

**North Northamptonshire Area Planning Committee  
(Thrapston)  
19<sup>th</sup> July 2021**

<b>Application Reference</b>	<b>NE/21/00394/FUL</b>
<b>Case Officer</b>	<b>Sunny Bains</b>
<b>Location</b>	<b>91 Main Road, Collyweston, Stamford, Northamptonshire, PE9 3PQ</b>
<b>Development</b>	<b>Demolition of existing dwelling and construction of three two and a half storey dwellings and associated works (Revised proposals following approval of 15/00693/FUL).</b>
<b>Applicant</b>	<b>Marumia Limited - Mr J Stevenson</b>
<b>Agent</b>	<b>Mike Sibthorp Planning - Mr Mike Sibthorp</b>
<b>Ward</b>	<b>Oundle</b>
<b>Overall Expiry Date</b>	<b>19 May 2021</b>
<b>Agreed Extension of Time</b>	<b>30 July 2021</b>

**Scheme of Delegation**

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Officer's recommendation is contrary to the Parish Council's objection and more than 3 objections have been received.

**1. Recommendation**

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1.1. That planning permission be GRANTED subject to conditions.

**2. The Proposal**

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2.1 This application seeks full planning permission for the demolition of an existing bungalow and erection of 3no. three-storey (accommodation within the roof space) 5-bedroom dwellinghouses. One of the houses (hereafter 'Plot 1') would be detached whilst the other two houses (hereafter 'Plots 2 and 3') would be semi-detached.

- 2.2 The dwelling on Plot 1 would measure 8.1 metres wide and have a length of 10.1 metres and a height of 9.3 metres to the ridge. The building containing the dwellings on Plots 2 and 3 would measure 13.2 metres wide and have a length of 10.5 metres with a height of 9.6 metres to the ridge.
- 2.3 The existing access off Main Road (A43) would be utilised as the shared access for the proposed dwellings which would lead to a parking court. The existing access would be widened to 5.5 metres and an electric sliding gate would be installed.

### **3. Site Description**

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- 3.1 The application site is situated within the settlement of Collyweston and fronts onto Main Road (A43) to the northwest of the site. A residential dwelling (No.89b) lies to the northeast of the site and to the southwest of the site lies vacant land that a previous approval for 2 dwelling (09/01394/OUT). A block of garages lay to the southeast of the site which are associated with the dwellings along Westonville.
- 3.2 The application site lies within flood zone 1 (low risk) and within close proximity (14.9 metres) to Collyweston Conservation Area which is located on the opposite side of Main Road from the site.

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

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- 4.1 Planning history list below:

85/00125/OUT – One bungalow – Approved – 25.02.85

88/00125/OUT – Bungalow – Approved – 23.03.88

91/00011/OUT - Dwelling house and new vehicular access – Approved – 04.03.91

92/00190/FUL - Change of use - land to car parking for commercial garage – Approved – 20.05.92

03/00487/FUL - Construction of new vehicular access and erection of detached double garage – 14.07.03

08/01456/FUL - Demolition of existing dwelling and construction of 3 replacement dwelling and associated works – Approved – 28.01.09

11/01208/RWL - Replacement of extant planning permission EN/08/01456/FUL - Demolition of existing dwelling and construction of 3 replacement dwelling and associated works – Approved – 21.08.08. This permission has been implemented and is saved.

