical standards.

#### **Effect on the Upper Nene Valley Special Protection Area**

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

7.28 Policy 4 of the JCS on biodiversity and geodiversity states that developments likely to have an adverse effect either alone or in-combination on the Upper Nene



Valley Gravel Pits Special Protection Area must satisfy the requirements of the Habitat Regulations and avoid or mitigate any impacts identified.

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

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

7.31 A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken as the applicant has made an SPA mitigation payment of £322.41 April 2021 and the development meets the criteria set out in the SPA SPD for this approach to be taken.

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

### **Highway Safety**

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

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

7.35 Parking accommodation should be provided in accordance with the Northamptonshire parking standards (2016) and satisfy policy 8 (b) (i) of the JCS. As stated in the parking standards an HMO shall provide on plot parking at the ratio of 1 parking space per bedroom.

7.36 Paragraph 111 of the NPPF also confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.37 The proposals provide no off-street parking provision due to the two parking spaces forward of the garage being of inadequate size less than 5.5 metres in length. The space in front of the garage at the furthest point from it to the footpath measures 5.3 metres and at the shortest side measures 4.5 metres , as such it is unlikely that parking would be achievable other than for 1 small car nevertheless the space does not meet the requirement of 5.5 metres in length.

7.38 A parking beat survey has been submitted to demonstrate that there is suitable provision on the street for the proposals. The survey was undertaken between the hours of 0100 and 0500 on the 4 November 2021 and 6 November 2021. The survey found a total average of 310.5 spaces available within 200 metres over the two days surveyed. On Adams Close the nearest street 9 spaces were available on one day and 10 on the other given a 9.5 space average. Finedon Road had an average of 28 spaces available across the two surveys.

7.39 The applicant indicates cycle storage of 1 cycle space per bedroom details of which would be secure via condition

7.40 Highways raise no objections to the proposals on the grounds of highways safety and capacity.

7.41 A large number of objections have been received with the majority raising parking and the lack of it incorporated within the proposals which they consider will lead to highway safety issues as well as additional conflict in the area as a result of demand for spaces. The validity of the parking beat survey has also been questioned with residents raising the point that the results could simply be the best that were achieved over extensive surveys and that they only give a snapshot of the 24 hour 7 day picture in the area with some raising that at weekends during the day many use the open space opposite and parking is congested.

7.42 It is undeniable that the use of creating 9 single bedrooms will result in some intensification of on street parking use and the vehicular comings and goings. The applicant argues that the lawful use as a care home would have generated traffic. It is unlikely care home residents would own cars for one and secondly, they are unlikely to be making indiscriminate numbers of journeys.

7.43 It is considered that a house in multiple occupation use would lead to an increased demand for on-street parking space. It is however also a material consideration that the parking beat survey found there to be sufficient capacity on nearby streets to accommodate the necessary parking spaces.

7.44 Officers consider that objectors have raised valid points, however the site is located in a sustainable location within walking distance of the town centre, health, leisure, employment uses and close to public transport services which include bus and a main line railway station and NNC highways development management engineer have not raised any adverse concerns in relation to parking or safety and as such the proposals are on balance considered to comply with policy 8 (b) (i) of the JCS.

#### **Crime and disorder**

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

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

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

7.48 The revised NPPF at paragraph 130 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

7.49 The crime prevention officer raises no objection to the proposed use and as such it is considered to comply with policy 8 (e) (vi) of the JCS.

## **8. CONCLUSION/PLANNING BALANCE**

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8.1 The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF specifically in relation to promoting sustainable development. The proposal is not considered to result in any significant detrimental impact to residential amenity or highway safety and is on balance considered acceptable subject to the conditions below.

## **9. RECOMMENDATION**

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

## **10. Conditions**

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

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

2. The development shall also be carried out in accordance with the following plans unless otherwise required by conditions attached to this permission.

Drawing (00)05 Site Location Plan received 16 August 2022

Drawing (00)04 Proposed Block Plan Received 16 August 2022;

Drawing (00)03 Propose Plans and Elevations Received 16 August 2022

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

3. The use of the building hereby approved as a House of Multiple Occupation (sui generis) shall be used for 9 residents only.

Reason: To safeguard the amenity of the occupiers of adjoining premises and in the interests of amenities of existing and future residents in accordance with policies 8 (b) (i) and 8 (e) (ii) of the North Northamptonshire Joint Core Strategy.

