

**North Northamptonshire Area Planning Committee
(Thrapston)
19th July 2021**

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| Application Reference | NE/21/00625/FUL |
| Case Officer | Joe Davies |
| Location | Dovedale, Herne Park, East Road, Oundle, PE8 4BZ |
| Development | The demolition of an existing bungalow and the erection of 1 replacement dwelling and 1 New build dwelling. |
| Applicant | Russon Campbell Developments - Mr Tim Grice |
| Agent | RTK Stamford - Mr Ross Thain |
| Ward | Oundle |
| Overall Expiry Date | 17 June 2021 |
| Agreed Extension of Time | N/A |

List of Appendices

None

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there has been an objection from Oundle Town Council.

1. Recommendation

- 1.1 That Planning permission is GRANTED subject to conditions.

2. The Proposal

- 2.1 The proposal involves the demolition of an existing bungalow at the site and the erection of two, two storey, detached dwellings. Both dwellings would have 3 bedrooms and a study. They would both have a height to the eaves of 4.98 metres and a height to the ridge of 8.73 metres. Both dwellings would also have a width of 9.65 metres and a length of 8.85 metres. They would be finished in brickwork with smooth coloured render with natural slate roof tiles.

3. Site Description

- 3.1 The application site comprises an existing bungalow on a corner plot. The bungalow appears to have been used as a day centre for social groups and most recently as the site office for the adjacent development at 60A East Road under the reference 19/00643/FUL, although this use has now ceased and the building is vacant. To the north of the site is a track with the dwellings at 1 and 2 Athena Way on the opposite side of this track, which form part of a recent development for 4 dwellings. To the west of the site is the public highway with a park on the opposite side of this. To the east of the site is the Joan Strong Centre and to the south is public highway.
- 3.2 The site lies just outside of the Conservation Area, which is on the opposite side of the road. There is also a tree at the site that is protected by a Tree Preservation Order.

4. Relevant Planning History

- 4.1 20/01246/FUL - The demolition of an existing bungalow and the erection of 3 new terraced dwelling houses – WITHDRAWN (24.03.2021)

5. Consultation Responses

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

6.1 Oundle Town Council

The council notes that the applicant has reduced the number of dwellings on the site from three to two thereby improving the on-site parking position and the amount of amenity land available. The Applicant's Design and Access Statement, however, continues to be misleading failing to acknowledge that the Council's Joan Strong Centre adjoins the development site and is (covid permitting) in regular use by Scouts and Guides, Cubs and Brownies and failing to acknowledge that the long stay car park operated by the council is accessed off the same road that serves this development site and the JSC. The council is aware that permission was granted for 5 dwellings off East Road just beyond the proposed site but is concerned that permitting 2 additional dwellings on this site will add to the existing traffic and safety issues in this area resulting from;

1. the existing residential properties in this stretch of East Road including the 5 new dwellings
2. the traffic generated by the existing commercial premises on this stretch of East Road or accessed from it
3. the Laxton Junior School
4. the Joan Strong Centre
5. the long stay car park
6. the existing residential properties on Ashton Road and accessed from it
7. the additional traffic that will use Ashton Road following the grant of outline planning permission for residential development on land of St Christopher's Drive.

The council is also aware of the implications for traffic using East Road of the current temporary one way system operating in St Osyth's Lane and the possibility of that one way system being made permanent.

Against this background the council objects to the application although it accepts that the replacement of the existing building on site with a single new dwelling could not be said to exacerbate the traffic situation given that the existing property formerly had a residential use and was more recently operated by MIND.

5.2 Neighbours / Responses to Publicity

One letter of objection was received in response to the application. This raised the following issues:

- Concerns regarding the impact on the privacy of first floor external balcony and balcony room with its large glass sliding doors.
- The balcony room includes a private external sitting area (approx. 6m²), which is 2.5m above ground level on the west end of my property looking directly 1 o'clock and south towards the proposed development.
- Due to the elevated position of the balcony room which is a feature of my recently built house, this secluded space would be in the direct line of sight of an adult standing in the gardens of the proposed development as well of course be directly seen from the north first floor windows.
- A neighbour stated that they would not object to the development if the fence height on the north boundary of the property be extended to be at least 2.75m high and a group of trees (such as Silver Birch) which are at least 5m high were planted in the north east corner of the site to break up the intrusion of the proposed 2 storey properties on their privacy.

