

Committee Update Report
Area Planning Committee (Thrapston) – 18th October 2021
Index of Applications for Consideration

All plans and documents can be viewed using the link [here](#) using the Case Ref. No.

Case Ref. No. and Page No.	Location	Officers Rec.
NE/21/01093/FUL Page 13	1 Grimmer Walk, Irthlingborough <u>Updates</u> None	GRANT
20/01343/FUL Page 21	Land Rear of 57 High Street, Twywell <u>Updates</u> The applicant's agent, after seeing the Committee Report, raised the issue that updated Highways comments were received which are included in the evaluation section of the report but not the consultees section. They asked for these to be included on the update sheet to avoid any confusion. These comments are as follows: <i>'As per out previous comments (dated 07/06/2021) I can confirm that our comments have now been satisfied and therefore would offer no further objection to the proposed.</i> <i>In regards to Policy DM15 and this proposal demonstrating vehicle access to an additional</i>	GRANT

	<p><i>dwelling taking the total number served from a private access to 6, the principles were already agreed as part of the previous application that demonstrated junction visibility improvements and initially included 4 plots which was accepted on balance at the time by the LHA'</i></p> <p>One of the neighbours who initially objected to the application, also advised that their original objections still stand despite the re-positioning of the proposed dwelling.</p> <p>Senior Tree and Landscape Officer Comments / Condition / Informative</p> <p>Raises no objections to the proposal subject to a condition for a Tree Protection Plan and Method Statement, to be worded as follows:</p> <p>Condition</p> <p>No works or development shall take place until a scheme for the protection of the retained trees (5.5, BS5837:2012, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:</p> <p>a, a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 4.6 of BS 5837:2012) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.</p> <p>b, the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS 5837:2012), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.</p> <p>c, the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7 of BS 5837:2012).</p>	
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	<p>d, the details of the working methods to be employed with regard to site logistics including , the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures (section 8 of BS 5837:2012)</p> <p>The erection of tree protection barriers or ground protection for the protection of any retained tree or shall be carried out in complete accordance with BS5837:2012, before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The tree protection barriers or 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 tree protection barriers 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 tree protection 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.</p> <p>Officer note: As this is a pre-commencement condition, it will need to be agreed with the applicant before any permission is issued. If they refuse to agree it, the application can be refused under delegated powers.)</p> <p>Suggested informative note: You are advised to arrange a meeting on site with both the Tree Officer from the Local Planning Authority, Construction Site Manager and author of the Tree Protection Plan (see condition 7 above) before any works commence on site.</p>	GRANT
NE/21/011186/FUL Page 35	27 Webb Road, Raunds Updates None	

<p>NE/21/00405/FUL</p> <p>Page 47</p>	<p>OP4518 SP9694, Blatherwycke Road, Bulwick</p> <p><u>Updates</u></p> <p><u>Local Plan Part 2 – Settlement Boundary</u></p> <p>At the time of adoption of the Local Plan Part 2 (LPP2) this would replace the Rural North, Oundle and Thrapston Plan 2011 (RNOTP). The LPP2 does not impose settlement boundaries and instead basis it on the character of the site in relation to its local setting (Policy EN3 of the LPP2)). Applying this to the application site, it would be concluded that the site is part of the settlement and thus the principle of development would be acceptable in accordance with Policy EN3. Whilst, the LPP2 is at the early stages of the examination process and therefore little weight can be given to the Plan, the premise of Policy EN3 (assessing a site in context of its local setting rather than a defined settlement boundary) is reflected in an appeal decision (APP/G2815/W/16/3149683) as mentioned within Paragraph 7.1.3 of the officer report and attached to this 'update sheet'. The appeal decision is a significant material consideration.</p> <p><u>Appeal Decision - APP/G2815/W/16/3149683 – Braesby, Southwick Road, Glapthorn</u></p> <p>This appeal decision is mentioned within Paragraph 7.1.3 of the officer report and is attached to this update sheet.</p>	<p>GRANT</p>
<p>NE/21/00784/FUL</p> <p>Page 63</p>	<p>Land To The Rear of 23-25 St Marys Avenue, Rushden</p> <p><u>Updates</u></p> <p>None</p>	<p>GRANT</p>
<p>NE/21/01085/FUL</p> <p>Page 81</p>	<p>25 Russell Way, Higham Ferrers</p> <p><u>Updates</u></p> <p>Further response received from Highways which advises in this case that it should take a view</p>	<p>GRANT</p>