4. No building or use hereby permitted shall be occupied or the use commenced until detailed plans of a refuse store, its location and design have been submitted and agreed in writing by the local planning authority. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

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

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

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

## **11. INFORMATIVE/S:**

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1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.

2. The North Northamptonshire Council encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.


To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours: 0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

3. All gas fired boilers should meet a minimum standard of 40 mgNO<sub>x</sub>/Kwh.
4. In addition to building regulation and fire safety requirements the following should apply: Ideally the doorsets used to access bedrooms from communal areas should be dual certified for both fire and security. A minimum requirement is that a bedroom doorset must meet building/fire safety regulations with the locking arrangement being multi-point or a certified BS lock fitted with internal thumb turn. Note: Only doorsets supplied as a complete product from a single source deliver the performance standard for fire safety, security, thermal transmittance and other criteria.

# *A Landlord's Guide*

## **Amenities and space standards for Houses in Multiple Occupation**





Not all of the standards contained within this document are legal requirements, however the standards contained within this guide have been adopted by the majority of Local Authorities in the East Midlands. This includes Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire.

The standards are usually regarded as a **MINIMUM** but are a guide only. Other factors or compensatory features will be taken into account when inspecting a property, therefore allowing for a degree of flexibility in certain circumstances. These factors could include the shape of the usable living space, or the needs and wishes of the occupants.

## Kitchens

- All kitchens shall be of such a layout and size to adequately enable those sharing to safely store, prepare and cook food.
- Shared kitchens must be suitably located, normally not more than one floor away from any living accommodation except where dining room is provided next to kitchen.
- All equipment and facilities in kitchens shall be fit for purpose.

## Bathrooms

- Any person with access to an en-suite facility shall be excluded from the calculations.
- Bathrooms and WCs must be of an adequate size and layout and be adequately heated and ventilated and should include humidistat-controlled extraction.
- All rooms in which a WC is located shall have a wash hand basin in the same room.
- All baths, showers and wash hand basins shall be fit for purpose and have
- taps supplying an adequate supply of hot and cold water.
- Bathrooms and WCs must be suitably located, not more than one floor away from any living accommodation.

## General

HMO's with 5 or more occupants require a licence, please contact the Licensing Unit on 01832 742057.

Accommodation must have adequate means of space heating.

All areas should be fitted with appropriate fire detection and fire precaution equipment. Please contact your local Fire Officer to arrange an inspection.

HMO's with 6 or more occupants and those requiring any kind of building works may require building control approval.

HMO's of 7 or more occupants will require planning consent. Please contact your local Planning and Building Control Departments for more information:

- Kettering BC - 01536 410333
- Corby BC - 01536 464158 (Planning and Building Control)



- East Northants - 01832 742000
- Wellingborough – 01933 231902 (Planning) 01933 231908 (Building Control)

Minimum requirements for Houses in Multiple Occupation (HMOs)

### Bathroom requirements

| Occupiers                                      | Up to 4 | 5                                    | 6 - 10                                   | 11 - 15                                     |
|--|---------|--------------------------------------|--|---|
| Shared WC with wash hand basin with splashback | 1       | 1                                    | 2  | 3   |
| Shared bath or shower                          | 1       | 1                                    | 2  | 3   |
|  |         | WC must be in it's own separate room | One WC must be in it's own separate room | Two WCs must be in their own separate rooms |

### Kitchen requirements

| Item      | HMOs where occupants live as a cohesive group i.e. shared house                      | HMOs with more distinct units of accommodation and where occupants tend to live separately i.e independent living | Households within HMOs who have exclusive use of facilities i.e. bedsits                 |
|-----------|--|---|--|
| Cooker    | Oven, grill and 4 ring cooker for every 5 occupants                                  | Oven, grill and 4 ring cooker for every 3 occupants   | Grill, oven and two hot rings (for a single person), or four hot rings (for a household) |
| Microwave | Optional – may allow extra sharing of cooking facilities at the council's discretion |   |  |

|              |   |   |
|--------------|---|---|
| Kitchen sink | Sink and drainer with hot and cold water supply for every 5 occupants | Sink and drainer with hot and cold water supply |
|--------------|---|---|

