

## North Northamptonshire Area Planning Committee (Wellingborough) 24 May 2023

<b>Application Reference</b>	<b>NW/23/00096/FUL</b>	
<b>Case Officer</b>	Mr Chris Law	
<b>Location</b>	Boundary Wall Manor House Close Earls Barton	
<b>Development</b>	The wall and pier to be carefully taken down, the land behind be regraded to a suitable slope and size and once the land has been regraded, the wall and pier are to be rebuilt to match existing prior to deconstruction.	
<b>Applicant</b>	Mr Jason Farr	
<b>Agent</b>	Mr David Smith	
<b>Ward</b>	Earls Barton Ward	
<b>Overall Expiry Date</b>	18 April 2023	
<b>Agreed Extension of Time</b>	<b>26 May 2023</b>	
<b>Checked</b>	Senior Development Management Officer	Debbie Kirk

### **Scheme of Delegation**

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This application is brought to committee because it falls outside of the council's scheme of delegation because more than 5 objections have been received and an objection has also been received from Earls Barton Parish Council.

### **1. Recommendation**

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

NW/23/00096/FUL




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**Legend**

 NW/23/00096/FUL Boundary Wall, Manor House Close, Ears Barton

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

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2.1 This application seeks planning permission for the taking down and rebuilding of a section of a listed boundary wall at Manor House Close, fronting onto High Street in Earls Barton, due to the wall's poor condition. The works also involve regrading a section of the land to the rear of the wall to ensure the wall returns to being a boundary wall only and not a retaining wall. The works include the removal of a horse chestnut tree to the rear of the wall and details of a replacement tree have been provided.

2.2 The applicant has provided a plan to show the extent of the regrading works, a method statement, a heritage statement and a structural condition survey. An application for listed building consent has also been submitted alongside this application under reference NW/23/0097/LBC.

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

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2.1 The application site fronts the High Street in Earls Barton to the north of the village centre and consists of a section of 2.1-metre-high brick wall running from the north east side of the right hand gate pier along the frontage of the Manor House Close flats. The wall is constructed in red/orange bricks with copings with a panelled ashlar gate pier to the north east. This application relates to the rebuilding of the brick wall and gate pier. The remainder of the wall to the north west has already been granted listed building consent and planning permission for the same works under references NW/22/00837/LBC and NW/22/00836/FUL.

2.2 The regrading of the land behind the wall would result in a newly formed slope which would start 0.5 metres from the north elevation of the wall. The level of the ground at the bottom of the slope and to the north of the wall would match the footpath on the opposite side of the wall.

2.3 The wall and gate pier are within the Earls Barton Conservation Area and are Grade II listed structures.

## **4. Relevant Planning History**

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WP/14/00276/TCA	Approved G1. Goat Willow consisting of 4 No. stems; sectionally dismantle to ground level T1. 1 No. Maple; pollard crown at a height of 4m to suitable unions.	09.06.2014
WP/17/00006/FUL	Approved with conditions Restoration and alterations of rear outbuilding for use as gym with shower room, associated rest area and a store room and provide parking in the rear garden.	28.02.2017
WP/17/00007/LBC	Approved with conditions Restoration and alterations of rear outbuilding	28.02.2017

for use as gym with shower room, associated rest area and a store room and provide parking in the rear garden.

NW/22/00128/FUL	Application withdrawn/undetermined Planning permission to carefully take down an existing listed boundary wall and rebuild a section of the boundary wall fronting the High Street.	17.05.2022
NW/23/00008/TCA	Approved T1. Sycamore; re-pollard crown to previous pollard points at a height of approximately 5m.	08.02.2023
NW/23/00097/LBC	Determination pending. Listed Building Consent for the wall and pier to be carefully taken down, the land behind be regraded to a suitable slope and size and once the land has been regraded, the wall and pier are to be rebuilt to match existing prior to deconstruction	
WP/1997/0337	Approved with conditions Demolition of lean-to brick barn	03.09.1997
WP/1993/0250	Approved with conditions Creation of dwelling and curtilage separate from no. 76 High Street, Earls Barton	08.09.1993
BW/1987/0011	Approved with conditions Installation of bathroom and toilet	25.02.1987
BW/1985/0935	Approved with conditions 5 replacement windows to front elevation	20.11.1985
BW/1984/0070	Approved with conditions Alterations and improvements to provide living accommodation and replacement of window frames	06.03.1984
BW/1989/0399	Refused Erection of 4 no. dwellings with garages and construction of access drive.	19.05.1989
BW/1988/1151	Application withdrawn/undetermined Alterations to form additional dwelling unit	14.02.1989
BW/1988/1150	Application withdrawn/undetermined Alterations to form additional dwelling unit	06.12.1988
WP/2002/0058	Application withdrawn/undetermined Erection of one detached house and garage	24.04.2002

