

**North Northamptonshire Area Planning Committee
(Thrapston)
10 May 2023**

Application Reference	NE/23/00040/VAR
Case Officer	Jacqui Colbourne
Location	46 Cartrill Street, Raunds, Wellingborough, NN9 6ER
Development	Variation of condition 11 to allow for retention of porous driveway with gravel topping instead of the approved hard surface driveway pursuant to application 18/01510/OUT Outline: Demolition of existing building and residential development consisting of 5No 4-bedroom dwellings with amended access, associated parking and amenity space (all matters reserved except access); and to reflect the changes proposed to the site plan approved under condition 1 pursuant to 20/00346/REM - Reserved matters for Appearance, Landscaping, Layout, Scale, pursuant to Outline Planning Permission 18/01510/OUT.
Applicant	Tophaven Homes Ltd - Mr I Johnson
Agent	Alpine Planning Ltd - Mr A Jelley
Ward	Raunds Ward
Overall Expiry Date	16.03.2023
Agreed Extension of Time	15.05.2023

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Officer recommendation is contrary to the Town Council's objection and more than 5 letters of objection have been received.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application seeks variation of condition 11 to allow for the retention of a porous gravel driveway topping with a section of tarmacadam road topping instead of the previously approved hard surface driveway pursuant to 18/01510/OUT. It is noted that the proposed surfaces are already in situ and that as such this application is retrospective in nature.

3. Site Description

- 3.1 The application relates to the road surface serving a residential development consisting of 5No 4 bedroom dwellinghouses, access and associated parking and amenity space (18/01510/OUT). The site is located to the south-east of Cartrill Street.

4. Relevant Planning History

- 4.1 48/0006/RA - Proposed house – Approved- 22.09.1948
- 87/00278/FUL - Change of use to day nursery – Approved- 24.06.1987
- 94/00335/RTN - Continuation of change of use from dwelling to children's day nursery – Approved - 24.06.1994
- 18/01510/OUT - Outline: Demolition of existing building and residential development consisting of 5No 4-bedroom dwellings with amended access, associated parking and amenity space (all matters reserved except access) – Approved – 20.12.2018
- 20/00346/REM - Reserved matters for Appearance, Landscaping, Layout, Scale, pursuant to Outline Planning Permission 18/01510/OUT for demolition of existing building and residential development consisting of 5 No. 4-bedroom dwellings with amended access, associated parking and amenity space (all matters reserved except access) – Approved – 19.05.2020

5. Consultation Responses

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

5.1 Raunds Town Council

Raunds Town Council objects to the proposed variation, on the grounds that the substitute materials would provide a lower quality and less durable surface in comparison to the materials included in the original application. The Town Council supports the concerns of residents that over time the proposed surface would become an eyesore and a safety concern.

5.2 Neighbours / Responses to Publicity

One letter of support and 8 letters of objection have been received. Material planning issues raised are summarised below:

- Safety
- Lighting
- Footpath poorly laid
- Drainage
- Poor quality
- Not as sold to occupants.
- Pushchair / wheelchair/ bicycle/ motorcycle access.

5.3 Environmental Protection

No comments to make.

5.4 Senior Tree and Landscape Officer

No comments received.

5.5 Highways

The LHA would like to recommend the variation of Condition 11 (Access and Parking and Turning), provided that the first 5 metres of the access from the highway boundary are constructed of a hardbound material,

5.6 Police

Northants Police has no objection to the variation of condition 11 of 18/01510/OUT.