14/01433/CND - Application number 11/01208/RWL Replacement of extant planning permission EN/08/01456/FUL - Demolition of existing dwelling and construction of 3 replacement dwelling and associated works dated 21.08.08  
Discharge of conditions

Condition 2 - sustainable waste management

Condition 3 - sample of proposed facing and roofing materials

Condition 4 - landscaping scheme

Condition 5 - Vehicular access

Condition 7 - Proposed surfacing materials

Condition 8 - Provision of foul water and surface water drainage installations – Part Grant Part Refuse – 22.09.14

15/00963/FUL - Demolition of existing dwelling and construction of three two and a half storey dwellings and associated works (Revised scheme following approvals 08/01456/FUL and 11/01208/RWL) – Approved – 08.09.15

## **5. Consultation Responses**

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

### **5.1 Collyweston Parish Council**

The Parish Council has studied the revised planning application and strongly objects to the proposal as follows:

- The Council confirms, as per its previous objections for this site, which the proposed properties are far too large in size and scale for the plot. The height of the dwellings should be no more than 8.5m at the most to fit in with other established houses in the vicinity and the Conservation Area opposite. There is no 'street scene' available in the application documents to show the proposed buildings' height in relation to the neighbouring houses. The plot is on a significant slope which will only accentuate this disparity; any new dwellings should certainly be no taller than their neighbours.
- There is a serious issue with lack of available parking for several reasons. Three x 5-bedroomed houses would need a minimum of 3 parking spaces each, plus a large manoeuvring area to enable all vehicles to enter and leave in forward gear in compliance with highway regulations. The proposed 2 parking spaces per dwelling are totally inadequate for such large houses, where teenagers often have their own vehicles as soon as they can drive and there is no available space for visitors or delivery vehicles. This plot opens directly on to the A43 which is a very busy strategic route and designated as a Red Route. There are frequent issues with speeding traffic on the A43. The entrance to the site is also near the crown of a blind bend.
- Collyweston does not have a regular bus service that fits in with the working day or nearby colleges, only the Call Connect service at present and there is no guarantee that this will continue as it is reliant on public funds for operating. Own transport is essential for most working families.

- There is no indication of off-road parking for contractors in the application, as they are always present during the build i.e. numerous contractors' vehicles, storage of materials, scaffolding etc. which inevitably spill over onto the verges thereby creating an extremely dangerous health and safety issue with the highway traffic and pedestrians in this vulnerable area of the village.
- The Council also felt that this increasing densely populated part of the village cannot sustain three more very large houses on extremely small plots with very minimal outside space. This is overdevelopment, they felt that this plot would accommodate one, or at most, two modest-sized dwellings.
- Although not a planning consideration, according to government guidance there should be consideration for proper garden space, not just patios, as it is in the interest of peoples' wellbeing for a rural area.
- Collyweston is classed as a Category A small rural village in the Local Plan and its integrity must be maintained at all times when development is proposed.

## 5.2 Neighbours / Responses to Publicity

Four letters have been received. The issues raised are summarised below:

- The land behind these properties is subject to flooding. Anglian Water are unaware of a perpetuating issue over the past 5 years or more given the increasing regularity of heavy rain. When the existing property is demolished and foundations dug, it will be evident that water table is much higher than expected. The proposed properties would be over 300 metric tonnes versus a current weight of 90kg per square foot of the current one storey property. With leylandii hedges being so tall as they are, the roots will have spread significantly and the construction of the new property so close to the back of the site will likely interfere with them. They do need trimming as suggested, but along with root disturbance they will die and when they do the excess water will not be captured by the conifers, it will be free to saturate the rear of the proposed properties and at worse may cause land slippage. Soakaways for such size buildings may increase the risk further. Two two-storey buildings may offer less risk.
- Further to the leylandii, we have wildlife, such as bats and nightingales that have been known to frequent these over mature trees. Was a wildlife survey produced prior to planning?
- In these days of climate change awareness, the proposed properties have no scope for future improvements, such as solar panel fixtures, due to restricted roof coverage.
- The height of these properties does interfere with privacy of properties behind, especially if item one comes to fruition.

- Rear garden space is restricted in size, light and ground quality. Top soil alone will not solve this issue. The garage space at the rear of Westonville may in future years change, if it does or if flooding problems should not be adequately dealt with long term, the outlook may not be as palatable for owner/occupiers as the developer hopes. 'L' shaped gardens and therefore more rear outside space maybe more desirable. Having fewer bedrooms, will also reduce the number parking spaces required, thus allowing a more centralised siting.
- With the number of properties increasing on busy A43, this may necessitate traffic calming, an expense which may have to be taken into account to avoid any near misses. Often lorries sound their horns coming through this area, because vehicles are only at this point in the road (directly at this site) thinking of slowing down. There is a new build opposite, which adds to the issue.