5.3 Environmental Protection Team

No objection, subject to the imposition of conditions relating to contamination investigation.

5.4 Senior Tree and Landscape Officer

In respect of this application, I have no objection to the removal of the sycamore tree seemingly protected by tree preservation order Tree Preservation Order 120 (Ashton Rd, Oundle) 1991, as it is a very poor quality tree unsuitable for long term retention. There are no other trees on site.

The arboricultural report mentions significant soft landscaping and the site layout drawing includes two groups of silver birch trees and pleached hornbeams along two boundaries.

A landscaping condition would secure these planting details, please use the suggested conditions below, especially in mind of the issues on the adjacent site.

Suggested condition:

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate and tree planting pit details, including soil volumes in cubic metres, suspended surfaces if under hard surfaces and methods of staking, cross sections and dimensions.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

5.5 Local Highway Authority (LHA)

In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and recommendations:

- The applicant will be required to demonstrate the necessary vehicular visibility splays of 2 metres x 43 metres (for a 30mph road) on both sides of the access. These splays must not contain any other third party owned land and shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.
- Please note the required number of parking spaces per number of bedrooms (in accordance with the NCC Parking Standard Documents dated September 2016);
 - Parking for a 1 Bed = 1 Space,
 - Parking for a 2 Bed = 2 Spaces,
 - Parking for a 3 Bed = 2 Spaces,
 - Parking for a 4+ Bed = 3 spaces,
 - Visitor Parking provision is at 0.25 spaces/dwelling,
 - Residential Spaces must be a minimum of 3 metres x 5.5 metres in size,
- A means of drainage across the back of the highway boundary, across the proposed site access draining to soakaways contained within the applicant's own land is required.
- Please note that the applicant will be required to obtain a Section 184 licence, from Northamptonshire Highways Regulations in order to install the site access and the vehicle crossover of public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place.

5.6 Principal Conservation Officer

I can confirm that I have no comments to make in relation to the setting of the Oundle Conservation Area. Notwithstanding this, in my view the design of the proposed development would be improved if the buildings were repositioned to front of East Road, as per the established character of the street.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

6.2 National Policy and Guidance

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 2 – Historic Environment
Policy 3 – Landscape Character
Policy 7 – Community Services and Facilities
Policy 8 – North Northamptonshire Place Shaping Principles
Policy 9 – Sustainable Buildings and Allowable Solutions
Policy 11 – The Network of Urban and Rural Areas
Policy 28 – Housing Requirements
Policy 29 – Distribution of New Homes
Policy 30 – Housing Mix and Tenure
- 6.4 Emerging East Northamptonshire Part 2 Local Plan - Submission Draft March 2021
Policy EN1 – Spatial Development Strategy
Policy EN13 – Design of Buildings/Extensions
- 6.5 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

7. Evaluation

The key issues for consideration are:

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

7.1 Principle of Development

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

- 7.1.2 Policy 1 of the JCS seeks to secure sustainable development and Policy 29 of the same document identifies where housing will be supported across North Northamptonshire. It states that the reuse of previously developed land and buildings in the growth towns and market towns is encouraged. Table 5 of this policy identifies Oundle as a market town. Policy 7 of the Joint Core Strategy aims to safeguard community facilities unless it can be demonstrated that they are no longer viable, not needed by the community that they serve and are not needed for any other community use.
- 7.1.3 Whilst the building has been used as a day centre for social groups, and this is believed to have been granted planning permission in 1994, it has historically been used as a dwelling and its most recent use has been as the site office for the adjacent development at 60A East Road under the reference 19/00643/FUL. As the site has most recently been used as a site office for the adjacent development, this indicates that it is no longer needed for community use and is surplus to requirements, as no complaints were received regarding this change of use and there are plenty of other community facilities in Oundle. Although it is acknowledged that there was no planning permission for this use and as such the lawful use is likely to be that of a day centre. It is evidence however, that this use is no longer required.
- 7.1.4 The principle of the proposed development is therefore considered to be acceptable subject to other material planning considerations and would be in compliance with planning policy, due to it being located on a previously developed infill site in a highly sustainable location.