|   |  |  |  |
|---|--|--|--|
| Worktop   | Depth – min 500mm<br>Length – 0.5m per person for first 3 occupants plus 0.25 for each additional occupier   |  | Depth – min 500mm<br>Length – 1m per person  |
| Electrical sockets over worktop                       | At least 4 sockets for every 5 occupants (excluding those in use for fridge, washing machine etc). Increase number proportionately for extra occupants |  | At least 4 sockets excluding those in use for fridges etc.                           |
| Dry Food storage                                      | Single wall unit for each occupant   | Double wall unit for each occupant                               | Double wall or single base unit for one person (proportionately more for households) |
| Fridge (with freezer compartment or separate freezer) | Standard size fridge with freezer compartment for every 5 occupants  | Standard size fridge with freezer compartment for each household | Standard size fridge with freezer compartment  |
| Refuse disposal                                       | Please follow your Local Authorities waste disposal scheme   |  |  |
| Ventilation   | A mechanical extraction fan in accordance with Building Regulation requirements  |  |  |

|                     |   |
|---------------------|---|
| <b>Kitchens</b>     | 7sqm if used by 1-5 persons   |
|                     | For over 5 persons an additional 3sqm per person sharing the kitchen  |
| <b>Dining Space</b> | 2sqm per person (for those sharing the space)   |
|                     | <b>Any dining space (shared or for exclusive use) shall be suitable, and conveniently located (normally not more than one floor from the living unit)</b> |

## Space standards

Any dining space (shared or for exclusive use) shall be suitable, and conveniently located (normally not more than one floor from the living unit)

Minimum requirements for Houses in Multiple Occupation (HMOs)

## Bedroom requirements

### Living areas

|   | 1 person Room    | 2 person Room     | 3 person Room    | 4 person Room    |
|---|------------------|-------------------|------------------|------------------|
| Bedroom with no lounge or dining space elsewhere and cooking facilities not provided in bedroom     | 10 square metres | 15 square metres  | 20 square metres | 25 square metres |
| Bedroom with adequate lounge or dining space elsewhere & cooking facilities not provided in bedroom | 8 square metres* | 12 square metres* | 17 square metres | 22 square metres |
| Bedrooms with cooking facilities provided in the room   | 14 square metres | 18 square metres  | 23 square metres | 28 square metres |

\*The minimum legal requirement for a 1 person room is 6.51sqm and 10.22sqm for 2 persons

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## **Planning Appeal Decision Letters**

- (a) Dungee Corner, Harrold Road, Bozeat (and cost decision)**



## Appeal Decision

Site visit made on 23 August 2022

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 October 2022**

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**Appeal Ref: APP/M2840/W/22/3294888**

**Dungee Corner, Harrold Road, Bozeat, Wellingborough NN29 7LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Ms Ruth Taylor against the decision of North Northamptonshire Council.
  - The application Ref: NW/21/00592/FUL, dated 7 July 2021, was refused by notice dated 16 September 2021.
  - The development proposed is construction of a new 4 bedroomed dwelling with a detached double garage, a detached potting shed, greenhouse, new vehicular access, boundary treatments and gates and associated hard and soft external work.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for an award of costs was made by Ms Ruth Taylor against North Northamptonshire Council. This application is the subject of a separate decision.

### Preliminary Matters

3. The description in the banner heading above is taken from the amended description agreed by the parties.

### Main Issues

4. The main issues in this case are:
  - The effect of the proposed development on the character and appearance of the area;
  - Whether the proposal would be of exceptional quality and/or innovative design sufficient to meet the rural exceptions test in the local development plan's strategic approach to development and the countryside; and
  - Whether the proposal makes adequate provision to safeguard protected species and biodiversity.