## 5. Consultation Responses

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

### 5.1 Earls Barton Parish Council

Earls Barton Parish Council objects to this application as it will result in the loss of a mature horse chestnut tree which has ecological value. However, should an alternative option be found that allows the tree to remain despite work being carried out to repair the wall, we would ask that a tree planting scheme is agreed to mitigate against the loss, and that the scheme should include the planting of a semi-mature, heavy standard tree.

### 5.2 Neighbours/Responses to publicity

At the time of writing, 2 letters of support from the same household and 67 letters of objection have been received. A petition signed by 770 people titled 'Save the Earls Barton Conker Tree' has also been received. A large number of the comments received relate to the removal of the horse chestnut tree and are therefore considered under the associated application for planning permission under reference NW/23/00096/FUL.

#### Support

The comments received in the support letter are summarised below:

- The repair of a listed wall should surely always take priority especially as it is a statutory requirement which cannot be ignored.
- Other options have been undertaken to look at all the options to keep the tree including a retaining wall in front which would be unsightly.
- the tree is coming towards the end of its natural life and is poorly situated on a small raised piece of (private) land with neither of the walls, on either side, able to hold the tree if it were to fall.
- should the tree fall it could cause considerable damage, even large branches when falling can cause considerable damage.
- It has also been suffering with leaf blight for the last two years which has seriously impacted its ability to photosynthesise. The main trunk also has some early signs of disease which should not be ignored.

#### Objection

The comments received in objection to the application can be summarised as follows:

- please save the tree, it is more important to local people than a wall that has been allowed to fall into disrepair;
- the tree should not be removed as we are in a climate emergency;
- the tree provides a habitat for animals;
- the replacement tree would not adequately compensate for the loss of the horse chestnut and would take many years to grow as large
- the tree is important to local people whom have memories of collecting conkers;
- the tree is not believed to be diseased and leaf miner would have little impact on an established tree of this age;
- tree is home to wildlife, offers shade, absorbs pollutants and helps prevent flooding;
- removal of the tree will negatively affect the area's ecological value and important environmental health;
- the tree adds to the aesthetics of the landscape and local amenity;

- please look at other options to repair the wall and retain the tree;
- a retaining wall in front of the existing wall should be built which would retain the existing wall and tree;
- options to de-list the wall should be explored;
- the applicant is giving the impression that there are no other alternatives to removing the tree based on advice from Place Services due to the impact on the conservation area which has already been impacted by the removal of other trees and exposing the view of the flats;
- the tree could be replanted elsewhere.

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

No objections subject to no part of the rebuilt wall extending over or into the adjacent public highway and any highway surfaces affected by the proposals being reinstated in accordance with the specification of the LHA under licence/agreement under the Highways Act 1980.

### **5.4 NNC Senior Built Heritage Consultant**

The proposals are considered to enhance and better reveal the significance of the listed structure and future-proof against further deterioration and damage.

There are no objections to the proposals which are in full compliance with Section 16 of the NPPF, and Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **5.5 NNC Assistant Archaeological Advisor**

Has nothing further to add to comments made on 18/01/2023, which should be understood to stand.

Officer note: The above refers to comments made to listed building consent reference NW/22/00837/LBC and planning permission reference NW/22/00836/FUL for the adjacent wall but apply to this application too. The comments are as follows:

The proposed development will have a detrimental effect upon surviving heritage assets. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of those assets affected. In order to secure this please attach a suitable condition for a programme of archaeological work as recommended above and in line with NPPF paragraph 205 to any permission granted in respect of this application.

The condition wording is provided.