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

- 7.2.1 In terms of design, the previous application at the site for a terrace of 3 dwellings, all of which were 3 storeys, was withdrawn as there were concerns that this would have resulted in a cramped and overdeveloped appearance. The third floor of the dwellings has subsequently been removed and the number of dwellings has been reduced from 3 to 2. This proposal for 2 detached properties has significantly improved the visual impact of the proposed development and the site no longer has a cramped over-developed appearance and is of a density more in keeping with its surroundings.
- 7.2.2 Although there is a Conservation Area on the opposite side of East Road, the proposed development is considered to have a minimal impact on this and is not considered to result in harm, especially as the existing bungalow has little aesthetic merit and detracts from the appearance of the street scene and wider Conservation Area. The proposed dwellings are also considered to be in keeping with the recently constructed dwellings on the adjoining site. Whilst the Council's Principal Conservation Officer has stated that he would prefer the properties to front East Road, given the need for parking, it is considered that the current layout is acceptable and it is not necessary to insist on such an amendment to the scheme to make it acceptable in planning terms.
- 7.2.3 The impact of the proposed development in relation to design and heritage is therefore considered to be acceptable and would be in compliance with Policy 2 and Policy 8 (d) of the Joint Core Strategy.

7.3 Residential Amenity

- 7.3.1 In terms of the impact on the amenity of future occupiers, the proposed dwellings would both comply with space standards and there would be sufficient amenity space to the rear. Whilst the proposed gardens would not be particularly large, there are properties to the north with small gardens, recently granted permission, and the proposed dwellings would also be marked sale properties and it would therefore be a matter of personal choice for future residents. In addition there are no policies within the Development Plan that specify minimum space standards for gardens. It is therefore a matter of judgement.
- 7.3.2 In terms of the impact on the amenity of neighbouring occupiers, there are no immediately adjoining dwellings to the south, east or west of the proposed development that would be impacted upon by loss of light or overlooking. In terms of the impact on the properties to the rear, the only properties that would have the potential to be overlooked by the proposed development are the properties at 1 and 2 Athena Way. The nearest part of the property at number 1, facing the proposed dwellings, is the garage and there are no side windows to this dwelling at first floor level that would be directly overlooked by the proposed development. At ground floor level, there is only a very small window to the drawing room which would not give significant views into this room. There is also a kitchen window, but this would be sited over 20 metres away from the proposed development.
- 7.3.3 The property at 2 Athena Way would be angled away from the proposed dwellings in such a way that the impact in relation to overlooking would not be significant, especially as this dwelling is approximately 22 metres away from the nearest part of the proposed development. There would also be trees on the boundary providing screening between the proposed dwellings and the dwellings on Athena Way. Although a neighbour has raised the prospect of a high level wall being inserted to prevent overlooking, this would have adverse design implications and the impact is considered to be acceptable without this wall in place. A landscaping condition will however be included as part of any planning permission and it is proposed to ensure that sufficient screening is provided. The impact of the proposed development on residential amenity is therefore considered to be acceptable and would be in compliance with Policy 8 (e) of the Joint Core Strategy.

7.4 Highway Safety and Parking

- 7.4.1 In relation to highway safety, current parking guidance requires 3 parking off-street parking spaces for dwellings with 4 or more bedrooms. The proposed dwellings both have 3 bedrooms and a study shown on the floor plans, although this study could be used as a 4th bedroom. Even if these studies were to be used as bedrooms, there would still be sufficient parking provision with 3 spaces provided for each dwelling.

