



## Appeal Decision

Site visit made on 21 December 2020

**by Andrew Smith BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 January 2021**

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**Appeal Ref: APP/G2815/W/20/3259241**

**Land north of Midland Road and east of Brooks Road, Raunds**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Griffiths on behalf of Kier Living Ltd against the decision of East Northants District Council.
  - The application Ref 18/01109/FUL, dated 31 May 2018, was refused by notice dated 16 March 2020.
  - The development proposed is full application for 10 dwellings, including access, parking, landscaping and associated infrastructure.
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### Decision

1. The appeal is allowed and planning permission is granted for 10 dwellings, including access, parking, landscaping and associated infrastructure at Land north of Midland Road and east of Brooks Road, Raunds in accordance with the terms of the application, Ref 18/01109/FUL, dated 31 May 2018, subject to the conditions set out at the end of this decision.

### Preliminary Matters

2. The East Northamptonshire Local Plan Part 2 (the LPP2) is emerging. There is nothing before me to indicate that the LPP2 is currently at a stage that should attract anything more than limited weight. I shall consider the appeal on this basis.
3. A Unilateral Undertaking pursuant to Section 106 of the Act (the UU) is before me, which contains provisions related to affordable housing, primary and secondary education contributions, a health care contribution and a library contribution. The UU is dated 30 November 2020 and is signed by the site's landowners. I refer to the version with manuscript amendments submitted to the Council and the Planning Inspectorate via email dated 11 January 2021. I shall return to the UU later.
4. A Habitats Mitigation Contribution Agreement pursuant to Section 111 of the Local Government Act 1972 (the HMCA) first dated 8 January 2020 is also before me, which seeks to mitigate the effect of the development upon The Upper Nene Valley Gravel Pits Special Protection Area (the SPA) by way of a contribution towards Strategic Access Management and Monitoring (SAMM). I shall also return to the HMCA later and have elevated SPA considerations to be considered under a main issue in this appeal due to the statutory duties that apply.

## **Main Issues**

5. The main issues are:

- Whether or not the proposal is suitably well-designed, having particular regard to on-site parking and waste storage/collection arrangements; and
- The effect upon the SPA.

## **Reasons**

### *Parking and waste storage/collection arrangements*

6. The appeal site is made up of undeveloped land located to the edge of a modern residential estate that is typified by similarly designed dwellings that are often routinely positioned along consistent building lines and upon relatively generous sized plots. There is thus a formal and somewhat spacious residential character and appearance in place across the estate. The proposed development would be broadly respectful of these existing characteristics. Indeed, each dwelling would be positioned upon an individual plot of suitable size and an unduly dense form of development would be avoided.
7. It is the case that, with respect to four of the proposed dwellings, tandem parking would be solely relied upon due to the provision of no side-by-side private parking. It is indicated within the Northamptonshire Parking Standards (September 2016), as adopted by the Highway Authority, that tandem parking is inconvenient and generally best avoided where possible.
8. Even so, a relatively small proportion of the dwellings proposed would be served solely by tandem parking arrangements. I do not consider that this represents an over-reliance on tandem parking and have no clear reason to consider that the proposal, as a result, would not function well in a parking context. It is also relevant to note that a relatively generous number of private parking spaces would be brought forward across the proposed development when considered as a whole. There would thus be limited potential for vehicles being forced or encouraged to park in communal areas or upon nearby roads/streets.
9. As regards waste storage and collection facilities, each dwelling would be served by its own private rear amenity space where waste storage vessels would be able to be stored on a secure basis. Waste collection points would be anticipated to be provided in immediate proximity to a newly proposed turning head feature, which would be able to accommodate the manoeuvres of a refuse collection lorry. This has been demonstrated through a submitted vehicle tracking plan.
10. Indeed, I am content that full details of intended waste storage and collection points could be satisfactorily secured by way of an appropriately worded planning condition. The site would be able to accommodate designated waste collection points without compromising a functional or well-designed development. This finding is broadly consistent with comments received from the Council's Waste Manager at planning application stage.
11. For the above reasons I find that the proposal is suitably well-designed, having particular regard to on-site parking and waste storage/collection arrangements. The proposal accords with Policy 2 of the Raunds Neighbourhood Plan 2011-

2031 (made November 2017) (the RNP) and with the National Planning Policy Framework (February 2019) (the Framework) in so far as these policies require that all new development in Raunds will be encouraged to be of good design and that planning decisions should ensure that developments will function well and add to the overall quality of the area.