### 5.3 Natural England

Natural England has no comments to make on this application.

### 5.4 Environmental Protection Officer

No objections to the proposed development on environmental grounds subject to conditions relating to hours of work, dust mitigation, prevention of mud on the road and no burning waste onsite.

### 5.5 Local Highway Authority (LHA)

Highways had no objection to the three previous applications to erect three dwellings on the land and they have no objection to this application but raise concerns.

### 5.6 Principal Ecology Officer

No representation received.

### 5.7 Senior Tree and Landscape Officer

No representation received.

### 5.8 Waste Management

No representation received.

### 5.9 Planning Policy Team

No representation received.

### 5.10 Principal Conservation Officer

No representation received.

## **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) (2019)  
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 and Flood Risk Management  
Policy 8 – North Northamptonshire Place Shaping Principles  
Policy 9 – Sustainable Buildings and Allowable Solutions  
Policy 11 – The Network of Urban and Rural Areas  
Policy 28 – Housing Requirements  
Policy 29 – Distribution of New homes  
Policy 30 – Housing Mix and Tenure

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

Policy 2 – Windfall Development in Settlement  
Inset Maps Showing Settlement Boundaries

### **6.5 Emerging East Northamptonshire Part 2 Local Plan (LPP2) – Submission Draft March (2021)**

Policy EN1 – Spatial Development Strategy  
Policy 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)

## **7. Evaluation**

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The key issues for consideration are:

- Principle of Development
- Character and Appearance
- Housing Mix
- Highway Safety and Parking
- Residential Amenity
- Environmental Matters
- Flood Risk and Drainage
- Ecology

- Refuse

## 7.1 Principle of Development

7.1.1 The application site is situated within the settlement of Collyweston, where 'small scale' infill residential development, such as the proposed development, is supported by Policy 11 and 29 of the JCS.

7.1.2 In addition, the site has an extant planning permission (11/01208/RWL) for three residential dwellings which can be built out at any time.

7.1.3 The principle of development is therefore considered to be acceptable.

## 7.2 Character and Appearance

7.2.1 The proposed development is for three large dwellings. The 2011 permission forms the basis to whether the design of the proposed development is acceptable, as the 2011 permission can be implemented at any time and thus forms the 'fallback' position of significant weight. It is therefore important to distinguish the design changes between the two schemes (2011 consented scheme and this proposed scheme) and ascertain whether the changes would significantly impact the character of the local area to the contrary of local policies. Furthermore, the Council granted planning permission in 2015 for a development of three dwellings with the same design as the proposed scheme, except the siting of the dwellings has been marginally adjusted to create additional parking space to the front of the properties. A comparison of the proposed development with both the 2011 and 2015 approved developments is given as follows:

7.2.2 Comparison with 2011 scheme:

- The height of Plot 1 dwelling has increased by circa 170 millimetres.
- The height of Plot 2 and 3 dwelling has increased by circa 500 millimetres.
- Floorspace of Plot 1 has increased by 14.5 square metres.
- Floorspace of Plot 2 and 3 has increased by 12.3 square metres each.
- The housing mix has changed from 3-bedrooms to 5-bedrooms.
- The integral single garages have been omitted and replaced by full height glazing.
- Forecourt parking has been introduced.
- The access has been slightly relocated southwards of the site.
- The rear projecting gables have been modified to extend across the width of each property.
- The dwellings have been sited further into the site by 500 millimetres.
- The rear gardens have been reduced by 500 millimetres.