### Reasons

*Character and appearance*



5. The appeal site is an overgrown garden area including some orchard trees, to the rear of a two storey house. It is located in open countryside, around 2km to the east of Bozeat village.
6. Part d) of Place Shaping Principles Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (JCS) seeks to ensure that development creates a distinctive local character by i) responding to the site's immediate and wider context and local character to create development which draws on the best of that local character without stifling innovation, and ii) responding to the local topography and the overall form, character and landscape setting of the settlement.
7. The countryside area between the eastern edge of Bozeat village and the appeal site is characterised by a relatively flat open rural arable landscape of fields, set within a framework of mature hedgerows with hedgerow trees, and a predominant lack of buildings with only a scattering of occasional, mainly farmstead buildings including some pitched roof dwellings. As such, the open and verdant rural patchwork of hedge-lined fields, and relative lack of buildings are the defining characteristics of the local area.
8. The field that adjoins two sides of the appeal site is a part of the local area's patchwork of hedge-lined fields. This meadow<sup>1</sup> has been designated as a Site of Special Scientific Interest as a species rich grassland with a locally rare orchid population. As indicated by the Design Midlands design review panel (DRP)<sup>2</sup>, the meadow that has been a key driver in informing the rationale for the proposed siting of the house. That said, neither the meadow nor the appeal site's western and northern boundary post and wire fencing, which are cited as 'defining features' in the appellant's Landscape Impact Assessment, are so visually striking, prominent and large in scale to constitute defining characteristics of the local area.
9. The proposed dwelling would combine a contemporary re-imagining of Roman villa and more recent local barn design with, overlooking the meadow, a two-storey element of strikingly modern angular form and mass with oriel window, bi-parting sliding door, glass balustrade, and clay pantile and zinc clad facing components. To some extent the building would echo the stepped form of Dungee Barn, which is located around 150m away on the other side of Harrold Road. As such, the proposed dwelling would be an architecturally interesting fusion of elements and a bold building.
10. However, the proposed building would noticeably differ from an agricultural barn due to its extensive fenestration, which even with the proposed untreated oak shutters, would be visible from land in the vicinity, for occupants when enjoying natural light into the rooms and views out. This fenestration, together with the striking two-storey element, and the domestic occupation, paraphernalia and illumination at the site would highlight that the building was not a barn but a modern residential building. Also, the extent of sliding, untreated wooden shutters to the proposed residence would further draw attention to the atypical modern residential fusion style in this countryside context.

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<sup>1</sup> Dungee Corner Meadow.

<sup>2</sup> May 2021 Design Re-review of the scheme.

11. The proposal's combination of some flat roofing and the relatively unconventional angular roof form and materials of the building's two-storey element would contrast with more conventional pitched tiled roofing of dwellings in the area. The two storey element's form and the combination of vertical pantiles, zinc cladding, modern glass balustrade and bi-parting sliding door would emphasise the building's atypical modern residential fusion style in its countryside location. The introduction of a vehicular access with approximately 5m wide sliding oak entrance gate facing onto Harrold Road, in line with the two storey element of the building would further announce the dwelling's presence in the rural scene.
12. I appreciate the DRP's enthusiasm for the concept of the proposed new wildflower area appearing as an extension of the meadow 'bleeding' onto the appeal site and around the new building. However, this would not negate the adverse impact that the proximity of the proposed building's striking northern elevation to the meadow, separated only by a post and wire fence without buffer planting, would result in a stark interface with the meadow, viewed from countryside beyond the appeal site. Also, the visually softening and containing effect of perimeter hedging, trees and new planting would be limited by seasonal leaf fall, and domestic pressures for thinning and pruning.
13. In introducing the substantial four-bedroom house of to the appeal site, the proposal would erode the distinctively open and verdant rural character of the local countryside area. The building's striking modern fusion style would further emphasise this erosion of character in a countryside area that is mainly free from buildings. As such, the proposal would appear somewhat alien in its rural location, and visually jar with the local area's defining characteristics. The jarring impacts would be noticeable from various viewpoints in the locality, on the site, neighbouring land, Harrold Road and from the Three Shires Way public footpath.
14. The inclusion of vernacular materials with the proposed use of local stone in the walls and red brick window surrounds would not be sufficient to negate the jarring impacts identified. Also, even if mechanical heating and cooling provision at the dwelling could be relatively unobtrusively incorporated, as the appellant suggests, this would not negate the adverse impacts identified.
15. While evidence of a Roman villa has apparently been found around 5km from the appeal site<sup>3</sup>, there is no substantive evidence before me of a Roman villa in the more immediate vicinity of the site, to potentially contribute to a contextual case for the proposed design fusion.
16. I appreciate the confident design ambition of the scheme and the DRP's support for it. However, for the above reasons, I find that the proposal would appear 'on the ground' as a synthesis of diverse elements, without sufficient cohesion and contextual logic to fit in acceptably with the character of the local countryside area. As such, the proposal would not create development of distinctive local character, and not draw on the best of local character. Thus, I cannot agree with the DRP's view that the proposal would sit comfortably in its setting.
17. I therefore conclude that the proposed development would harm the character and appearance of the area. As such, it would conflict with the place making

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<sup>3</sup> As indicated in paragraph 2.1.1 of the Design and Access Statement.

principles of Part d) of JCS Policy 8, which seek to ensure that development complements local character.