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20/01712/FUL Page 93	166 Avenue Road, Rushden <u>Updates</u> None	GRANT
NE/21/01194/FUL Page 105	137 Huntingdon Road, Thrapston <u>Updates</u> The Town Council has now removed their objection and as such this application is withdrawn from the committee agenda and will be delegated to officers as per the Council's Constitution. Please note that some letters of support have also been received from local residents as well as a neighbour reiterating their objections to the proposal. These will be considered as part of the determination process.	WITHDRAW FROM AGENDA
NE/21/00901/OUT Page 113	Land Adjacent Brook Farm Cottage, Brooks Road, Raunds <u>Updates</u> None Extension of time agreed until 20th October 2021. The Local Highway Authority have confirmed that a 10m (not 25m) separation from private driveways (i.e. distance to access serving the animal sanctuary) is acceptable. On the indicative site plan, the separation between the proposed access and the centre of the access serving the animal sanctuary, is around 12.2 metres. This is provided to give a sense of scale/separation, whilst noting access is not for determination at this stage.	GRANT

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UPDATE REPORT: Area Planning Committee (Thrapston) – 18th October 2021

Appeal Decision

Site visit made on 26 July 2016

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th August 2016

Appeal Ref: APP/G2815/W/16/3149683

Braesby (and associated land and buildings), Southwick Road, Glapthorn, Peterborough, Northamptonshire PE8 5BD

- 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 Paul Johnson against the decision of East Northants District Council.
 - The application Ref 15/02079/FUL, dated 11 November 2015, was refused by notice dated 27 January 2016.
 - The development proposed is erection of 5 No dwellings following demolition of the existing dwelling (1 No) from the site, including the demolition and removal of all its associated outbuildings, structures, equipment, machinery and vehicles.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 5 No dwellings following demolition of the existing dwelling (1 No) from the site, including the demolition and removal of all its associated outbuildings, structures, equipment, machinery and vehicles at Braesby (and associated land and buildings), Southwick Road, Glapthorn, Peterborough, Northamptonshire PE8 5BD in accordance with the terms of the application, Ref 15/02079/FUL, dated 11 November 2015, subject to conditions listed in the schedule following this Decision.

Procedural Matter

2. The North Northamptonshire Joint Core Strategy 2011-2031 has now been examined and found to be sound by the Inspector, albeit with modifications. Although not yet formally adopted by the Council, I give the relevant policies in this document considerable weight in my reasoning below.

Main Issue

3. The main issue is whether the development represents sustainable development with regard to local and national policies.

Reasons

4. The site lies to the north of the village of Glapthorn, and is accessed from an existing vehicular access serving Braesby, a detached house. The area to the rear of Braesby is bounded to the east, south and west by residential development, and to the north by open agricultural land. The site currently houses a variety of structures in poor or derelict condition, is overgrown and
-

appears to be being used for housing vehicles and agricultural machinery. The development comprises the demolition of Braesby and the other ancillary structures, and their replacement with 5 dwellings.

5. The Council has raised a concern in relation to sustainability of location. This is partly attributed to the position of the appeal site which straddles the settlement boundary as defined by the Rural North, Oundle and Thrapston Plan (RNOTP)¹ and also to the accessibility of services for future occupants of the development.
6. Glapthorn is a linear village, and historically development appears to have extended the building pattern along the roads, with little development behind the active frontages. However, the portion of the appeal site lying outside the settlement boundary forms a notable indentation in that boundary and is also directly bounded on three sides by residential development². I appreciate that settlement boundaries are generally defined to contain development within established building patterns and to prevent sprawl into open countryside. However, by virtue of adjacent land uses and its semi-enclosed position, the portion of the site lying outside the settlement boundary is both visually and functionally contained within the settlement. In addition, the evidence before me indicates it has housed multiple sheds since at least before 1998³ and was used as a small-holding for a period. Consequently, given its current condition and location, I conclude that the site is not necessarily appropriate for a return to agricultural use, but nor can it be considered as open countryside.
7. The Council has not raised any objection to the development in terms of harm to the character and appearance of the area and were the appeal to be allowed, the village edge would not appear to be extended when viewed from the north. The development would also provide an opportunity to provide additional housing without further extension of the building pattern along the road layout or encroaching into open countryside. Criterion 2b of Policy 11 of the Joint Core Strategy⁴ (JCS) defines small scale infill development as the development of vacant or under-developed land within the main built up areas on land which is bounded on at least two sides. Whilst I appreciate that the site lies outside the settlement boundary of the RNOTP, it is vacant land bounded on at least two sides within the main built up area.
8. I also note that the RNOTP predates the National Planning Policy Framework (the Framework) which, in Paragraph 14, states that where relevant policies are out of date, planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits, unless material considerations indicate otherwise. Whilst I recognise that the appeal site lies partly outside the designated settlement boundary, it nevertheless abuts and is enclosed on three sides by existing residential development. Notwithstanding the RNOTP, which could in any case be considered out of date by the Framework in this regard, residential development would appear to be an appropriate alternative use of the land in the absence of other material considerations.

