

**North Northamptonshire Area Planning Committee
(Thrapston)
3rd August 2022**

Application Reference	NE/21/01742/OUT
Case Officer	Patrick Reid
Location	28 Wymington Road Rushden Northamptonshire NN10 9JX
Development	Outline: Erection of new dwelling on underutilised garden land including access
Applicant	Mr And Mrs Lindsay Pentelow
Agent	Sidey Design Architecture - Mr Jon Sidey
Ward	Rushden Pemberton West Ward
Overall Expiry Date	14 March 2022
Agreed Extension of Time	9 August 2022

Appendix 1 – Appeal Decision 1176728 dated 23 June 2006 for: One house and garage (all matters reserved except access). Associated illustrative plan included.

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because Rushden Town Council have objected to the proposal. This differs to the Officer recommendation for approval. Rushden Town Council confirmed they maintain their objection, after being asked by Officers.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application seeks outline planning permission with all matters reserved, save for access, for a single dwelling. As part of the submission, an illustrative plan has been provided that shows how a single-storey dwelling could be accommodated on the site.
- 2.2 The indicative plan shows a single storey dwelling to have a general 'L' shaped footprint, located toward the north-western part of the site. It would be accessed via an extension to the existing driveway involving the removal of the garage that is beside no. 28. The driveway would continue along the north-eastern boundary to a point close to the rear boundary fence around 5.5m away. The indicative plans show the bungalow would be located to the side of the vehicular access, set away from the side boundary fence by 9.5m (although this application does not seek approval for the layout).
- 2.3 On the south-eastern side of the bungalow would be a stretch of driveway leading to two parking spaces. The division between the current and proposed dwellings would be in line with an existing hedge that currently runs through the garden. Further driveway expansion would be created for the parking of no. 28, on land to remain associated with it.
- 2.4 The bungalow would include two bedrooms, a kitchen/dining room, a lounge, utility room and two bathrooms. A porch/entrance area would be located on the northern side and it would have garden space to its south and north-western boundaries. To accommodate the dwelling, six trees currently within the garden would be removed.
- 2.5 In 2006, outline planning permission was granted for development described as 'One house and garage', on the same site as the current application. All matters were reserved for subsequent approval, except access. The consent was granted at appeal under ref. 1176728, included at Appendix 1. The permission was not implemented.

3. Site Description

- 3.1 The application site comprises part of the land associated with a dwelling, 28 Wymington Road. The land includes the vehicular access off the highway and runs on the eastern part of the site to then include much of the rear garden. The site extends to the west / north of the detached house of no. 28, with its rear boundary abutting the side boundary of no. 9 South Park.
- 3.2 The context of the site is residential. No. 28 is a detached house in a row of street-facing houses, which include a mixture of detached and semi-detached types. Each property has a broadly similar extent of garden space that extends to the north-west. To the south of 28 and the site is a public footpath that runs in the gap to no. 30.

- 3.3 The site itself is mostly the external amenity space/garden land associated with no. 28. A flat roofed garage is located to the side of the house that also is within the site. The rest of the site is mostly grass covered with various plants around the garden also. The north-western boundary includes mature hedging. Some trees are located around the rear part of the garden also and close boarded fencing defines the boundaries of no. 28's property. No trees on the site are protected by Tree Preservation Orders (TPOs).
- 3.4 The site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area.

4. Relevant Planning History

- 4.1 04/02255/OUT– Outline planning permission for one dwelling (all matters reserved except means of access) – Appeal Allowed – 02.05.2006

5. Consultation Responses

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

5.1 Rushden Town Council

Objection for reasons summarised as follows:

- May set precedent for other back-land developments off Wymington Road;
- The shared drive may compromise road markings of the nearby zebra crossing.

Comments subsequently received in response to Officers asking if the objection is maintained or withdrawn, summarised below:

- It is confirmed that Rushden Town Council still objects to this application.