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

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### **6.1 Statutory Duty**

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

### **6.2 National Policy**

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)

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

Policies:

2 (historic environment)

3 (landscape character)

8 (North Northamptonshire place shaping principles)

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

Policy SS1 (villages)

### **6.5 Neighbourhood plans:**

#### **Earls Barton Neighbourhood Plan:**

Policy:

EB. D1 (design, layout, building techniques)

### **6.6 Other Relevant Documents:**

Trees on Development Sites

## **7. Evaluation**

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7.1 The proposal raises the following main issues:

- principle of development and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- heritage assets;
- archaeology;
- landscape character and visual amenity;
- living conditions of the neighbouring occupiers;
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- conditions

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

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

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

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

7.5 The application form indicates that pre-application advice or assistance has been sought from the council. The NPPF from paragraph 41 extols the virtues of applicants

engaging in pre application discussion with the council to resolve any issues that may arise to help applicants avoid any unnecessary delays and costs.

7.6 The application site lays within the village boundary of Earls Barton as defined by policy SS1 of the PBW. Policy 11 (2) (b) of the JCS permits appropriate small-scale infill development on suitable sites within villages where this would not harm the character of the settlement and residential amenity. Small scale development includes the rebuilding of an existing wall and the regrading of the land to the rear of the wall in an established residential area. The wall is currently in a state of disrepair and is cordoned off with Heras fencing to protect users of the footpath adjacent.

7.7 There would be no objection in principle to the rebuilding of an existing wall and the regrading of the land to the rear of the wall within the village boundary of Earls Barton. The proposed development would comply in principle with policy 11 (2) (b) of the JCS and policy SS1 of PBW.

7.8 The acceptability of the proposed development would be dependent on compliance with the more detailed policies and material planning considerations as set out below:

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

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

7.10 Policy EB. D1 of the Earls Barton Neighbourhood Plan requires development proposals to be of a high standard of design and layout in keeping with local character and should seek to utilise sustainable building techniques and materials wherever practical.

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

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

7.13 The works relate to the rebuilding of the existing brick wall using the original materials, with additional replacement materials (where necessary) to rebuild the wall on a like-for-like basis. This will result in a positive impact upon the character and appearance of the area when compared to the current situation as the wall is currently in a state of disrepair.



7.14 The wall is currently also performing as a retaining wall which has in part caused it to fail. The regrading works will return the rebuilt wall back to a boundary wall only. The regrading works proposed behind the wall are considered acceptable and will not be easily visible within the street scene.

7.15 The development would comply with policy 8 (d) (i) & (ii) of the JCS and policy EB.D1 of the Earls Barton Neighbourhood Plan.

### **Landscape character and visual amenity**

7.16 Policy 3 (a), (b) and (e) of the JCS states that development should be located and designed in a way that is sensitive to its landscape setting retaining and where possible enhancing the distinctive qualities of the landscape character area which it would affect.

7.17 The proposed works involve the rebuilding of the small section of boundary wall and attached gate pier fronting High Street. The wall was originally constructed as a boundary wall but is currently also performing as a retaining wall which has led to the wall becoming increasingly under pressure as it was not designed to retain the earth behind it. The application therefore proposes to regrade the land to the rear of the wall, so the wall becomes a boundary wall again. This would involve the removal of an established horse chestnut tree which provides significant visual amenity within the landscape at this point. Due to the significant visual amenity the tree provides the applicant has looked at the options to retain the tree however it has been concluded that the tree cannot be saved. The process the applicant has undertaken is discussed in the following paragraphs.

7.18 The horse chestnut tree to the rear of the wall is located within 3 metres from the rear face of the wall. A Section 211 notice was submitted by the applicant in 2021 (reference NW/21/00987/TCA) to fell a number of trees to the rear of the boundary wall due to the need to rebuild the listed wall, this included the horse chestnut. It is noted in the officer's report for the Section 211 notice that whilst this would result in a significant impact to the Earls Barton conservation area, the rebuilding of the wall was an overriding necessity, therefore no objections were raised to the proposed works. The only other outcome would have been to make a tree preservation order on the tree(s), however it was not considered expedient to do so by the NNC Landscape Officer due to the need to rebuild the listed wall.

7.19 The applicant has taken the advice of a structural engineer who has produced a report which concludes that the wall has reached the end of its life due to the pressure of the earth and tree roots to the rear and needs to be carefully taken down and rebuilt.

7.20 This has followed careful consideration of the potential options for the rebuilding of the wall. The applicant has advised that there have been multiple design team meetings on site alongside the tree survey and structural survey. Airspade investigations were carried out at the point of the proposed excavation, and revealed a significant mass of fibrous roots, as well as a large amount of primary buttress and anchor roots from the horse chestnut, many over 150 millimetres in diameter. The loss of a substantial amount of root material would render the tree unsafe to retain as its stability will be compromised, as will its long-term health through the reduced ability to take up water and nutrients necessary for survival.

