

**North Northamptonshire Area Planning Committee
(Thrapston)
20th September 2021**

Application Reference	20/01466/FUL
Case Officer	Joe Davies
Location	4 Main Street, Hemington, PE8 5QJ
Development	Erection of new 3 bed home and provision of off street car parking for applicant property and also Nos 1-4 Main St.
Applicant	Measures Farms Ltd - Mrs J Measures
Agent	3D Planning - Tim Slater
Ward	Thrapston
Overall Expiry Date	11 January 2021
Agreed Extension of Time	N/A

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 Hemington Parish Council (contrary to officer recommendation), the application has been called in by Councillor Geoff Shacklock and there have been more than 3 neighbour objections to the application.

1. Recommendation

1.1 That Planning permission is GRANTED subject to conditions.

2. The Proposal

- 2.1 The proposal involves the erection of a dwelling and the provision of off-street parking provision for both the new dwelling and the existing dwellings at 1-4 Main Street, with 10 spaces being provided. The proposed dwelling would have 3 bedrooms and would have a height to the eaves of 5.137 metres and a height to the ridge of 9.041 metres. The dwelling would be 8 metres in length and 8 metres in width, it would have a pitched roof. The additional parking provision would be to the rear of the site and would be accessed via a largely existing private drive, which would be re-routed slightly as part of the proposed development.

3. Site Description

- 3.1 The application site comprises garden land serving the property at 4 Main Street. To the north of the site is agricultural land and to the south is public highway. To the west of the site is the existing dwelling at 4 Main Street and to the east is the dwelling at Silver Birches.

4. Relevant Planning History

- 4.1 None relevant

5. Consultation Responses

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

6.1 Hemington Parish Council

Object to the application on the grounds as summarised below:

Loss of Amenity

- Due to the existing properties overlooking a car parking area rather than greenfield land.
- The existing dwelling at 4 Main Street will be directly impacted by the proposed property being located so close by. They will lose their garden to the side of the property.
- The resident of Silver Birches will be significantly impacted both by the siting of the proposed car park but will also have a relatively large 3 bedroom property in very close proximity to their border which will overlook them and could affect their privacy.

Plans

- The application includes insufficient details for the Parish Council to comment fully, with the dwelling being shown in close proximity to the border with Silver Birches. There are no measurements to show how close that would be, and further detail is required.
- The bathroom on the proposed plans will overlook Silver Birches and the window will need to be opaque and must only open the top few inches in order to guard their privacy. But this does not overcome the main objection of the proximity of the proposed property to the border of Silver Birches.

- The Councillors who represent Hemington also commented on the small size of the plot as it exists now. The proposed property will be 'shoe horned' into the site. They feel that a site visit for the proposed application is an essential requirement for East Northamptonshire Planning Officers for this application.

Parking

- The application states that it will provide off-street parking for numbers 1 to 4. Property 1 Main Street already has off-street parking and access to the road.
- There is an existing pad of hard standing that residents of No 2 to No 4 can use currently. Current usage is very low because it is more convenient to park at the front of the properties.
- The off-street parking provision would be to the rear of the properties and residents would be encouraged to use this by the provision of footpaths and lighting to the rear of each property. These are not shown on the submitted documents.
- The Parish Council are concerned that the residents of Nos 2-4 will continue to park on the road outside the properties to the front as this is still closer to the house themselves than the proposed spaces.
- The dimensions or number of spaces provided for each property are not shown either within the planning documents.

Highway Safety

- The bends close to 1-4 Main Street are extremely dangerous. The road is very narrow and residents parking outside their properties leads to vehicles travelling on the wrong side of the road at a blind corner and close to a junction. The proposed new property will simply increase that risk if residents don't use the parking area to the rear.
- The proposed parking for the properties comes out on a very blind part of the road which is also quite narrow. There is real concern for all road users about the safety implications of this additional access which has been cut recently and is not an existing track for agricultural access. The proposed access along with the Barnwell junction and existing access for No 1 as well as Burnham Bungalow (information from My Area) are all in very close proximity.