7.2.3 Comparison with 2015 scheme:

7.2.4 The proposed scheme has the same design as the 2015 permission, except the siting of the dwellings has been marginally adjusted to create additional parking space to the front of the properties which has also resulted in the marginal reduction of the rear garden sizes and the proposed access point onto Main Road has also been adjusted.

- 7.2.5 Whilst the 2015 permission is not extant, the decision by the Council to grant it planning permission has weight, as a material consideration, in determining the current planning application. The weight to give to the Council's grant of the 2015 planning permission is dependant upon the policy changes since its approval and the design change between this proposed development and that of the 2015 permission. Effectively whether any policy changes since 2015 would justify refusal of what is a substantially similar development to that approved in 2015.
- 7.2.6 It should be noted that the Planning Practice Guidance (Paragraph: 049 Reference ID: 16-049-20140306) warns that Local Planning Authorities are at risk of an award of costs if they behave unreasonably, for example by not determining similar cases in a consistent manner and by failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- 7.2.7 Policy changes: In broad terms, the aims and requirements of Policy have not changed to the extent that refusal of planning permission would be justified. Therefore, the general design and number of houses, which was accepted under the 2015 permission, remain acceptable.
- 7.2.8 In terms of new Policy requirements since the 2015 permission, Criterion e (vi) of Policy 8 of the JCS requires flexible and resilient designs for buildings and their settings, including access to amenity space. In addition, criterion e of Policy EN13 of the Council's emerging Part 2 Local Plan seeks to ensure properties have adequate outside amenity space. The size of the proposed rear gardens are marginally smaller than the 2015 permission which the Council at the time of the permission considered to be acceptable. The size of the proposed rear gardens (including the reduction) is not considered to be significant enough to sustain a reason for refusal.
- 7.2.9 In addition, in terms of layout, criterion b of Policy 30 of the JCS requires new dwellings to meet the National Space Standards. In response to this, the Applicant's Agent has supplied supporting information to show that the proposed dwellings would comply with these Standards. Regarding the parking layout, this is discussed in the 'Highway Safety and Parking' section of this report. However, in short, it is considered that the addition of three car parking spaces would not significantly alter the parking arrangement approved under the 2015 permission and thus a reason for refusal would not be substantiated. The parking arrangement is relatively tight but is shown to be workable.
- 7.2.10 Design policy has not changed since 2015 to the extent that the proposal, when judged against the current policies, could reasonably be considered to cause significant harm to the character and appearance of the area. It is considered that the proposed dwellings would not form a prominent development within the street scene, however, due to its large scale and mass it would nonetheless be noticeable, and design detailing (dormers, chimneys, projecting gables and porches) and materials (limestone and Collyweston type roof coverings), would be broadly in keeping with the appearances of existing buildings within the locality. The development would infill a gap in the otherwise built up frontage to the highway, replacing the existing bungalow.



7.2.11 It is noted one objector refers to there being poor soil quality for the rear garden. This is not a material planning consideration and would be a matter for the new homeowners to address if they wish.

7.2.12 Overall, whilst it is considered that the proposed development would cumulatively cause some negative impacts compared to the extant 2011 permission, the 2015 permission is a material consideration which the proposed design does not significantly differ from and the Policy requirements are relatively similar. Therefore, the 2015 permission carries significant weight and refusal on design grounds could not be substantiated. It should be noted that the Planning Practice Guidance (Paragraph: 049 Reference ID: 16-049-20140306) warns Council's that costs can be awarded on Appeal if it does not determine similar cases in a consistent manner and it fails to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances

### **7.3 Housing Mix**

7.3.1 Another consideration since the last decision is part of criterion (a) of Policy 30 of the JCS which emphasises the need for properties with between 1 and 3 bedrooms. The proposal has 5 bedrooms in each dwelling. Whilst this is a conflict with Policy 30, the 2015 permission proposed the same number of bedrooms and houses which was accepted at the time as a conflict with the then housing mix policy. Also, as mentioned above, the housing mix policy requirement in 2015 was very similar to the current aforementioned policy. Accordingly, it is not considered it would be justified to depart from the previous decision by the Council to approve three 5 bedroomed dwellings and refuse permission based on the number of bedrooms in the houses proposed.