5.2 Neighbours / Responses to Publicity

One representation has been received, in objection. The issues raised are summarised below:

- Concerns at potential foul waste pump causing noise/vibration.

5.3 Local Highway Authority (LHA)

- No objection.

5.4 Natural England

Comments summarised as follows:

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.

5.5 Environmental Protection

No objection subject to conditions Including: a restriction on hours of works; measures to limit dust emissions from works and measures to limit mud; debris being deposited onto adjacent roads and that there shall be no burning of materials on-site.

5.6 Waste Manager

Comments summarised as follows:

- Bins would need to be presented immediately adjacent the highway, Wymington Road.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

6.2 National Policy

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

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

Policy 1 - Presumption in Favour of Sustainable Development
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
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 Rushden Neighbourhood Plan (RuNP) made (2018
H1 - Settlement Boundary
H2 - Location of new housing development
H4 - Market housing type and mix
EN1 - Design
EN2 - Landscaping in development
T1 - Development generating a transport impact
- 6.5 Emerging Local Plan East Northamptonshire Local Plan Part 2011-2031
(Submission Version March 2021)
EN1 Spatial development strategy
EN2 - Settlement boundary criteria urban areas
EN12 Health and wellbeing
EN13 Design of buildings/extensions
- 6.6 Other Relevant Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

- 7.1.1 The planning policy context for determining the principle of the development is defined in the policies of the JCS, and the Rushden Neighbourhood Plan (NP) provides the basis for establishing the principle of development. Finally, the emerging East Northamptonshire Part 2 Local Plan and the NPPF are material considerations. The application site is located within the settlement of Rushden which is classified as a 'Growth Town' in the Joint Core Strategy (JCS). Policies H1 and H2 of the NP also sets the basis for housing distribution in Rushden. For sites within the settlement limits, such as this site, the principle of a new dwelling is acceptable, subject to other considerations such as design and amenity.

- 7.1.2 Policy 28 of the JCS sets the housing requirements for the area and divides these into the former borough and district areas. For East Northamptonshire, the requirement for the plan period is 8,400 dwellings. Policy 29 of the JCS sets the basis for the distribution of new homes across the area. It expresses that new housing will have a strong focus on the Growth Towns, followed by the Market Towns. Table 5 accompanies Policy 29 whereby the settlements are put into a hierarchy. Rushden, classified as a Growth Town, has a housing requirement given as 3,285 dwellings.
- 7.1.3 Appeal decision Ref: 1176728 dated 26th June 2006 for application 04/02255/OUT was allowed for a single dwelling at the same location. Whilst the planning context is considerably different, some weight is afforded to the Planning Inspectorate's assessment of the site and the proposal that is similar to that which is under consideration here.
- 7.1.4 In terms of the principle of the development, as the site is in a location within Rushden whereby both the JCS and RuNP allow for new dwellings, subject to other considerations, the development of a dwelling is acceptable.

7.2 **Visual Impact**

- 7.2.1 Wymington Road is typified by detached and semi-detached dwellings that are predominantly set back some considerable distance from the pavement edge. Generous front gardens and parking provision are a typical feature of properties found on this road. There is no identified commonality in the architecture of the existing dwellings with a wide range in scale, materials and general appearance.
- 7.2.2 The indicative plans submitted provide an illustration of what could be developed on the site. The proposed dwelling would be largely non-visible from Wymington Road itself, being located approximately 35m away from the street edge. As such, the proposal's visual impact would be largely experienced from within the site. The proposed access road would be a visual presence onto Wymington Road itself.
- 7.2.3 The indicative design of the proposed dwelling would be smaller than No. 28 which it would sit behind and would be smaller than neighbouring properties due to its single storey nature. Wymington Road comprises of residential dwellings of varied architecture, scale and mass, with large properties being sited amongst smaller sized dwellings. It is therefore considered that the proposed dwelling would not be out of keeping with the local character in terms of its scale.
- 7.2.4 The widened point of access would represent a visual break in the appearance of the road, in terms of its established character. However, the point of access would not be wider nor any more visually prominent than several similar access points or breaks, including set back garages, that are common along Wymington Road. The proposed access would constitute a larger, uninterrupted break of more than 35m, but this would only be observable when standing directly in front of the point of access. The existing built forms of No. 28 and No. 26 Wymington Road assist in obscuring the visual break described.