5.7 Waste

No comments to make.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

6.2 National Policy

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

- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)
 Policy 1 - Presumption in Favour of Sustainable Development
 Policy 3 - Landscape Character
 Policy 4 - Biodiversity and Geodiversity
 Policy 5 - Water Environment, Resources and Flood Risk Management
 Policy 6 - Development on Brownfield Land and Land Affected by Contamination
 Policy 8 - North Northamptonshire Place Shaping Principles
 Policy 9 - Sustainable Buildings
 Policy 11 - The Network of Urban and Rural Areas
 Policy 19 - The Delivery of Green Infrastructure
 Policy 28 - Housing Requirements
 Policy 29 - Distribution of New Homes
 Policy 30 - Housing Mix and Tenure
- 6.4 Emerging East Northamptonshire Local Plan (LPP2) (2021)
 EN1 – Spatial Development Strategy
 EN13 – Design of Buildings/ Extensions
- 6.5 Raunds Neighbourhood Plan (made November 2017)
 Policy R1- Ensuring an Appropriate Range of Sizes and Types of Houses
 Policy R2 - Promoting Good Design
 Policy R3 - Flexibility and Adaptability in New Housing Design
 Policy R4 - Car Parking in New Housing Development
 Policy R16 - Built and Natural Environment
 Policy R17 - Greening the Town
 Policy R19 - Upper Nene Valley Gravel Pits SPA/SSSI
- 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
- Highway Safety
- Residential Amenity

7.1 Principle of Development

- 7.1.1 Since approval of the original planning permission construction has begun on site and as such the time limit for commencement condition has been complied with. Therefore, with the previous consent, the principle of

development is established. The sole issue of consideration under this S73 application is as to the acceptability of varying condition 11 of the original permission 18/01510/OUT:

“Prior to the occupation of the dwellings, the site access and parking and turning facilities within the site shall be constructed in accordance with the following:

a. The access roads and parking provision shall be suitably hard surfaced and the gradient of the access, between the correct level at the highway boundary (back of footway) and a point of 5m back, shall not exceed 1 in 15, in the positive or negative direction.

b. Pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular accesses to each property and the site. The areas of land forward of these splays shall be reduced to and maintained at a height not exceeding 0.6m above carriageway level.

c. The parking and turning facilities shall be provided in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.

d. The development shall include a positive means of drainage to ensure that surface water from the site or access roads does not discharge onto the highway or neighbouring properties.

Once these works have been carried out, they shall be maintained in perpetuity thereafter.

Reason: *In the interests of Highway safety.*

7.2 Highway Safety

7.2.1 It is noted that both the Raunds Town Council and 8 members of the public have objected to the proposed access road surface. The Town Council have observed that the substitute materials would provide a lower quality and less durable surface in comparison to the materials included in the original application. The Town Council has also stated that they support the concerns of residents that over time the proposed surface would become an eyesore and a safety concern.

7.2.2 Correspondence has been received raising concerns about the part gravel and part tarmac access/drive with regard to safety, pushchair/ wheelchair/ bicycle/ motorcycle access, quality of materials and the drainage of the proposed materials. It is noted that Highways (LHA) have recommended approval of the variation, provided that the first 5 metres of the access from the highway boundary are constructed of a hard bound material. The submitted plans detail that in excess of the first 10 metres of the access are constructed in tarmac, which more than satisfies this requirement. In addition, the Police were consulted and have raised no concerns. It is not unusual for vehicular access/driveways to be constructed of a porous surface with a gravel topping, as long as the first five metres of access from the highway boundary are constructed of a hard bound material; which is the case with this proposal. Neither LHA nor the Police have raised any concerns with regard to safety. It is of note that should these materials had

been submitted with the original application 18/01510/OUT, given LHA and Police comments, they would have been deemed acceptable, and approved.

- 7.2.3 It is noted that the submitted plan refer to revised lighting, parking and surfaces that do not form part of the application and as such these are not being considered. Letters received detail concerns regarding lighting and a poorly laid footpath. Whilst these comments are noted, these matters are not pertinent to the consideration of this application which is to consider the application received to vary Condition 11 to allow the retention of porous driveway with gravel topping instead of the approved hard surface driveway pursuant to application 18/01510/OUT.
- 7.2.4 In addition, concerns that this change would result in the development differing to what was sold to the occupants have been received. Whilst these are noted, these concerns are not a material consideration given these are civil not planning matters, relating the purchase of properties. As such these matters are not pertinent to the consideration of this application
- 7.2.5 In determining an application for the variation of a planning condition a decision maker must consider only the question of the condition. In this case and based on the consultee advice the development is acceptable with the variation of condition 11 given that it would not cause adverse harm to highway users or the residual road network. As such, given the above in this regard the proposal is considered acceptable and accords with Policy 8 (b) of the JCS and Paragraph 111 of the NPPF.