### **7.4 Highway Safety and Parking**

7.4.1 From a highway point of view, during the course of the processing of the application, the Local Highway Authority has asked for compliance with various standards for visibility and access width. Amended drawings have been submitted in response.

7.4.2 On receipt of these, the Local Highway Authority confirm that the proposal is acceptable from a pedestrian visibility and access width point of view. These works can be secured via condition.

7.4.3 They also make the point that they are concerned about the intensification of use of the access that would result in having three dwellings on the site as opposed to the existing one. They have asked for a dedicated right turn lane in order to mitigate the likely obstruction to traffic taking place on a principal road whilst a vehicle sits stationary on the carriageway waiting to turn into the site against oncoming traffic. In response, this is not considered justified as the 2011 permission already established that there can be three dwellings on site and works of this nature were not requested by the Local Highway Authority in connection with either the 2011 or 2015 permission. In addition, various other permissions have been found nearby where they did not request a turning lane.

- 7.4.4 In the light of these comments and the previous permissions for 3 dwellings on the site and others nearby, which they did not request a right turn lane for, it is not considered that the Council could justify asking for such a feature on the A43 in connection with this proposal.
- 7.4.5 However, it is noted that the latest drawings show a remotely activated sliding gate to be installed at the access to the site where the previously approved ones did not. Highways have no objection to the sliding gates as long as they are remotely activated, which would enable them to open before reaching the access and therefore not causing the need for vehicles to wait on the highway. A condition can be imposed to ensure that the gates remain remotely activated in perpetuity.
- 7.4.6 Finally, on the topic of highways, it is noted that one objector refers to the possibility of traffic calming being required in the areas due to there being a large number of new houses being constructed in the vicinity fronting onto the A43. In response, this will be a matter for the Local Highway Authority to consider in general terms and is not justified by this application.
- 7.4.7 In relation to parking provision, Northamptonshire's parking standards specify three off road parking spaces per dwelling for houses with 5 bedrooms. During the course of the processing of the application, the amount of parking provision has been increased from two spaces per dwelling to three, giving a total of nine spaces on site. It is therefore acceptable in relation to the parking standards. There is at least 8.85m between back to back spaces which is considered to be more than adequate for vehicles to manoeuvre on site as a minimum of 6m is usually required. Two of the plots (2 and 3) have tandem parking for two of the spaces and so, if both are used, the rear vehicle would have to be moved to allow the front one out. Also, the other space for plot 2 would have access to it partially blocked if there are cars in that property's tandem spaces. One or more of the parking spaces could also become unusable due to cars not being positioned correctly within the parking bays which could result in the displacement of cars within the site and on the road. This is considered to result in having a negative impact on the character of the area and the residential amenity of the future occupants. However, given that the parking arrangement does not significantly differ from the 2015 permission and that vehicles can manoeuvre on the site and leave it in a forward gear as well as that a condition can be imposed for the parking to be demarcated and allocated to specific properties together with a level of responsibility would be for the owners of these two properties to responsibly manage their parking position. It is not considered that a reason for refusal could be substantiated on parking and highway grounds.
- 7.4.8 Also, on the topic of parking provision, it is noted that one objector expresses concerns about where contractors' traffic will park during construction works. In response to this, it will be the responsibility of any vehicles that cannot fit onto the area to be allocated for parking when the dwellings are complete to park safely nearby.
- 7.4.9 Overall, in view of the above points, it is considered on balance that the proposed development would not sustain a reason for refusal on highway and parking grounds.