*The SPA*

12. The site lies in proximity to the SPA such that I must consider the appeal against The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where the project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives.
13. I note from the evidence before me that the Council, in the process of considering the planning application that is now the subject of this appeal, undertook its own appropriate assessment. This ultimately identified that mitigation measures that comply with the Council's adopted guidance would be secured and that harm to the integrity of the SPA would be avoided.
14. However, for the purposes of this appeal, I am the competent authority and must undertake my own appropriate assessment prior to considering the issue of mitigation. It is apparent from the evidence before me that the SPA was designated for its importance as wetland habitat for non-breeding water birds and due to the number and types of bird species present.
15. As set out in the supporting text to Policy 4 of the North Northamptonshire Joint Core Strategy 2011-2031 (adopted July 2016) (the JCS) and within The Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document Mitigation Strategy Addendum (adopted November 2016) (the SPD), all new development within 3km of the SPA will result in a significant effect on the SPA that would result in an adverse effect upon its integrity unless avoidance and mitigation measures are in place. The SPD sets out that a financial contribution towards SAMM at £269.44 per new dwelling is considered to represent suitable mitigation. Although I note that Natural England (NE), in their role as Statutory Nature Conservation Body, has indicated that the relevant figure raised to £296.55 per new dwelling in October 2020.
16. As detailed in the SPD, various access management measures have been formulated and costed in accordance with a mitigation needs assessment. The relevant avoidance and mitigation measures identified include fencing, screening, path redirection, wardening, interpretation/education and the provision of off-lead dog exercise areas.
17. The HMCA has secured a payment of £2,963.84 towards SAMM, which, based upon a 10-unit scheme, exceeds the per-unit figure specified in the SPD and very marginally falls short of the per-unit figure specified by NE. Indeed, the shortfall is so minor it is immaterial. The Council has confirmed receipt of this payment.
18. Whilst the HMCA does not set out specific requirements for where the contribution is to be directed (other than towards mitigating the development's effect upon the SAP in broad terms), it is apparent that various access

management initiatives are in existence and thus eligible for direct funding. Indeed, I am content that adequate assurances are in place to ensure that proportionate mitigation and avoidance measures would be implemented expediently should planning permission be granted. I note here that, for the purposes of my appropriate assessment, NE have been consulted and I have subsequently taken into account the response received.

19. For the above reasons, the proposal would mitigate its impact upon the SPA, and I am thus satisfied that the proposed development would not adversely affect its integrity. The proposal accords with Policy 4 of the JCS and the guidance contained in the SPD in so far as this policy and guidance require that development that is likely to have an adverse impact upon the SPA must satisfy the requirements of the Habitats Regulations.

### **Planning Obligations**

20. The UU secures the on-site provision of two affordable housing units, both bungalows (one two-bed and one three-bed). When noting that a total of 10 residential units are proposed, the provision of two affordable dwellings would exceed requirements as set out at Policy 30 of the JCS. The Council's Housing Officer is supportive of the provision of two affordable bungalows and I am satisfied that this would constitute an acceptable level of provision.
21. I am content that the UU's definition of 'Qualifying Persons' makes adequate reference to the Council's Housing Allocation Policy and does not need to be expanded for the purposes of the undertaking. The UU's definition of 'Registered Provider', which references specific registration and nomination requirements, is similarly fit for purpose. Indeed, the related definition for 'HCA' includes reference to both Homes England and the Housing Regeneration Act 2008. Furthermore, I am content that all other UU provisions related to affordable housing can be satisfactorily understood.
22. The required primary and secondary education contributions have been calculated by the Local Education Authority (the LEA) based on their standard formulae. I note that specific educational establishments local to the site have been earmarked for capacity expansion where operating close, or very close, to full capacity. Whilst the LEA has also suggested that an early years services contribution be made due to a lack of capacity in the area, the Council has not sought to pursue this and there is limited supporting justification before me to clearly demonstrate that I should take an approach otherwise.
23. The health care contribution follows a request made from NHS England based upon a standard per-unit calculation tool, which would go towards either the construction of new premises or the refurbishment or extension of existing consultation/treatment facilities local to the site. Furthermore, a library contribution is secured towards planned improvements in accordance with the County Council's Library Strategy and an adopted tariff formula.
24. I am satisfied that the various contributions secured through the UU are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind. I am also content, from the evidence before me, that the UU is fit for purpose. Indeed, any suggestion that manuscript amendments cannot be made in the manner that has occurred has not been clearly substantiated.