- 7.2.5 The indicative layout provided shows some trees, including those classified a Grade C (low quality), as requiring removal to accommodate the dwelling.. The mature trees to be retained on the south-west boundary minimise views of a single storey dwelling from within the access path into Hall Park. Any subsequent reserved matters application would be expected to detail a high-quality scheme of soft and hard landscaping, as expected by Policy EN2 of the RNP.
- 7.2.6 Whilst the dominant pattern in Wymington Road is for the houses to front it, the properties to the west off South Park do provide a visual presence of dwellings off the public footpath. The location of the site and the limited visual impact of the development, including the access widening, are not considered to cause an unacceptable degree of visual harm to the existing character of the area. This conclusion mirrors that of the Planning Inspectorate under appeal ref. 1176728 where they concluded that the then proposal '*...would not appear out of place with the pattern of residential development in the area, which in my opinion is informed by the siting of the houses in South Park and the varied set back of the dwellings fronting Wymington Road.*' (paragraph 6)
- 7.2.7 The following paragraph of the Inspector is included as it is relevant in relation to the topic of 'precedence', which has been raised by the Town Council. Whilst the comments are from 2006, they are considered equally applicable today.

Paragraph 7 'At the hearing, the Council suggested that, by allowing this appeal, it would make it more difficult for it to resist other similar development in the area that would result in harm to the character of the area. However, I have not been provided with any specific locations for other development, and each case should be determined on its own individual planning merits in the light of prevailing policies and guidance'.

- 7.2.8 The materials and appearance of the proposed dwelling are not for determination within this outline application. It would be expected that any subsequent reserved matters application would ensure that the development achieves a high-quality appearance and respects the local character in respect to the proposed materials. A condition is recommended to ensure that details of materials are submitted with the reserved matters application.
- 7.2.9 As such, it is considered that the proposed outline development complies Policy 8(d) of the JCS and Policy EN1 and EN2 of the RNP.

7.3 **Impact on Neighbouring Amenity**

- 7.3.1 The closest neighbouring dwelling to the proposed dwelling would be that of No. 9 South Park, being approximately 10m away from the indicative siting of the dwelling. Due to mature hedgerows and trees along this boundary and the absence of a first-floor window on the elevation of No. 9 South Park, it is not anticipated that a detrimental impact would occur in terms of overshadowing, privacy or otherwise would occur between the dwellings.

- 7.3.2 The indicatively drawn windows on the north-east principal elevation of the would not give rise to any impact on the amenity of No. 26 Wymington Road, given the distance between the dwellings and ground level height of the windows.
- 7.3.3 The indicative design is not considered to result in an overbearing development or adversely impact the external outlook of the neighbouring properties. It is also not considered that the proposed dwelling would result in adverse harm from overshadowing or loss of light. This assessment is made on the basis of the indicative plans of a single storey dwelling provided.
- 7.3.4 In terms of the extent of garden space that would remain for no. 28, it is considered that it would be sufficient in relation to the size of the house and what can reasonably be expected for outside amenity. Whilst a significant extent of the garden would be 'lost' to accommodate the new dwelling, the garden is sufficiently large to accommodate this without resulting in too little space for no. 28.
- 7.3.5 It is considered that, insofar as the considerations for the outline development are concerned, the applicant has been able to demonstrate that a single dwelling could be accommodated within the site that would not have a detrimental impact on the adjoining occupiers or the associated dwelling. As such, the proposed development complies with Policy 8(e) and 30 of the JCS and Policy EN1 of the RuNP.