## **7.5 Residential Amenity**

- 7.5.1 In terms of impact on light received at adjacent existing and proposed properties to either side, it is not considered that moving the houses back by 500 millimetres when compared with the previously approved schemes would have a significant increase in loss of light to these. The repositioning of the proposed dwellings would not create an unacceptably overbearing relationship with neighbouring properties.
- 7.5.2 It is noted that there are concerns from neighbours about an increase in overlooking to either side as a result of this latest scheme. In response to this, the configuration of windows in the side elevations of the new properties is to be the same as the 2015 permission, that the Council found satisfactory.
- 7.5.3 Any views at ground floor level will be obstructed by the boundary fencing and it is noted that the drawings show any damage to this will be repaired during the course of the development. This can be secured by the imposition of a planning condition requiring the boundary treatments to be constructed as shown on the drawings and subsequently retained.
- 7.5.4 At first and second floor level, any side facing windows serve bathrooms or landings and so any overlooking from these should not be a serious issue. However, as a safeguard on this point, it is considered appropriate to include a planning condition requiring them to be obscurely glazed and non-opening below 1.7m above floor level.
- 7.5.5 There would be overlooking from the rear windows of the new dwellings into the gardens of those existing and proposed to either side and also across the road in front of the properties and vice versa. The rear views will be at an angle and the amount of overlooking is considered not significantly different to other domestic situations in the vicinity and is not considered to be a reason to refuse planning permission. Any front views would have the presence of the A43 to mean they would not be significant.
- 7.5.6 To the rear, there is a block of garages separating the development from the closest dwellings. The presence of this is considered to mean the movement of the houses 0.5m in this direction is not considered to amount to a significant increase in overlooking towards dwellings to the rear.
- 7.5.7 Finally, on the topic of amenity and problems for the surroundings, there is a reference in one of the objections to the possibility of other development taking place on the garage block site and the implications of this. In response, this would be a matter for future consideration should any planning application be submitted for this in due course.

## **7.6 Environmental Matters**

- 7.6.1 The Council's Environmental Protection Team has been consulted on the application and has raised no objection.

7.6.2 They suggest a set of planning conditions to help prevent problems for the surroundings whilst construction work is taking place. These are considered acceptable subject to a slight amendment to one on the topic of noise as it mentions no sounds being audible outside the site boundary outside some given hours. This is not considered enforceable and, instead, the condition should purely limit the hours of working.

## **7.7 Flood Risk and Drainage**

7.7.1 The site is located within flood zone 1 which is a low risk area of flooding. It is noted that there are concerns about the proposal on drainage grounds. The application form states that the foul connection would be to the existing main sewer and the surface water would be treated by soakaways. Under Building Regulations Building Control would need to be satisfied that this form of connection is suitably made or that a foul and surface water drainage scheme could satisfactorily be implemented. It is therefore considered that the proposed development could suitably connect to foul and surface water drainage without causing severe permanent harm in terms of flooding within the local area.

## **7.8 Ecology**

7.8.1 On the subject of ecology, there is a planning Policy requirement via Natural England and Policy 4 of the North Northamptonshire Joint Core Strategy for all new residential development within 3km of the River Nene Special Protection Area to make a financial contribution to mitigate against impact on that area. This site is outside the 3km zone and therefore this point has therefore been addressed.

7.8.2 Also, on this topic it is noted there are concerns about possible disturbance to bats and birds roosting in the vicinity as a result of the development. In response, bats and nesting birds are protected by other Legislation outside the Planning Acts in the form of the Wildlife and Countryside Act which the developer will have to abide by. In the light of this, no specific planning condition is justified on the topic of ecology.

7.8.3 Finally, the applicant's agent accepts some landscaping is needed for the site including along the frontage. This can be secured via planning condition.

## **7.9 Refuse and Recyclables**

7.9.1 The site is considered to have sufficient space for the storage of bins for refuse and recyclables and also for them to be placed adjacent to the highway on collection day. A planning condition can be imposed to secure the design and use of a bin storage area for the development bearing in mind it has most of the space at the front taken up by parking and manoeuvring space and we would not want this compromised.