¹ Rural North, Oundle and Thrapston Plan 2011

² I note that the rear gardens of two adjacent dwellings, Burghfield House and Longfield House, are shown as being outside the settlement boundary but given that other rear gardens are within the boundary, this would appear to be an inconsistency.

³ EN/98/00410/RTN

⁴ North Northamptonshire Joint Core Strategy, July 2016

9. Policy 11 (JCS) states that small scale infill development will be permitted on suitable sites where this would not exceed the capacity of local infrastructure or services. I concur with the Council that Glapthorn has limited facilities and although the appellant has provided details of public transport there is no information in respect of the timetable for the 180 service and Callconnect is not a regular service. However, although the Council states that Policy 11 (JCS) gives priority for rural development that is readily accessible by a choice of means of travel, this reference is deleted under the current version of the JCS as modified by the Inspector, and as such I give this argument little weight. In addition, the development would be within 2 kilometres of the centre of Oundle and although it cannot be presumed that alternative modes of travel such as walking or cycling would be regularly used by future occupiers of the development, it appears that there would be opportunities for alternative transport modes.
10. Moreover, the village is considered a Network A village in the RNOTP and Policy 2 (RNOTP) states that there may be scope for windfall development, which demonstrates that additional development is not considered wholly inappropriate for Glapthorn. The Council argues that the location of part of the appeal site outwith the settlement boundary renders this policy irrelevant. However, it remains a fact that the site abuts the settlement boundary and new residential development would be no further from village amenities than other dwellings in the established building pattern. As such, I am not persuaded that dwellings on the appeal site would be any less sustainable in terms of location, than future windfall sites within the settlement boundary.
11. I appreciate that the development would not necessarily meet the criteria for windfall development as outlined in Policy 2 (RNOTP), which include the mix of housing types meeting local circumstances, that the scale and siting of properties accords with local character and the adequacy of local facilities. I note that the Council has suggested that were affordable housing be included within the development, this would provide exceptional circumstances to overcome their concern in relation to the settlement boundary. However, affordable housing provision does not appear to be a policy requirement, and nor is it cited in the reasons for refusal.
12. Consequently, I consider the site would be suitable for small scale infill development as outlined by Policy 11 (JCS) which outlines the future distribution of settlement. Although I appreciate the site lies mainly outside the settlement boundary as defined in Policy 2 (RNOTP), given that it predates the Framework I give this policy conflict lesser weight. In any case, I find no significant harm arising from the development and I am not persuaded that the development would exceed or put a strain on local infrastructure sufficient to warrant dismissal of the appeal. Furthermore, although Policy 11 (JCS) states that Local and Neighbourhood Plans will identify sites where development should be resisted, there is nothing in the evidence before me to indicate the appeal site is within a sensitive area and as reasoned above, I consider it an appropriate site for development. As such I do not find the development would be contrary to Policy 11 (JCS).
13. Paragraphs 12 and 196 of the National Planning Policy Framework (the Framework) state that the development plan remains the starting point for decision making. However, in this instance I consider that the current near-derelict state of the land and its position relative to the established building

pattern are material considerations in my consideration of the development and that the benefits afforded from the development would significantly and demonstrably outweigh any harm caused by the conflict with the settlement boundary. I also appreciate that Paragraph 17 of the Framework states that planning should be genuinely plan-led. However, Paragraph 17 also states that the effective re-use of land should be encouraged and I give this some weight. Paragraph 55 of the Framework states that development in one village may support services in a village nearby. Whilst I conclude that retail amenities within Glapthorn are limited, it nevertheless has community amenities that require local support.