7.21 One solution proposed was to build a new suitably designed retaining wall with an appropriate foundation and construction in front of the existing wall on the highway footpath. This wall would then be able to take the proposed load from the earth and tree which would then in turn allow the boundary wall to be remain in place but covered up. Following discussions between the applicant and the local planning authority, it became evident that any proposed solution would have to have the preservation of the boundary wall at the forefront of its design.

7.22 The NNC Senior Built Heritage Advisor stated:

“As listed structures the walls undoubtedly make a positive contribution to the Earls Barton Conservation Area, and so any proposals to conceal them from view (wholly or partially) would fail to preserve the character and appearance of the conservation area, contrary to paragraph 206 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, this option was not supported. Furthermore, this would not protect the listed structure from further deterioration and damage.”

7.23 It was therefore decided that this option was too intrusive and would have a negative impact upon the Earls Barton conservation area and the listed wall itself.

7.24 It is acknowledged that there are a very large number of objections to the removal of the tree from both local residents of the village and Earls Barton Parish Council. The position appears to be that residents would prefer to save the tree over the listed wall. Whilst this is understood, the council has a statutory responsibility to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and to ensure that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

7.25 Whilst the public opinion is clear, the council has a responsibility to protect the listed structure and setting of the Earls Barton conservation area and therefore has been in dialogue with the applicant to look at replacement planting for the proposal. The applicant has submitted a replacement tree planting plan which shows the horse chestnut is proposed to be replaced with a magnolia of around 4 metres in height.

7.26 The NNC Landscape Officer has provided the following comments on the application:

“The horse chestnut tree which is within approximately three metres of the listed retaining wall and no distance from the bowing stone wall on the boundary of Knights Close is undoubtedly of outstanding visual amenity value. The arboricultural report which was provided in June 2022 following a survey (visual tree assessment or VTA) in May 2022 places it in category B1. An annotated photograph in the report demonstrates however that the structural integrity and health of the tree cannot be maintained if the necessary work is carried out to repair the listed wall because unfortunately it is a retaining wall. The excavation behind the wall would result in the loss of roots up to approximately 1.2 metres from the base of the tree.

The tree was inspected from ground level and a climbing inspection to assess for decay in cavities on old pruning wounds was recommended. The presence of major dead wood on the west side was noted and the fact that the tree leans towards the highway. Since the VTA was carried out some areas of dark staining have appeared on the main trunk which could be an early indication that the tree is infected with bleeding canker. If this is the case the life expectancy of the tree would be likely to be reduced. This disease appears to be contributing to the demise of another tree in the village at the present time and many horse chestnuts nationwide have been lost to it. As is the case with the horse chestnut tree in question the majority are also commonly afflicted with a leaf miner which makes the trees unsightly in the summer and reduces the ability of the trees to carry out photosynthesis.

The broadleaved trees which are to be retained will provide a backdrop along the boundary with Knights Close to any replacement planting if the horse chestnut tree is removed to allow the proposed work wall to be carried out. Replacement planting with another horse chestnut is not recommended because of how it might grow to adversely affect the walls on the south and east boundaries and other species of horse chestnut could be affected by the same problems.

Replacement planting with a taller growing species of Magnolia is proposed. Magnolia kobus is increasing in popularity as a street tree. If this was to be planted as a standard not less than 3.5 metres in height, preferably 4 to 5 metres, it would have some immediate visual effect. This is a species which does not produce flowers immediately but provides significant seasonal visual amenity when they do appear.

Subject to suitable replacement planting as recommended above do not object to what is proposed.”

7.27 It is acknowledged that there is great local opposition to the removal of this tree and its outstanding visual amenity is not in question, however whilst its loss will have an impact upon visual amenity, it is not considered an overriding factor considering the council's statutory duty to pay special attention to the listed wall and Earls Barton conservation area. The replacement tree planting will give some immediate visual effect and the full details of the proposed tree should be conditioned to ensure the species, specification and size are appropriate. It is also recommended that the condition ensures replacement planting should the replacement tree fail in any way.

7.28 On balance therefore, considering the conditioned replacement planting, the development is considered acceptable and would be in accordance with policy 3 (a) and (e) of the JCS.