## **8. Other Matters**

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8.3 Archaeology: There are considered to be no archaeological implications associated with the development as it is on previously developed land

- 8.4 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.5 Sustainable Construction: The alterations would accord with the principles set out in the North Northamptonshire Joint Core Strategy on sustainability. Related to this, it is noted that one representation refers to the need for the development to respond to climate change and considers the roof is not suitable for solar panels. In response, it is noted that the drawings do show ground source heat pump provision to serve the development.
- 8.6 Crime / Fire and Rescue: The proposal does not give rise to any crime or fire safety concerns.
- 8.7 Health Impact Assessment: Many of the considerations for planning applications, such as ensuring no adverse impact on light and minimum bedrooms sizes, have the aim of ensuring decisions do not have an adverse impact people's quality of life and therefore their health.
- 8.8 EIA: The proposal is not large enough to be subject to Environmental Impact Assessment.
- 8.9 Comments: It is noted that one objector is concerned about the development affecting nearby foundations and sewers. In response, there is other legislation outside the Planning Acts (the Party Wall Act for example) to act as a safeguard on this topic and as such these do not form material planning considerations.
- 8.10 It is noted that the Parish Council considers the houses too large for the plot and there are suggestions that a smaller scheme should be proposed instead. In response to this, the planning application has to be determined on the basis of the submitted drawings.

## **9. Conclusion / Planning Balance**

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- 9.3 The site is located within the settlement boundary of Collyweston village and has an extant planning permission (11/01208/RWL) for three residential dwelling which establishes the principle of development onsite and is considered acceptable.
- 9.4 The 2011 permission forms a 'fallback' position which can be implemented by the Applicant at any time.
- 9.5 The design of the houses has been accepted in relation to a previous planning permission granted in 2015 (15/00963/FUL). The 2015 permission, whilst not extant, carries significant weight given that the design and housing policy requirements have not changed to the extent that the general design and number of houses, and bedroom numbers which was accepted under the 2015 permission. Thus, it is considered that a reason for refusal on design grounds and housing mix grounds could not be substantiated at Appeal and would be unreasonable. The conflict with the housing mix policy is the same now as it was in 2015.

- 9.6 It should be noted that the Planning Practice Guidance (Paragraph: 049 Reference ID: 16-049-20140306) warns that Local planning authorities are at risk of an award of costs if they behave unreasonably, for example by not determining similar cases in a consistent manner and by failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances
- 9.7 During the course of the processing of the application, the access detail and amount of parking provision has been increased. The access is now accepted by the Highway Authority and the parking provision complies with the Countywide standards. The Highway Authority has asked for a dedicated right turn lane to serve the development but has accepted that it would be hard to defend this request on appeal. It is therefore not considered justified. Also, whilst the parking arrangement is considered to be contrived, it is not too dissimilar to the 2015 permission and Highways have not raised concerns to it under this application or the previous approved applications. Therefore, it is considered that a reason for refusal would not be substantiated.
- 9.8 Matters pertaining neighbouring amenity, environmental matters, ecology, flood risk and drainage and refuse are considered to be acceptable.
- 9.9 On balance, the proposed scheme is substantially the same as the relatively recently expired 2015 permission and there has been no material changes in circumstances or policy that would justify refusal. It is considered that the proposed development broadly complies with local and national policies and that a reason for refusal on design and highways grounds would not be justifiable. Subsequently, it is recommended that planning permission should be granted.

## **10. Recommendation**

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- 10.3 That Planning Permission is Granted subject to the conditions in the below section.

## **11. Conditions**

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

Reason: Statutory requirement under provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out using external materials as per the proposed site plan JPS 449 - A103 Revision J.

Reason: To achieve a satisfactory elevational appearance for the development in accordance with Policy 8 (d) of the North Northamptonshire Joint Core Strategy 2016.

3. The landscaping details denoted on the proposed site plan (JPS449-A103 Rev H) shall be implemented in the first available planting season following completion or the first occupation of the development hereby permitted (whichever is the sooner). Any trees that die or become diseased within a 5-year period of implementation shall be replaced on a like-for-like basis.