## **Other Matters**

25. Policy 11 of the JCS sets out that Market Towns (including Raunds) will provide a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services.
26. Due to various planning permissions having been granted for residential development at Raunds in recent years, the RNP does not identify additional land for housing. Nevertheless, the proposal would not, to my mind, represent significant additional growth. Indeed, it would be in a location and at a scale appropriate to the character and infrastructure of the town. The proposal would suitably respond towards meeting the future needs of Raunds and of the wider local area, not least through the provision of affordable housing (in a form supported by the Council's Housing Officer) and market dwellings of a variety of types and sizes with an emphasis placed upon smaller house types.
27. I find that the proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise. Indeed, the Framework reaffirms the Government's objective of significantly boosting the supply of homes.

## **Conditions**

28. The Council has suggested a number of conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes. Pre-commencement conditions have only been imposed where agreed to in writing by the appellant.
29. In the interests of certainty, a condition specifying the approved plans is required. I have added the submitted Drainage Strategy as it is referred to as an approved document within other conditions listed in the schedule below, which relate to attaining full details of the surface water drainage system to be installed and of a Verification Report post-installation. These conditions, alongside a further condition securing a scheme of ownership and maintenance for the drainage system, are reasonable and necessary for the means of guarding against flood risk and ensuring that a fit-for-purpose drainage system is indeed installed and thereafter retained.
30. In the interests of protecting the character and appearance of the area, a condition is reasonable and necessary that secures the use of external-facing materials in compliance with already submitted details. For the same reason, it is reasonable and necessary to secure the submission of full details of intended hard and soft landscaping, as well as the subsequent implementation and maintenance of new planting.
31. In a character and appearance context and in the interests of seeking to minimise crime, a condition requiring the full details and implementation of a scheme of means of enclosure is both reasonable and necessary to impose. Given that such measures would be likely to be installed relatively late in the construction phase, a reasonable trigger-point for the provision of such details is prior to the first occupation of the development.
32. Also, in the interests of protecting the character and appearance of the area and of guarding against any potential overbearing relationship to the detriment

- of neighbouring living conditions, a planning condition to secure full details of finished floor levels is reasonable and necessary.
33. In the interests of promoting accessible and inclusive development and in broad compliance with the requirements of Policy 30 of the JCS, a condition is reasonable and necessary that secures that the bungalows hereby permitted provide wet room facilities and meet wheel-chair accessibility standards.
  34. In the interests of highway safety and of ensuring that a satisfactory number of on-site parking spaces are provided, a condition is reasonable and necessary that secures the provision and retention of all permitted parking spaces solely for parking purposes. Also, in the interests of highway safety and of ensuring suitable and fit-for-purpose turning opportunities, a condition requiring full details of the turning head feature as depicted upon the approved site plan is both reasonable and necessary. The turning head has been designed to meet adoptable standards and the Highway Authority has not raised objections to the proposal. Indeed, where private drives are intended to be installed, each would serve only a limited number of dwellings.
  35. In the interests of ensuring adequate water infrastructure provision and in compliance with Policy 8 of the JCS, which promotes proportionate and appropriate community and fire safety measures, a scheme for the provision of fire hydrants, sprinkler systems and associated infrastructure is both reasonable and necessary to secure via condition.
  36. To promote the achievement of a sustainable development in broad accordance with the specified requirements of Policy 9 of the JCS, a condition is reasonable and necessary that secures a scheme of sustainability measures to include mechanisms to limit water use.
  37. Furthermore, to ensure that any features of archaeological interest are properly examined and recorded, a Written Scheme of Investigation is appropriate to secure via condition.