*Whether exceptional design quality and/or innovative design*

18. JCS supporting text paragraph 5.37 explains that the local spatial strategy, as set out in JCS Policy 11 seeks to focus development towards urban areas, to ensure that the rural area's character is maintained and reinforced, and open countryside is strongly protected. JCS Policy 11 section 2d) establishes that the form of development proposed in this case<sup>4</sup> will be resisted in open countryside unless special circumstances set out in national policy or JCS Rural Exceptions Policy 13 apply.
19. Criterion 2a) of JCS Rural Exceptions Policy 13 requires individual dwellings in open countryside, away from established settlements to be of 'exceptional quality or innovative design as set out in supporting paragraphs 5.42 and 5.43'. Paragraph 5.42 refers to the National Planning Policy Framework (the Framework) as indicating circumstances of exceptional dwelling quality or innovative design, in which development of a dwelling in the countryside may be acceptable. Paragraph 5.42 adds that the Framework indicates such a design should: be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
20. In addition, JCS supporting text paragraph 5.43 sets out the local approach, which emphasises that exceptional development of a dwelling in the countryside in North Northamptonshire would 'only be the case' where both innovative standards of sustainable design in excess of those set out in JCS Policy 9 and national regulations, *and* an outstanding contribution to the character of the landscape, promoting and reinforcing local distinctiveness, are achieved. In seeking an outstanding contribution to the character of the landscape, JCS paragraph 5.43 and its citation in helping define exceptional quality in JCS Policy 13 Criterion 2a) amount to a requirement for exceptional quality as well as a high standard of innovative design.
21. As such, Criterion 2a) of JCS Policy 13 encompasses requirements for exceptional quality *or* innovative design, and, through its citation of supporting text paragraph 5.43, exceptional quality *and* innovative design. As a whole, this amounts to a requirement by JCS Policy 13 criterion 2a) for exceptional quality and innovative design.
22. The scope of the definition of 'exceptional quality' was reduced in the rural housing section of the revised Framework<sup>5</sup> in 2021 by deletion of the phrase 'or innovative'. While JCS Policy 13 criterion 2a) references the previous 2019 version of this part of Framework policy via JCS paragraph 5.42, the 2021 Framework amendment does not alter the text in JCS Policy 13 criterion 2a), which states the requirement for exceptional quality or innovative design. Nor does it alter the emphasis on innovative standards of sustainable design and outstanding contribution to landscape character in supporting text paragraph

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<sup>4</sup> Namely development other than rural diversification, appropriate re-use of rural buildings and appropriate renewable energy.

<sup>5</sup> As per paragraph 80 (e) of the 2021 version, compared to paragraph 79 (e) of the 2019 version.

- 5.43. As such, local development plan Policy JCS 13 criterion 2a) as a whole continues to require exceptional quality and innovative design.
23. I shall further address the question of consistency of Policy JCS 13 criterion 2a) with the current version of the Framework in the Planning Balance and Conclusion of this decision.
24. Turning to whether the proposal would be of exceptional quality. It is undisputed that the proposed dwelling would be an isolated home in the countryside. Framework paragraph 80(e) provides guidance on what constitutes exceptional design quality for isolated homes in the countryside. Namely, that they should satisfy all of the following criteria: i) be truly outstanding, reflecting the highest standards in architecture, ii) help raise design standards more generally in rural areas, iii) significantly enhance the dwelling's immediate setting, and iv) be sensitive to the local area's defining characteristics. Also, through the citation in JCS Rural Exceptions Policy 13 criterion 2a) of supporting text paragraph 5.43, this policy adds the local requirement for outstanding contribution to the landscape character, promoting and reinforcing local distinctiveness.
25. I agree with the DRP on the point that the proposal's 'reveal' design concept of a series of living spaces leading from the Harrold Road frontage, revealing the house and views of meadow, would result in an appealing place for future occupants to live. However, some screening, a sequence of living spaces and pleasant views out over a verdant scene are not such an exceptional combination for a dwelling to rank as unusually good.
26. Also, while the proposal's combination of contemporary re-imagining of Roman villa and local barn design, and emphatic modern oriel window are architecturally bold and interesting, this fusion of diverse elements and influences lacks sufficient architectural cohesion and contextual logic to aesthetically fit acceptably into its countryside context. As such, the proposed dwelling would not be truly outstanding, and not reflect the highest standards of architecture.
27. Regarding standards of design more generally in rural areas, the application proposes a net zero carbon dwelling to be achieved through exemplar energy use, thermal efficiency sustainable materials, construction and appliances, mechanical ventilation and heat recovery, shutters, ground source heat pump, solar photovoltaic roof, a bio-digester, rainwater harvesting permeable surfacing, low water demand, storage batteries, electric vehicle charging points and closure of the guest bedroom wing when not in use. Even though the lack of 'up front' detail of these measures undermines certainty that they could all be satisfactorily incorporated within the development, it is likely that at least some could, and this would be sufficient to promote 'eco' housing design. In this way, the proposal would help raise standards of design more generally in rural areas.
28. The proposed dwelling's immediate setting comprises the garden area of the house to the north-east, a stretch of Harrold Road and surrounding rural fields. While the existing appeal site is overgrown with grass and scrub, the evolved self-set verdant and unbuilt character of this, together with existing orchard trees do not stand out as out of place in the verdant rural context. In this context, given the erosion of the open and verdant rural character of the local countryside area that would arise from the proposed building of striking and