5.2 Neighbours / Responses to Publicity

Five representations were received from local residents in response to the application. Two of these were in support of the proposed development and three objected to the proposed development.

The comments supporting the proposed development can be summarised as follows:

- Supportive of new parking arrangements, which will improve safety and convenience.

The comments objecting to the proposed development can be summarised as follows:

- No official notice received for the property at Silver Birches

- The site notice was put up further down Main Street, in the wrong place (*Officer note – an additional site notice was placed closer to the site on 13.08.2021*)
- To squeeze a new dwelling in a narrow plot means that the north east corner of the house is almost touching the boundary fence and this is not in keeping with the layout with the rest of the village. The shoehorning in of the dwelling would lead to overdevelopment.
- Will the dwelling be tied to the applicant and their business?
- There are other properties in the applicant's ownership, some of which are vacant in the village that would be more suitable for conversion or re-occupation.
- It is unlikely that the proposed rear access road would be used as it is far easier to walk to the front of the house than to walk to the bottom of the garden where there is no path or lighting.
- The east elevation shows bathroom and toilet windows overlooking the neighbouring property which would impinge on privacy. The west elevation has no windows so why not reverse the plan to have the windows overlooking another staff member.
- The land at 1 Main Street would be more suitable.
- It is hoped the proposed access road is not intended as a means of opening up further land for future development to the rear of Silver Birches.
- Why did it take so long for No 4 to be brought to a habitable property from a derelict state?
- There are questions regarding the need for the proposed development when staff levels are decreasing.
- Over the past few years there have been 11 private dwellings and 5 affordable dwellings built within the Hemington boundary. This proposed build will take the total number of new builds to 17. Has this exceeded the number of new builds agreed in the village plan, approved a number of years ago?
- The dwellings at 1, 2 and 3 already have off-street parking provision, it is only the property at number 4 which currently has to park on the road.
- The proposed entrance road to the new parking area, is only just inside the 30mph zone on a section of road barely wide enough for 2 cars to pass and close to the Barnwell turning. This section of road is already hazardous, it would seem unwise to add to this hazard.

5.3 Environmental Protection Team

There are no obvious environmental constraints but can conditions be placed on any permission granted regarding hours of work and no burning to ensure residential amenity is preserved during the works.

5.4 Waste Management

No comment to make.

5.5 Highways

Provide comments relating to:

- Visibility - 2 metres x 43 metres (for a 30mph road) on both sides of the access are required.
 - The access must have a minimum width of 4.5 metres for the first 10 metres.
- The dwelling should comply with adopted parking standards, which are 2 spaces for 3 bedroom dwellings.
- The access must be constructed in a hard-bound material for the first 5 metres from the highway boundary not including resin bound gravel.
- Any gates across a private drive must be set back a minimum of 5.5 metres from the highway boundary.
- 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.
- Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

Following the submission of a plan showing visibility splays for the access to the rear of the site, Highways confirmed that it has no objections in relation to highway visibility, provided that these visibility splays are retained in perpetuity.

5.6 Natural England

No comment to make.

5.7 Tree Officer

No objection to the proposals. The applicant has submitted evidence to demonstrate that the development may be carried out without significant detriment to the trees on site.

Conditions would be required for the trees to be protected in accordance with the submitted details and for a pre-commencement site meeting to ensure that the trees are protected on site during works.

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

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

Policy 1 - Presumption in Favour of Sustainable Development
Policy 4 – Biodiversity and Geodiversity

Policy 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)

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 11 of the JCS covers infill development in villages and states that it will be permitted on suitable sites within villages where it would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services. The site would be classed as infill, being within the built-up part of the village and is also garden land, so would not be

classed as previously developed land as per the NPPF definition. Although neighbours have stated that there are other properties in the village under the applicant's ownership that could be used instead, this is not a material consideration and the application submitted is what is to be considered. Furthermore, it is considered that there would be no need to tie the dwelling to the applicant's business via condition as the principle of the proposed dwelling is considered to be acceptable, regardless of whether it is used as a stand-alone dwelling or used to house workers associated with the applicant's business. Such a condition would therefore not be necessary or justified.