Reason: To ensure a reasonable standard of development and in the interests of visual amenity in accordance with Policy 8 (d) of the North Northamptonshire Joint Core Strategy 2016.

4. Prior to the first occupation of any of the dwellings the following shall be provided and thereafter shall be permanently retained as such:
  - i) A minimum access width of 4.5m, paved in a bound, hard surfaced material for the first 10m from the highway boundary;
  - ii) Vehicular visibility splays measuring 2.0m x 43.0m, (measured back from the carriageway channel towards the site and along the carriageway, measured from the centre line of the access);
  - iii) Pedestrian visibility splays measuring 2.0m x 2.0m, measured back from the site boundary into the site and along the site boundary from either side of the access. No obstruction or growth exceeding 0.6m shall be permitted within those splays;
  - iv) A maximum access gradient of 1 in 15, with a positive means of drainage to ensure no surface water is directed towards the public highway; and
  - iv) The parking spaces and vehicle turning area for the development as shown on drawing JPS 449-A103J and demarcated and allocated for the specific dwelling;
  - v) The electric sliding gate shown on JPS 449-A103J shall be remotely operated.

Reason: In the interests of highway safety in accordance with Policy 8 (b) of the North Northamptonshire Joint Core Strategy 2016.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), there shall be no development within Classes A, B, C, E of Part 1 of Schedule 2 to that Order without the prior written approval of the local planning authority.

Reason: To prevent overdevelopment of the site in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

6. Prior to the commencement of development, details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the existing and adjoining sites shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and retained in accordance with the approved details.

Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

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

Reason: To ensure the protection of the local amenity throughout construction works in accordance with Policy 8 (d) of the North Northamptonshire Joint Core Strategy 2016.

8. During the demolition phase 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 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 in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

9. 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 8 of the North Northamptonshire Joint Core Strategy 2016.

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

Reason: To minimise the threat of pollution and disturbance to local amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

11. Prior to the occupation of the dwellings, any side facing first and second floor windows shall be obscurely glazed to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and non-opening below 1.7m above floor level and be retained as such in perpetuity.

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

12. Prior to the occupation of the dwellings the boundary treatments as shown on drawing JPS 449-A103J shall be installed and subsequently retained and maintained in perpetuity.



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

13. Prior to the first occupation of the dwellings, the bin storage shown on the site plan (JPS 449 – A103 J) shall be provided. Thereafter, these shall be utilised in perpetuity as the sole storage location for these items except when the bins are not placed by the highway on collection day.

Reason: In the interests of amenity and to ensure the land at the front of the properties does not become congested with refuse and recyclable bins Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

14. The development hereby permitted shall be carried out strictly in accordance with the following drawings:

- JPS 449 - A100 Revision B – Location Plan.
- JPS 449 - A100D Revision B – Demolition Plan.
- JPS 449 - A101 Revision A – Existing Dwelling.
- JPS 449 - A103 Revision J - Site Plan, Visual, Highways Plan and Materials.
- JPS 449 – A106 Revision E Plots 2 and 3 Proposals.
- JSP 449 – A107 Revision D Plot 1 Proposals.

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

## 12. **Informatives**

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1. Further to Condition 4 above, a licence under Section 184 of the Highways Act will be required to install the vehicular crossover and site access.
2. Condition 5 has been imposed because the submitted drawings show a gate is proposed at the point that the site access meets the public highway. It is considered that the presence of such a feature would increase the amount of waiting time on the public highway for vehicles entering the site and this would have highway safety implications. Therefore, it is considered appropriate to include a planning condition preventing any type of gate being installed at the site entrance.
3. The details pursuant to Condition 7 are required prior to the commencement of development because they are critical to the material considerations of the scheme. The development would not be acceptable without these details being first approved. As required by the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the applicant's agent has agreed to this Condition.