contextually atypical modern fusion style, the appeal proposal would not significantly enhance its immediate setting.

29. As identified under the first main issue, the proposal would visually jar with the local area's defining characteristics. As such, the proposal would not be sensitive to the defining characteristics of the local area.
30. Thus, while the proposed building's 'eco' credentials would help raise standards of design more generally in rural areas, in failing to satisfy the other exceptional design quality criteria, the proposal would not rank as of exceptional quality. I therefore cannot agree with the DRP's view that the appeal scheme is capable of meeting the Framework's exceptional quality criteria for isolated rural dwellings. Nor would the proposal achieve the outstanding contribution to the landscape character required through the citation in JCS Rural Exceptions Policy 13 criterion 2a) of supporting text paragraph 5.43.
31. Regarding the question of innovative design, I find as follows. Some imaginative detailing utilising traditional materials is proposed. These include variation on a traditional stonework pattern, vertical use of pantiles on the walls of the two-storey element and reinterpretation of slate cloaking to create a concealed gutter. Also, an automatic shutter system to close the shutters as night falls, reducing light spill across the meadow beyond is proposed. However, these elements would not amount to use of technologies and materials of such magnitude of novelty to constitute the innovative standards of sustainable design in excess of those set out in JCS Policy 9 and national regulations, as required through the citation by JCS Policy 13 criterion 2a) of supporting text paragraph 5.43.
32. I therefore conclude that the proposed development would not be of exceptional quality and innovative design sufficient to meet the rural exceptions test in the development plan's strategic approach to development and the countryside. As such, the proposal would conflict with JCS Policy 13 criterion 2a) which as a whole requires exceptional quality and innovative design. In failing to demonstrably meet special circumstances required by JCS Policy 13, the proposal would conflict with JCS Policy 11 section 2d).

#### *Protected species and biodiversity*

33. Policy 4 of the JCS seeks a net gain in biodiversity, through, among other things, protecting existing biodiversity assets by a)i refusing development proposals where significant harm to an asset cannot be avoided, mitigated or, as a last resort, compensated and b)iii preserving restoring and creating priority and other natural and semi-natural habitats within and adjacent to development schemes.
34. The Preliminary Ground-Level Tree Roost Assessment (PGLTRA) undertaken by the appellant's ecological consultants as part of the appeal indicates the following. The fruit trees in group G3 towards the site's north-western boundary that adjoins the meadow SSSI, which are proposed for removal to make way for the building, have either negligible or low bat roosting potential. Works could be timed to avoid the hibernation period when bats are vulnerable, and, G3 trees proposed for removal could be further checked by a suitably experienced bat ecologist immediately before felling. Also, larger trees of higher bat roosting potential on the site are proposed for retention.

35. The Biodiversity Net Gain assessment (BNG) undertaken by the appellant's ecological consultants as part of the appeal indicates that the proposal is likely to result in a biodiversity net gain compared to existing habitats. New meadow elements, and tree and hedge planting are likely to help contribute to this.
36. Therefore I conclude that the proposal would make adequate provision to safeguard protected species and biodiversity. As such, it would not conflict with Policy 4 of the JCS, which seeks to ensure that development protects and contributes to a net gain in biodiversity.