7.3 **Residential Amenity**

- 7.3.1 The proposal seeks to vary Condition 11 to allow for retention of porous driveway with gravel topping with a tarmac to more than the first 5 metres from the highway boundary, instead of the approved hard surface driveway pursuant to application 18/01510/OUT. The proposals seek no changes to the access other than the retention of the surface materials which are supported by the LHA and furthermore have raised no concerns from the Police. As such the proposal is not considered to have any unacceptable impact on the residential amenity of the surrounding properties.
- 7.3.2 It is noted that the change in materials may generate additional noise compared to a hard bound material when vehicles or people travel on it, however Environmental Protection has raised no concerns in this regard, or objection to the proposal and therefore it is considered that the noise generate would not cause adverse harm.
- 7.3.3 Given the above, the proposal would accord with Policy 8(e) of the JCS and Paragraph 130 of the NPPF, the development is acceptable in terms of its impact on residential amenity.

8. Other Matters

- 8.1 Neighbour comments: The concerns raised have been addressed in the paragraphs above.
- 8.2 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.3 Raunds Town Council comments: The concerns raised have been addressed above.

9. Conclusion / Planning Balance

- 9.1 Overall, the proposal is considered to be of an acceptable design, and that there is no adverse impact on the amenities of neighbouring properties or the highway which would justify refusing the application. Thereby, the proposal accords with local and national policies and thus it is recommended that the variation of the condition is approved.

10. Recommendation

- 10.1 Approve subject to the following conditions:

11. Conditions

1. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following:

Application Form
Received by this council 12.01.2023

Location Plan
Received by this council 18.01.2023

Block Plan
Received by this council 20.04.2023

Drawing 17-049-01
received by this council 31.08.2018

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

2. Within 6 months of the permission hereby permitted, the approved access shall be completed in accordance with the approved plan (0328/11C) and the gradient of the access (between the level at the highway boundary (back of footpath) and a point of 5 metres back) shall not exceed 1 in 15 in the positive or negative direction.

Reason: In the interest of highway safety and ensuring suitable means of access arrangement.

3. Pedestrian visibility splays of at least 2.0m x 2.0m shall be provided on each side of the vehicular accesses to each property and the site within 6 months of the permission hereby permitted. The areas of land forward of these splays shall be reduced to and maintained in perpetuity at a height not exceeding 0.6m above carriageway level.

Reason: In the interest of highway safety.

4. The parking and turning facilities shall be provided within 6 months of the permission hereby permitted in accordance with the approved plans (0328/11C) and shall thereafter be set aside and retained for those purposes.

Reason: To ensure suitable means of access and parking arrangement and residential amenity.

5. The development shall within 6 months of the permission hereby permitted include a positive means of drainage to ensure that surface water from the site or access roads does not discharge onto the highway or neighbouring properties and thereafter it shall be maintained and retained in perpetuity.

Reason: In the interest of highway safety and to ensure suitable means of residential amenity.

6. The side facing first floor windows in the dwellings on plots 1 and 2, and the East and West facing first floor windows on plots 3, 4 and 5, which serve bathrooms and ensuite bathrooms, shall all be obscurely glazed and non-opening to a minimum height of 1.7m above floor level in the room in which the window is installed and maintained and retained in perpetuity.

Reason: In the interests of residential amenity.

7. Within 3 months of the permission hereby permitted, a scheme of lighting for the access road serving the development shall be submitted to and approved by the local planning authority. The approved details shall be implemented within 3 months of the details being approved and maintained in perpetuity.

Reason: In the interests of amenity and crime prevention