7.4 **Highways**

- 7.4.1 The proposed access adjacent No. 28 Wymington Road provides adequate visibility for vehicular movements. The Local Highway Authority (LHA) initially provided comments setting out their standards, including that access drives of 45 m or longer should be 3.7 m wide, parking space provision expectations and that vehicles can turn within the site. During the application, the parking / turning area was amended through a revised plan. The LHA were reconsulted and confirm that no objection is raised.
- 7.4.2 Adequate manoeuvring space is provided for Fire and Rescue services, and the minimum width of 3.7m is exceeded for the entire length of the access to the proposed dwelling.
- 7.4.3 The indicative plans indicate there would be adequate parking and turning space for vehicles within the site. The final site layout would be determined at reserved matters stage.
- 7.4.4 With consideration of the above it is considered that the proposed development complies with Policy 8(b) of the JCS and Policy T1 of the RNP.

7.5 **Environmental Matters**

7.5.1 The Council's Environmental Protection Officer has suggested conditions that seek to ensure the protection of the environment and neighbouring amenity. These include a condition controlling demolition, construction and delivery times and dust, dirt and mud controls appropriate to the site and scale of development. Burning of material during such times is also controlled via condition. It is considered appropriate that the requested conditions be applied, should permission be granted.

7.6 **Flood Risk and Drainage**

7.6.1 The proposed development sits within Flood Zone 1 and accordingly no issues concerning flooding or drainage are considered to be caused by the proposed development.

7.6.2 Any subsequent hard and soft landscaping plan should seek to utilise permeable surface treatments wherever possible.

7.7 **Ecology**

7.7.1 The site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). The Applicant has paid the required fee for a singular dwelling within the catchment of the Upper Nene Valley Gravel Pits SPA and has provided the relevant form to link the payment to the mitigation works. The impact on the SPA is therefore considered to have received adequate mitigation.

7.8 **Waste Management**

7.8.1 There is adequate space for the storage of waste bins within the site. There is space for bins to be presented road-side on bin collection days. Whilst the bins would need to be wheeled from the dwelling to the driveway, the distance is not considered unacceptable. The comments of the Waste Manager indicate road-side collections would be required.

7.8.2 It is anticipated that as part of a subsequent reserved matters application it would include plans to provide space for the presentation of bins.

8. Other Matters

8.1 Neighbour comments:

- Concerns at potential foul waste pump causing noise/vibration.

Officer comment: Concern has been raised about potential noise from a foul waste pump system, if one is to be installed. This matter largely falls outside of what can be considered a material planning consideration. Additionally, the submission clarifies that the dwelling would be connected to the existing foul sewerage network and there is no indication any associated machinery will be required to be installed. If it is to be required, then depending on the extent and nature of such development, planning permission may be required where its details were to be considered. Such works may also be in part covered by Building Control legislation. It is considered an Informative be included to advise the Applicant in relation to this.

8.2 Equality: There are no matters of equality concern beyond that which are already addressed by the relevant planning policies.

8.3 Health Impact Assessment: Paragraph 92 of the NFFP states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable and support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds.

9. Conclusion / Planning Balance

9.1 The application site is located within the settlement of Rushden which is classified as a 'Growth Town' in the Joint Core Strategy (JCS). Policy R2 of the NP also sets the basis for housing distribution in Rushden and as the site is within the settlement limits, the principle of a dwelling is acceptable.

9.2 It is considered that a single dwelling can be accommodated in a manner that does not materially harm the character and appearance of the site and surroundings. The presence of dwellings off South Park helps ensure a dwelling would not be visually isolated. A dwelling of a suitable scale, siting and benefitting from boundary screening can be accommodated in a manner that is sympathetic to the pattern of the surrounding development. Additionally, no unacceptable impacts on neighbouring amenity would occur as a product of the proposed development. Consideration of the layout, scale and appearance of the proposed development would be subject to a subsequent reserved matters application. The Appeal Decision ref. 1176728 relating to the site from 2006, strengthens the conclusion that a dwelling can be accommodated on the site in a visually appropriate manner.