### **Effect on heritage assets**

7.29 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

7.30 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

7.31 Policy 2 of the JCS sets out the policy background for the protection, preservation and enhancement of the historic environment.

7.32 With regards the NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 201 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 202 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 207 informs that not all elements of a conservation area will necessarily contribute to its significance.

7.33 The courts have held (*South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve.

7.34 Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

7.35 The NNC senior built heritage advisor has visited the site and discussed the rebuilding of this section of the wall with the applicant and their structural engineers at the pre-application stage. The comments received were as follows:

“The proposals relate to the Grade II listed Wall and Gatepier Approximately 15 Metres North East of the Manor House (List Entry Number: 1040801). The wall is also located in close proximity to the Grade II listed Wall and Gatepier Approximately 15 Metres North West of the Manor House (List Entry Number: 1294248) with which it has group value and has the potential to be impacted through change within its setting. In addition, the walls and gatepiers are also located within the Earls Barton Conservation Area and in close proximity to the Grade II listed Manor House (List Entry Number: 1040802) and the Grade II listed Stags Head Public House which also have the potential to be impacted through change within their setting.

In statutory terms the significance of the heritage assets has been recognised by their designation as a Grade II listed building and a conservation area, which reflects their ‘special interest’. The Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990) states that Local Planning Authorities have a statutory duty to ‘have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses’ and to ensure that ‘special attention shall be paid to desirability of preserving or enhancing the character or appearance of that [conservation] area.’

Furthermore, paragraph 199 of the National Planning Policy Framework (NPPF) states:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

7.36 The proposals are considered by NNC senior built heritage consultant to enhance and better reveal the significance of the listed structure and future-proof against further deterioration and damage.

7.37 There are no objections to the proposals which are considered by NNC senior built heritage consultant to be in full compliance with chapter 16 of the NPPF, and Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

7.38 Due to the poor condition of the wall, the taking down and rebuilding of the wall is required. This results in substantial harm to the listed structure however the NNC senior built heritage consultant is satisfied that the works proposed are acceptable subject to conditions to be provided in relation to replacement materials.

7.39 It is also recommended that a condition is imposed to ensure the works are completed in accordance with the submitted method statement and heritage statement.

7.40 The large number of objections received relate mainly to the retention of the tree rather than the listed wall. Whilst it has been acknowledged by a number of objectors that the tree is more important to the community than the wall, there is a statutory responsibility on the local planning authority to protect the wall due to its designation as a listed structure, as well as the current negative impact the wall has on the character and appearance of the conservation area. The applicant has investigated a number of different options to rebuild the wall without impacting upon the tree, as discussed in the previous section of this report, however it is not considered possible.

7.41 Subject to the aforementioned conditions it is considered that the proposal is acceptable with regards to the effects on the architectural and historic interest of the listed structure and is compliant with policy 2 (a), (b) and (d) of the JCS and advice contained within chapter 16 of the NPPF in this regard and sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Archaeology**

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

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

7.44 The NNC Assistant Archaeological Advisor has also provided the following comments:

“The application site is the High Street boundary wall to Manor House Close which, as the name suggests was formerly the site of a Manor House with which the wall was associated. The wall was built in 1783-1793 as a gate and boundary wall to the Manor House, also known as Barton Hall or Barton House.

The proposed works result from a Building Control Department inspection, which concluded that the wall was sufficiently unsafe to be considered a dangerous structure. As a consequence, the wall requires demolition and reconstruction. The heritage significance of the asset may be preserved through reconstruction using salvaged bricks and stone following demolition.

It is recommended that a programme of historic building recording to Level 2 as defined in Understanding Historic Buildings (Historic England 2016) is undertaken during the works to enhance the existing record represented by the research undertaken in connection with the supplied Heritage Statement (MOLA 2022) and record any construction details or other features. A programme of Observation, Investigation, Recording, Analysis and Publication (OIRAP) may also be a useful component of any package of mitigation measures depending on observation made of the site following demolition of the wall.

The proposed development will have a detrimental effect upon surviving heritage assets. Such effects do not represent an over-riding constraint to development provided that adequate provision is made for the investigation and recording of those assets affected. In order to secure this please attach a suitable condition for a programme of archaeological work as recommended above and in line with NPPF paragraph 205 to any permission granted in respect of this application.