### **Other Matters**

37. Criteria 2a) and b) JCS Policy 11 are also cited in the first reason for refusal (RFR). These criteria cover economic, local needs and village infill matters which, go beyond the main focus of this RFR and the second main issue in this decision, namely the 'exceptional quality' rural exceptions test. Policy SS1 of the Plan for the Borough of Wellingborough (PBW), which is also cited in the first RFR, also covers matters other than the 'exceptional quality' rural exceptions test. As I am dismissing this appeal on grounds under the main issues in this case including the exceptional quality test, it is not necessary for me to consider the question of accordance with JCS Policy 11 criteria 2 a) and b) and PBW Policy SS1 further in this instance.

### **Planning Balance and Conclusion**

38. In the light of the main issues described above, I consider that the most important development plan policies for determining the appeal are JCS Biodiversity Policy 4, JCS Place Shaping Principles Policy 8 part d), JCS Rural Areas Policy 11 section 2d) and JCS Rural Exceptions Policy 13 criterion 2a). I find as follows regarding the extent to which the policies are consistent with the Framework. In its approach to protecting and improving biodiversity, JCS Policy 4 is consistent with paragraph 180 of the Framework. In promoting distinctive local character without stifling innovation, JCS Policy 8 part d) is consistent with Framework paragraph 130(c).
39. In requiring innovative design as a rural housing exceptions criterion, JCS Policy 13 criterion 2a) is inconsistent with the revised paragraph Framework 80(e) which has dropped the word 'innovative', compared to the previous version's paragraph 79(e). Nevertheless, much of the content of JCS Policy 13 criterion 2a) reflects the criterion of Framework 80(e) and follows sound sustainable development principles. Given this, and that JCS Policy 11 section 2d) mentions 'national policy' or JCS Policy 13, I find that the special circumstances required for development in the open countryside by JCS Policy 11 2d) are largely consistent with the Framework.
40. As such, I attach substantial weight to JCS Biodiversity Policy 4, JCS Place Shaping Principles Policy 8 part d), JCS Rural Areas Policy 11 section 2d) and JCS Rural Exceptions Policy 13 criterion 2a).
41. Given my findings that JCS Policy 11 section 2d) and Policy 13 criterion 2a) Policies are largely consistent with the Framework, I consider that these policies are not out of date. Moreover, JCS Policies 4, and 8 part d) are not out of date. Together, this results in the 'basket' of the most important policies for determining this case not being out of date. Therefore, the tilted balance, as set out within paragraph 11 of the Framework, is not engaged.

42. The proposal would contribute one dwelling to local housing supply, within the context of in the region of 7.2 years supply of deliverable housing sites in North Northamptonshire. Furthermore, the construction phase and subsequent residential occupation would result in some local economic activity, fresh landscaping and promotion of 'eco' housing design standards. The benefits are limited by the scale of development and do not outweigh the identified totality of harm.
43. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

*William Cooper*

INSPECTOR



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## Costs Decision

Site visit made on 23 August 2022

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 October 2022**

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### **Costs application in relation to Appeal Ref: APP/M2840/W/22/3294888 Dungee Corner, Harrold Road, Bozeat, Wellingborough NN29 7LP**

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Ms Ruth Taylor for an award of costs against North Northamptonshire Council.
  - The appeal was against the refusal of planning permission for construction of a new 4 bedroomed dwelling with a detached double garage, a detached potting shed, greenhouse, new vehicular access, boundary treatments and gates and associated hard and soft external work.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application centres on the applicant's claim that the Council: (a) failed to have adequate regard to the proposed development's accordance with national policy, and other material considerations; (b) refused planning permission on planning grounds capable of being dealt with by condition; (c) failed to co-operate with them in not requesting information; and (d) did not review their case promptly following the lodging of the appeal against refusal of planning permission. PPG indicates that local planning authorities will be at risk of an award being made against them if they behave in such ways.
4. Regarding matter (a), starting with the updated provision of paragraph 80(e) of the National Planning Policy Framework (Framework) 2021. I see evidence in paragraph 7.7 of the Council Planning Officer's Report to North Northamptonshire Area Planning Committee (Wellingborough) (Planning Committee) of regard to the 2021 Framework update that dropped 'innovative' from paragraph 80(e), compared to previous version's paragraph 79(e).
5. Moreover, as set out in my decision, this 2021 Framework amendment did not alter the text in Joint Core Strategy Policy 13 criterion 2a), which states the requirement for exceptional quality or innovative design. Nor did it alter the emphasis on innovative standards of sustainable design in supporting text paragraph 5.43 cited by JCS Policy 13 criterion 2a). Thus, the Council behaved