9.3 It is considered that the proposal accords with the relevant policies of the development plan when considered as a whole.

10. Recommendation

10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced.

Reason: The application is in outline only and the reserved matters referred to will require full consideration by the Local Planning Authority.

2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: This is a statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This is a statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan 1:1250 on drawing No. 21-126-01 rev. A, dated November 2021.

Reason: To assist in defining the terms of the planning permission.

5. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above shall include details and samples of the external roofing and facing materials to be used for the construction of the dwelling hereby approved. The development shall thereafter be implemented in accordance with the approved details and retained in the agreed matter in perpetuity.

Reason: To achieve a satisfactory appearance for the development.

6. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above shall include drawings showing the slab levels and finished floor levels of the dwelling hereby approved in relation to the existing and proposed ground levels of the site, the ground levels of the surrounding land and the slab and finished floor levels of the surrounding properties as well as identifying the proposed ridge height levels and the ridge heights of all neighbouring properties. The development shall thereafter be constructed in accordance with the details so approved in writing by the local planning authority.

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

7. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above shall include a Tree Constraints plan, a Tree Removal Plan, an Arboricultural Impact Assessment and an Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of securing appropriate landscaping and tree works.

8. The details to be submitted for approval in writing by the Local Planning Authority in accordance with condition 1 above, shall include a scheme of the proposed landscaping of the site. This shall include the location and species to be planted, in addition to any hard landscaping. The landscaping scheme shall be implemented strictly in accordance with the approved details in the first planting season following the occupation of the development. Any trees or plants which, within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure to ensure a reasonable standard of development and visual amenity for the area.

9. The details required to be submitted by condition No. 1 above shall include the provision of parking within the site. Each space shall measure a minimum of 3 metres by 5.5 metres. Sufficient space shall be provided on-site for the turning of vehicles to be able to enter and exit the site in a forward gear. It is recommended a minimum of two spaces shall be provided for a dwelling of two or three bedrooms, and three spaces for a dwelling with four or more bedrooms. This parking provision shall then be provided in accordance with the details so approved before each dwelling is occupied and shall be retained thereafter in perpetuity for the purposes of car parking.

Reason: To ensure adequate parking provision on the site.

10. Each dwelling shall be fitted with measures to encourage as far as is reasonably possible the expected water consumption to no more than 105 litres of water per person per day and external water use of no more than 5 litres per person per day.

Reason: In the interests of complying with Policy 9 of the North Northamptonshire Joint Core Strategy and ensuring water resource is limited to acceptable levels.

11. The details required to be submitted by condition No. 1 above, must demonstrate that the dwellings hereby permitted will comply with the Technical Housing Standards - Nationally Described Space Standard 2015 (or any document which supersedes this).

Reason: To ensure that the proposed development is in compliance with Policy 30 of the North Northamptonshire Joint Core Strategy 2016.

12. The details required to be submitted by condition No. 1 above, shall include details of the locations for the storage and presentation of waste bins for the dwelling.

Reason: In the interest of ensuring the dwelling has adequate space and provision for waste storage.

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

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

14. During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes, or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.

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

15. Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

Reason: In the interests of residential amenity, highway safety and visual amenity in accordance with policy 13 and 16 of the North Northamptonshire Core Spatial Strategy (2008)

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

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

17. Prior to commencement of use or first occupation, pedestrian visibility splays of at least 2m x 2m shall be provided on each side of the vehicular access. These measurements are taken from and to the highway boundary. Any features within or affecting the resultant triangular areas shall not exceed 0.9m above access / carriageway level. The pedestrian visibility splays shall thereafter be retained in perpetuity.

Reason: In the interests of highway safety.

12. Informatives

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