Other matters

14. Interested parties have raised concerns in respect of local landscape character. However, as I have noted above, the development would be visually contained within the established building pattern and there would be no harm to the wider character and appearance of the landscape. There would also be some benefit to be gained from the removal of the existing buildings. In addition, as noted above, notwithstanding that the village is predominantly linear in character, the development would represent an efficient use of land as required by Paragraph 111 of the Framework which states that planning decisions should encourage the re-use of previously developed land.
15. Concern has also been raised in respect of precedent. However, I have no evidence before me to indicate that the circumstances of this appeal would be replicated in other parts of the district. In any case, each appeal is determined on its own merits.

Conditions

16. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty. I have also imposed a condition to restrict working hours on the site to protect the living conditions of occupiers of neighbouring dwellings, and a condition to ensure vehicles do not track mud and debris onto the highway in the interests of residential and visual amenity, and highway safety.
17. I have also imposed a condition requiring the submission and approval of details of vehicle hardstanding, turning areas, and visibility splays, also in the interests of highway safety. With regard to the protection of the character and appearance of the area, I have imposed a condition with regard to the submission of samples of materials to be used on external surfaces, and conditions requiring the submission and approval of details for external works, including the removal and retention of existing vegetation, proposed planting and hard surfacing works, proposed floor and slab levels, and boundary treatments.
18. I have also imposed conditions relating to the identification and remediation of potential contamination on the site in order to minimise risks to future users of the site and neighbouring land. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

19. For reasons given above and taking all matters into account, I conclude that the development would not be contrary to the Council's Joint Core Strategy or Local Plan, and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: Site Location Plan, 557/05; 557/10; 557/11; 557/13; 557/14; 557/15.
- 3) Notwithstanding condition 2, no development shall take place until samples and details of the materials to be used on external surfaces have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No demolition or construction work (including deliveries to or from the site) shall take place outside the hours of 0800 – 1800 Mondays to Fridays, and 0800 – 1300 hrs on Saturdays and at no time on Sundays or Bank Holidays unless agreed in advance and in writing with the local planning authority.
- 5) Prior to the commencement of the development and associated clearance or demolition works, a scheme to ensure vehicles travelling to and from the site do not deposit mud or debris on the adjacent highway, and a procedure for cleaning the highway should mud or debris be deposited, shall be submitted to and approved in writing by the local planning authority.
- 6) Prior to the commencement of the development hereby approved, full specifications and layouts to include details of construction, visibility splays, gradients, surfacing and drainage of the access, parking and manoeuvring areas shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to first occupation of any dwelling on the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 7) Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) details of proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded or turfed areas;
 - ii) details of the existing trees and hedgerows to be retained, as well as those to be felled or removed, including existing and proposed ground levels at the base of each tree or hedgerow, and the minimum distance between the base of each tree and nearest edge of any excavation;
 - iii) details of hard surfaced area, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps;
 - iv) details of boundary treatments.
- 8) All planting, seeding and turfing detailed in the approved details of landscape works shall be carried out in accordance with BS 4428:1989

Code of Practice for General Landscape Operations (excluding hard surfaces), in the first planting and seeding seasons following the first occupation of any of the dwellings hereby approved, or completion of the development, whichever occurs first. Any trees, shrubs and herbaceous planting which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species.

- 9) Prior to the commencement of the development, details of existing ground levels (in relation to an existing datum point), proposed floor levels and floor slab levels of the development and adjoining sites shall be submitted to and approved in writing by the local planning authority. All works shall be carried out and retained in accordance with the approved details.
- 10) Prior to the commencement of the development hereby permitted an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with BS 10175: Investigation of Potentially contaminated sites – Code of Practice, and the Environment Agency’s model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include a survey of the extent, scale and nature of contamination, the potential risks to human health, property, adjoining land including buildings, crops, livestock, pets and service lines and pipes, ground and surface waters, and ecological systems. No development shall take place until the local planning authority has confirmed in writing that it is satisfied that no potential risk from contamination has been identified.
- 11) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out by a suitably qualified contaminated land practitioner, and upon completion a verification report shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority.

Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.