- reasonably in having regard to innovation as a rural housing exceptions criterion in this case.
6. As cited in the fourth reason for refusal (RFR), lack of information about heating and cooling provision for the building impeded assessment of and necessary certainty about the innovation and design implications of these elements of the proposal. In the context of the stringent criteria of rural exceptions policy for isolated rural dwellings, it was reasonable for the Council to state their concern on this point.
  7. Turning to the provisions of paragraph 133 of the Framework, this sets out that in assessing applications, local planning authorities should have regard to the outcome from processes for assessing and improving the design of development, including any recommendations made by design review panels.
  8. The recommendations of the Design Midlands Design Review Panel (DRP), as addressed in my decision, are as follows. The DRP<sup>1</sup> made the following recommendations about the proposed dwelling scheme. They believe it to be a strong scheme that would sit comfortably in its context, and be capable of meeting the Framework's exceptional quality criteria for isolated rural dwellings. They support the approach to the site, the 'reveal' design concept, the position of the garage, the materials palette, and the proposed dwelling's scale, mass and form. They also suggested that further supporting design 'narrative' material be prepared to illustrate the meadow 'bleeding' into the site, landscaping and outdoor spaces, the 'reveal' journey through the house and garden, the building elevations' relationship to its immediate context, and detailed use of traditional materials in a contemporary manner.
  9. In references to the DRP's responses on the scheme in the Planning Officer's Report to Planning Committee, including for example in paragraph 2.5, I see evidence that the Council's Planning Officer had regard to the DRP's recommendations. However, in this Report there was a lack of i) reference to Framework paragraph 133, ii) description of the DRP's recommendations, and iii) clearer articulation of the Planning Officer's concerns in terms of how they diverged from the DRP's recommendations.
  10. This indicates that information about and analysis of the DRP's recommendations was not sufficiently clearly articulated in the Planning Officer's Report to ensure that the Planning Committee was able to fully have regard to these recommendations. This was unreasonable on the part of the Council.
  11. Regarding matter (b), starting with the second and third RFRs, the Council was entitled to exercise its planning judgement about the proposed large entrance gate as an element relevant to assessment of the immediate setting of the proposal and the character of the local character. In relation to the fourth RFR, as established earlier, it was reasonable for the Council to state their concern about lack of information about heating and cooling provision, as this impeded necessary certainty to ensure that the stringent criteria of rural exceptions policy for isolated rural dwellings could be met.
  12. In terms of the fifth RFR, it will be clear from my decision that I consider that, in the light of additional bat roosting and biodiversity net gain assessment

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<sup>1</sup> As set out in the DRP's Design Re-review of the scheme, May 2021.

evidence submitted by the appellant to the appeal, the proposal would make adequate provision to safeguard protected species and biodiversity. However, that said, this additional evidence was not before the Council at the time of making their decision. In the consequent absence of necessary certainty to demonstrably meet the requirement to safeguard protected species and biodiversity, it was reasonable for the Council to set out their concern in the RFR. Therefore, the Council did not refuse planning permission on planning grounds capable of being dealt with by condition.

13. Regarding matter (c), details of technologies to facilitate heating and cooling, and additional bat roosting and biodiversity net gain assessment evidence, were not presented to the Council before their decision. As an appellant ultimately decides the content of their application, there is some onus on them to submit sufficient information about their scheme to provide necessary certainty on decisive matters. Given this, the absence of a request for the above additional information from the Council, before making their decision did not amount to lack of co-operation.
14. Regarding matter (d), I see no decisive evidence that the Council failed to review their case promptly following the lodging of the appeal.
15. To conclude, I find as follows. Given my finding regarding matters (b), (c) and (d), unreasonable behaviour did not occur in respect of grounds for refusal, co-operation, and prompt review of case.
16. In relation to matter (a), unreasonable behaviour did occur in terms of insufficient articulation of information about and analysis of the DRP's recommendations in the Planning Officer's Report to Planning Committee. However, that said, the Council's concerns in this case went beyond the views of the DRP, and the Council were not automatically bound to agree with the DRP's recommendations. As such, it is not clear that had the Council been clearer in their articulation in this regard, the core appeal arguments would have been substantially different in scope, or an appeal would have been avoided.

### **Conclusion**

17. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated in relation to matters (a) to (d). Accordingly, the application for costs fails.

*William Cooper*

INSPECTOR