7.1.3 The concerns also raised by local residents regarding the proposed dwelling and parking provision to the rear setting a precedent for the opening up of land to the rear for residential development also can't be justified as a reason to refuse the application. Any further development would be considered separately under a separate application and the Council can only determine the proposal that's in front of it.

7.1.4 The principle of the proposed development is therefore considered to be acceptable subject to other material planning considerations.

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

7.2.1 In terms of design and detailing, the proposed dwelling would be sympathetic to the street scene and neighbouring dwellings and the design has been amended during the course of the application process to include a chimney to match the dwellings either side. The dormer windows have also been designed to match the ones used on the neighbouring properties at 3 and 4 Main Street. It is also proposed that materials will be conditioned to ensure that they are acceptable. Although neighbours have commented that the proposed dwelling would be too close to the neighbouring property at Silver Birches, the two main dwellings would have a sufficient degree of separation (approximately 7 metres, at the closest point) that there would not be any significant detrimental impact to the visual amenity of the street scene and this would be in keeping with the spacing between other properties on this part of Main Street.

7.2.2 Although there would be some loss of trees as part of the proposed development, mostly due to the rear parking provision, these are to the rear of the site and their loss would have no significant impact on the street scene. The Council's Senior Tree and Landscape Officer has also stated that he has no objection to the proposed development, subject to the imposition of conditions.

7.2.3 The impact of the proposed development in relation to design and layout 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 dwelling would comply with space standards as required by JCS Policy 30 and there is considered to be sufficient amenity space to the rear.

7.3.2 In terms of the impact on the amenity of neighbouring occupiers, the proposed dwelling would comply with the 45-degree rule in relation to both neighbouring

properties and the impact in terms of loss of light and over-dominance is therefore considered to be acceptable. In terms of overlooking, the proposed dwelling would have no side windows overlooking either of the neighbouring properties.

7.3.3 Due to the angle of the boundary, there would be some overlooking to the rear garden area of Silver Birches. However, this would only be a small part of the garden, closest to the boundary. Most of the garden area of this property would not be directly overlooked and would be of a level that could be expected between neighbouring dwellings. Furthermore, although a neighbour has raised concerns regarding overlooking from a bathroom window, with this being a bathroom window, it would be conditioned that this would be obscure-glazed and non-opening below 1.7 metres above floor level. With this condition in place, the impact of overlooking from this window is considered to be acceptable. The impact on this property in relation to overlooking is therefore, on balance considered to be acceptable. Conditions regarding hours of working and preventing the burning of waste material at the site will also be included as part of any planning permission to ensure that the impact on neighbours during the construction period is acceptable.

7.3.4 The impact of the proposed development on residential amenity is therefore, on balance 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 adopted parking requirements are for 2 off-street parking spaces for dwellings with 3 bedrooms. The proposed dwelling would have 3 bedrooms. There would be 10 spaces provided for the dwellings at 1, 2, 3, and 4, as well as the additional property proposed. This would equate to 2 spaces per dwelling. There would therefore be sufficient parking provision for the proposed dwelling in accordance with adopted standards. Furthermore, although it is unclear how many bedrooms there are at the other 4 dwellings, given the existing shortfall, the provision of the off-street parking is considered to represent an improvement over the existing situation, where vehicles are currently parking on the street.

7.4.2 In relation to visibility, the proposed dwelling would be sited a sufficient distance away from the public highway that there would be no impact on highway visibility. In relation to the visibility of the access to the parking provision at the rear, the applicant's agent has submitted a plan showing that there is sufficient visibility in line with adopted standards. This has been confirmed by the Council's Highways department, provided that this is conditioned to ensure it is retained in perpetuity. 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

The Council's Senior Tree and Landscape Officer has confirmed that the impact of the proposed development on trees and landscaping is considered to be acceptable, provided that the tree protection measures outlined in the application and a pre-commencement site visit are conditioned. These conditions will be included as part of any planning permission and the impact on trees and landscaping is therefore considered to be acceptable.