The standard condition is worded as follows:

Condition:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) fieldwork in accordance with the agreed written scheme of investigation;

(ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);

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

Reason: To ensure that features of archaeological interest are properly examined and recorded, and the results made available, in accordance with NPPF Paragraph 205.

I will be happy to provide a brief for the programme of work.”

7.45 The NNC assistant archaeological advisor has recommended a condition in accordance with the recommendations of the submitted heritage statement and subject to this condition being imposed the development would comply with policy 2 (d) of this JCS in this regard.

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

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

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

7.48 The proposed works are not considered to have any impact upon the amenity or privacy of any of the neighbouring residential occupiers. It is recommended that the considerate contractors informative is added to any permission granted for the development.

7.49 The development would comply with policy 8 (e) (i) of the JCS.

### **Highway safety**

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

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

7.52 The proposed rebuilding of the boundary wall and regrading of the land behind will have no impact upon the access or parking arrangements for the site however the wall is positioned along the boundary with the adjacent highway. The local highway authority has provided the following comments in respect of this application:

“Subject to compliance with the following requirements of the Local Highway Authority no objection is raised to the application on highway safety or capacity grounds.

- No part of the rebuilt wall is to extend over or into the adjacent public highway.
- All highway surfaces affected by the proposals must be reinstated in accordance with the specification of the Local Highway Authority and subject to a suitable licence/agreement under the Highways Act 1980.”

7.53 Informatives should be added to any permission granted for the site to ensure the applicant is aware of their responsibilities in relation to the adjacent public highway.

7.54 The development would comply with policy 8 (b) (i) and (ii) of the JCS.

## Conditions

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

7.56 A condition relating to the archaeology is required to be discharged prior to commencement of the development and in line with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 a notice of the intended pre-commencement condition has been sent to the applicant. The applicant has confirmed that they agree for the condition to be imposed.

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

## 8. CONCLUSION/PLANNING BALANCE

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

## 9. RECOMMENDATION

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9.1 That planning permission be **GRANTED** subject to the following conditions:

## 10. Conditions

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

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

2. The development hereby approved shall be carried out in accordance with the following drawings/details:  
Drawing No. 21/45663/SK02 - Site Location Plan (registered 21 February 2023)  
Drawing No. 21/45663/02 Rev P1 - Site Plan, Section and Method Statement (registered 21 February 2023)  
Drawing No. 21/45663/03 Rev P1 - Tree Replacement Plan (registered 26 April 2023)  
Structural Inspection Report (ref. DS/21/45663/MH) by David Smith Associates dated 13 August 2021 (registered 18 February 2023)



Arboricultural Report (ref. 4502) by Wilby Tree/BHA Trees dated 24 June 2022 (registered 21 February 2023)

Arboricultural Impact Assessment (ref. 4502B) by Wilby Tree/BHA Trees dated 24 June 2022 (registered 21 February 2023)

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

3. Notwithstanding the approved details in condition 2, the development hereby approved shall be carried out in accordance with the method statement provided on Drawing No. 21/45663/02 Rev P1.

Reason: To preserve the character and special interest of the listed structure, in accordance with policy 2 (b) of the North Northamptonshire Joint Core Strategy.

4. Prior to their first use on site details of any replacement external materials shall be submitted to and agreed in writing by the local planning authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

Reason: To preserve the character and special interest of the listed structure, in accordance with policy 2 (b) of the North Northamptonshire Joint Core Strategy.

5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
  - (i) fieldwork in accordance with the agreed written scheme of investigation;
  - (ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the planning authority);
  - (iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the planning authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, and the results made available, in accordance with policy 2 (d) of the North Northamptonshire Joint Core Strategy and Paragraph 205 of the National Planning Policy Framework.

6. Notwithstanding the approved details in condition 2, full details of the replacement tree planting including the species, specification and size shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this approval. The approved works shall be carried out in accordance with the approved details in the next planting season. If within a period of five years from the date of the planting of any replacement tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed,

dies, becomes severely damaged or diseased, it shall be replaced in the next planting season with a tree of equivalent size and species.

Reason: To protect the appearance and character of the area and to minimise the effect of the development on the area in accordance with policy 3 (a), (b) and (e) of the North Northamptonshire Joint Core Strategy.

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

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

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

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

3. No part of the rebuilt wall is to extend over or into the adjacent public highway and all highway surfaces affected by the proposals must be reinstated in accordance with the specification of the local highway authority and subject to a suitable licence/agreement under the Highways Act 1980.