### **Conclusion**

38. For the reasons given above, the appeal is allowed subject to conditions.

*Andrew Smith*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and document: L01; P01D; P02D; P04; P300; COL-01; COL-02; Proposed 4b.1 House Type Plans & Elevations; House Type 3B.1, Private, Floor Plans and Elevations (including Front Elevation Variation E); Drainage Strategy Revision A, 304-FRA-01-0, January 2020.
- 3) No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation to be submitted to and approved in writing by the Local Planning Authority. The satisfactory completion of each of the following components of the written scheme shall trigger the phased discharge of the condition: (i) approval of a Written Scheme of Investigation; (ii) fieldwork in accordance with the agreed Written Scheme of Investigation; (iii) completion of a Post-Excavation Assessment report and approval in writing of an Updated Project Design to be submitted to the Local Planning Authority within six months of the completion of fieldwork, unless otherwise agreed in writing in advance; (iv) completion of analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC), production of an archive report and submission of a publication report: to be completed and submitted to and approved in writing by the Local Planning Authority within two years of the completion of fieldwork unless otherwise agreed in writing in advance.
- 4) 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. Subsequently, these works shall be carried out as approved. Should the agreed planting become substantially diseased, die or otherwise be removed within five years of the date of the planting of the landscaping, it shall be replaced within the next seasonal planting season with the agreed species as specified. The landscaping details to be submitted shall include: (i) hard surfacing and other hard landscape features and materials; (ii) details of existing trees, hedges or soft features to be retained; (iii) planting plans, including specification of species and sizes; (iv) details of siting and timing of all construction activities to avoid harm to planted features; (v) details of the timing of the implementation of the hard and soft landscaping measures for the site.
- 5) No development shall take place until full details of the finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.
- 6) Notwithstanding the approved site plan (P01D), no development shall take place until full details of the turning head feature, including of its dimensions and materials, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local

Highway Authority. Thereafter the development shall be carried out in accordance with the approved details.

- 7) Prior to any above-ground works commencing, full details of the surface water drainage scheme for the site, based on the approved Drainage Strategy Revision A, 304-FRA-01-0, January 2020 prepared by Martin Andrews Consulting Limited, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include: (i) details (designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures; (ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations that indicate a maximum discharge of 2l/s; (iii) cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves to be submitted for all hydrobrakes and other flow control devices; (iv) details of permeable paving.
- 8) Prior to any above-ground works commencing, a detailed scheme for the ownership and maintenance of every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Local Planning Authority and the scheme of ownership and maintenance shall be carried out in full thereafter. Details are required of which organisation or body shall be the main maintaining body where the area is multifunctional (open space play areas containing SuDS, for example) with evidence that the organisation/body has agreed to such adoption. The scheme shall include: (i) a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used; (ii) a site plan including access points, maintenance access easements and outfalls; (iii) maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site; (iv) details of the expected design life of all assets with a schedule of when replacement assets may be required.
- 9) Prior to the first occupation of the development hereby permitted, a Verification Report for the installed surface water drainage system for the site, based on the approved Drainage Strategy Revision A, 304-FRA-01-0, January 2020 prepared by Martin Andrews Consulting Limited, shall be approved in writing by a suitably qualified independent drainage engineer and thereafter submitted to and approved in writing by the Local Planning Authority. The Report shall include: (i) confirmation that any departure from the agreed design is in keeping with the approved principles; (ii) any as-built drawings and accompanying photos; (iii) results of any performance testing undertaken as part of the planning process (if required / necessary); (iv) copies of any Statutory Approvals, such as Land Drainage Consent for Discharges; (v) confirmation that the system is free from defects, damage and foreign objects; (vi) confirmation of adoption or a maintenance agreement for all SuDS elements as detailed within the drainage strategy in place.



- 10) Prior to the first occupation of the development hereby permitted, full details of the position, materials of construction and design of all means of enclosure and details of any additional measures intended to minimise the risk of crime shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwellings to which they relate and shall be retained at all times thereafter.
- 11) Prior to the first occupation of the development hereby permitted, full details of the waste storage and collection points to serve each of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The waste storage/collection points shall then be implemented in accordance with the approved details prior to the first occupation of each relevant dwelling and thereafter retained in perpetuity.
- 12) Prior to the first occupation of each dwelling hereby permitted, its related parking spaces as depicted upon approved plan P01D shall be made available for the parking of vehicles and shall be retained solely for this purpose in perpetuity.
- 13) Prior to the first occupation of the development hereby permitted, a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be provided in accordance with the approved details and timetable.
- 14) Prior to the first occupation of the development hereby permitted, details of the following sustainability measures shall be submitted to and approved in writing by the Local Planning Authority: measures to limit water use to no more than 105 litres per person per day and external water use to no more than 5 litres per person per day as well as minimum standards for gas fired boilers. The development shall be carried out in accordance with the approved details and all measures shall be available for use upon first occupation of each respective dwelling hereby permitted.
- 15) The materials to be used for the external treatments of the dwellings shall be in accordance with the details set out on approved plan P02D and shall be retained in this manner in perpetuity.
- 16) Notwithstanding the details of the internal floor plans of Plots six and seven, as depicted on approved plans P01D and P300, each bathroom shall be fitted as a wet room and retained in this manner in perpetuity in order to meet the needs of those requiring an adapted property. The bungalows shall be built to Category 3 wheel-chair accessible standards.