8. Other Matters

- 8.1 Contamination: The Council's Environmental Protection Team has stated that there are unlikely to be any environmental constraints at the site and has not raised any concerns regarding contamination or recommended any conditions. The impact in relation to contamination is therefore considered to be acceptable.
- 8.2 Notifications: Several residents raised concerns that the site notice was put in the wrong place. Whilst the site notice was initially placed further down Main Street in error, a second site notice has subsequently been posted outside the site to rectify this. A neighbour also raised concerns that they had not been notified of the application. However Council records show that a notification letter was sent out. It is therefore considered that the necessary consultations have been carried out for the application.
- 8.3 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.4 Sustainability: Due to the site's rural location, a condition shall be included as part of any planning permission to ensure that the development is of a sustainable construction in relation to water usage, vehicle charging points and boiler specification, as required by the National Planning Policy Framework 2021.

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 Layout – 19.3137.03
- Dwelling Layouts – 19.3137.04 Rev.A;
- Elevations 1 – 19.3137.05 Rev.C;
- Elevations 2 – 19.3137.06 Rev.C;

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. The development shall thereafter be carried out in accordance with the approved details.

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

4. No development or other operations shall commence on site until the existing trees to be retained have been protected in accordance with the Tree Protection Plan drawing number 4023.Hemington.3D.TPP dated 28/10/2020 by Andrew Belson Arboricultural Consultant. The erection of fencing or the installation of ground protection for the protection of any retained tree shall be carried out before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing and ground protection shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing or ground protection is damaged all operations shall cease until it is repaired in accordance with the approved details.

Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

Reason: To ensure that the trees onsite are fully protected during the implementation of the development hereby permitted.

5. No development or other operations shall commence on site until a site meeting has been conducted by the developer to discuss tree protection measures, with the Council's Senior Tree and Landscape Officer (or equivalent if Senior Tree and Landscape Officer post no longer exists), the Site Agent, the author of the Tree Protection Plan (see condition 4 above) and any Ground Workers.

Reason: To ensure that trees are protected during the onsite works.

6. Before development commences, details of the finished floor levels of the dwellings in relation to the existing and proposed levels of the site and the surrounding land shall be submitted to and approved in writing by the local planning authority. The dwelling shall thereafter be constructed in accordance with the details so approved.

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

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 / Public Holidays unless otherwise agreed with the local planning authority.

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

8. 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

9. Prior to the occupation of the dwelling hereby permitted, the access to the rear parking provision and the 2 spaces for the new dwelling shall be provided and retained thereafter in perpetuity

Reason: To ensure that there is sufficient parking provision for the dwelling hereby permitted, in the interests of highway safety.

10. The vehicular access serving the parking provision to the rear shall have a minimum width of 4.5 metres for the first 10 metres from the highway boundary.

Reason: To enable two opposing vehicles to pass each other at the point of access. This in turn ensures that a vehicle entering a site does not stop and turn within the highway to allow an emerging vehicle out.

11. The vehicular access to the parking provision at the rear shall be constructed in a hard bound material for the first 5 metres from the highway boundary in the interests of highway safety and this shall not include resin bound gravel.

Reason: In order to prevent loose material such as gravel being transferred to the public highway where it is a danger, particularly to cyclists and motorcyclists. Resin bound gravel as a hard-bound material would not be acceptable due to the fact that, over time, the gravel often comes away from the binder.

12. Any gates across a private drive must be set back a minimum of 5.5 metres from the highway boundary. Gates must be hung to open inwards only.

Reason: To enable a vehicle to stand clear of the highway before gates are opened, in the interests of highway safety.

13. 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.

14. No occupation of the dwelling hereby permitted shall take place until details have been submitted to and approved in writing by the Local Planning Authority which demonstrate the following sustainability measures for the new dwelling:

- A minimum of one electric vehicle charging point;
- Measures to encourage use to no more than 105 litres / person / day and external water use of no more than 5 litres / person / day; and
- Minimum standards for gas fired boilers.

Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of the dwelling hereby permitted.

Reason: In the interests of sustainability.

15. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, heights, design, materials and type of boundary treatment to be erected. The approved treatments shall be completed before first occupation of the property and shall be retained and maintained in perpetuity thereafter.

Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy.

12. **Informatives**

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