- 7.4.2 The LHA has requested that visibility splays are provided on either side of the access. The proposed development would have no significant impact on visibility, being set far enough back from the street scene that they would not affect the required visibility splays. In addition the access is broadly in line with the existing one and traffic speeds are considered to be low in the surrounding area due to traffic calming in the form of speed bumps, a nearby mini roundabout, a zebra crossing and parked cars.
- 7.4.3 The Local Highway Authority has not objected to the intensification of vehicle movements at the site, as raised by the Town Council. The introduction of one additional dwelling is not considered to increase vehicle movements so significantly that it would warrant a refusal of planning permission. It could also be argued that the existing permitted use of the building is as a day care centre, which would be likely to experience more vehicle movements than a dwelling.
- 7.4.4 The Local Highway Authority has also expressed concerns regarding drainage and a Section 184 agreement being required for the proposed access to the development. It is proposed to deal with both of these matters via condition. The impact of the proposed development on highway safety and parking provision is therefore also considered to be acceptable and would be in accordance with Policy 8(b) of the North Northamptonshire Joint Core Strategy 2016.

7.5 Flooding

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

7.6 Refuse and Recyclables

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

7.7 Impact on Trees

Whilst there is a Tree Preservation Order on the site, the Council's Senior Tree and Landscaping Officer has confirmed that the Sycamore tree to which this relates is of very poor quality and is unsuitable for long term retention. There are no other trees on the site that would be impacted upon by the proposed development and the impact on trees is therefore considered to be acceptable.

8. Other Matters

- 8.1 Contamination: In relation to contamination, the Council's Environmental Protection Team has raised concerns regarding the potential for contamination on the site. However, it has suggested that this can be dealt with via condition and it is proposed to include these conditions as part of any planning permission. With these conditions in place, the impact of the proposed development in relation to contamination is considered to be acceptable.
- 8.3 Pre-commencement Conditions: A number of pre-commencement conditions are proposed if the development is to be granted planning permission. These include the submission of information in relation to levels, contamination and landscaping. Applicants are required to agree pre-commencement conditions and in this case the applicant has agreed them.
- 8.5 Water Reduction: Policy 9 of the Joint Core Strategy states that all residential development should incorporate measures to limit water use to no more than 105 litres per person per day and no more than 5 litres outdoors per person per day. Measures to ensure this shall be conditioned as part of any planning permission.
- 8.6 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9. Conclusion / Planning Balance

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

10. Recommendation

- 10.1 That Planning permission is GRANTED subject to conditions.

11. Conditions

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

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

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

- Proposed Location and Block Plan – 1434-001;
- Proposed Floor Plans – 1434-002; and
- Proposed Elevations – 1434-003.

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

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

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

4. Prior to the first occupation of each dwelling the parking and turning facilities, as shown on the approved plans shall be provided and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

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

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

6. Prior to the first occupation of the residential unit hereby permitted, measures shall be implemented to limit water use to no more than 105 litres/person/day (plus 5 litres/person/day external water use).

Reason: As this is an area of water stress and to accord with Policy 9 of the North Northamptonshire Joint Core Strategy.

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

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

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

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

Reason: To ensure potential risks arising from previous site uses have been fully assessed.

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

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

Reason: To ensure the proposed remediation plan is appropriate.

9. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol.

10. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

11. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

Reason: To ensure all contamination within the site is dealt with.

12. Prior to the commencement of the development hereby permitted, details of a means of drainage across the back of the highway boundary, across the proposed site access draining to soakaways contained within the applicant's own land shall be submitted and agreed in writing by the Local Planning Authority. This means of drainage shall be implemented in accordance with the details submitted and retained and maintained in perpetuity.

Reason: To ensure sufficient drainage at the site.

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate and tree planting pit details, including soil volumes in cubic metres, suspended surfaces if under hard surfaces and methods of staking, cross sections and dimensions.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

Reason: To ensure that any landscaping scheme to be carried out will be suitable for the site.

14. Notwithstanding the submitted details, prior to the occupation of each dwelling, details of the boundary treatments to be used at the site must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the associated dwelling and thereafter retained and maintained in perpetuity.

Reason: In the interests of neighbour amenity and visual amenity.

12. **Informatives**

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