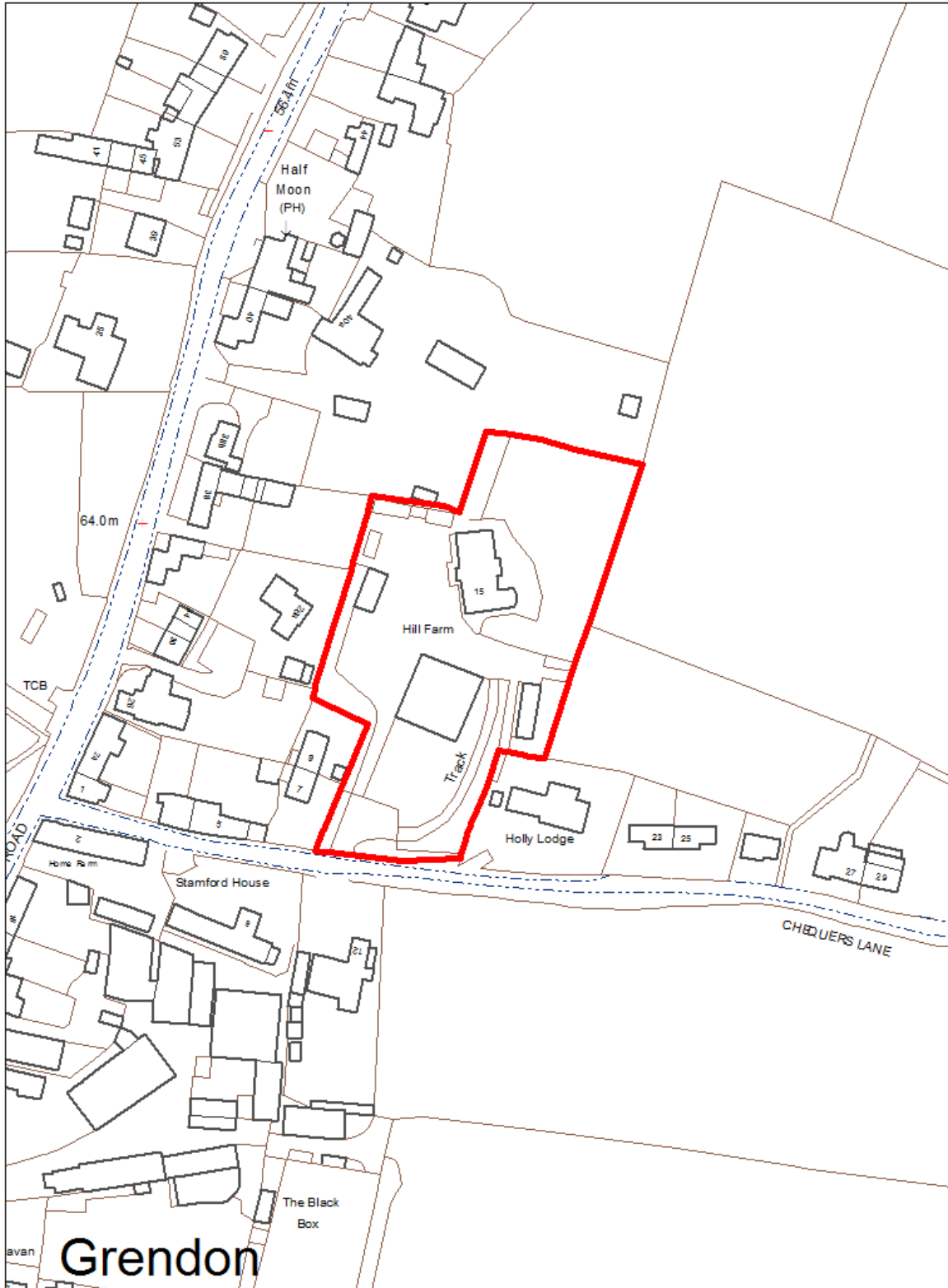



North Northamptonshire Area Planning Committee (Wellingborough)

15 December 2021

Application Reference	NW/21/00843/VAR	
Case Officer	Debbie Kirk	
Location	15 Chequers Lane Grendon Northampton Northamptonshire NN7 1JP	
Development	Application seeks to vary conditions 1 (approved plans), 4 (driveways laid out), 7 (CEMP), 8 (boundary treatment), 11 (location of refuse/recyclable materials), 14 (detailed landscaping scheme) , 16 (details of ground surface areas), 17 (lighting of private driveways) 18 (details of electrical charging points) and 19 (new nesting opportunities for birds, bats and insects) following grant of planning permission reference WP/19/00541/FUL and the regularisation of the siting of plots 4 and 5, the raising and repositioning of the rear bedroom window serving plot 4; the repositioning of the two parallel parking spaces serving plot 5; an amendment to the layout of the private driveway including the removal of a section of block paving and replacement with tarmac and the addition of stone lintels to plots 4 and 5 and removal of brick window headers. (Amended description and amended plans)	
Applicant	Mr John Harmon	
Agent	Mr David Calder	
Ward	Irchester Ward	
Overall Expiry Date	23 November 2021	
Agreed Extension of Time	17.12.2021	
Checked	Principal Planning Manager	Jeff Upton

NW/21/00843/VAR



 <p>North Northamptonshire Council</p>	 <p>N</p>	<p>ICT Services</p> <p>This map is accurate to the scale specified when approved as of 1/1/2021.</p> <p>© Crown Copyright and database right 2021. Ordnance Survey 100049687.</p> <p>© Geo-Information Services. Aerial Photography copyright: Geographical PLC 1999.</p>	<p>Legend</p> <p> NW/21/00843/VAR 15 Chequers Lane Grendon</p>
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Scheme of Delegation

This application is brought to committee because it falls outside of the council's scheme of delegation because Grendon Parish Council has raised material planning objections and officers are recommending approval.

1. Recommendation

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

2. The Application Proposal and Background

2.1 Planning permission reference WP/1998/0441/FUL was granted on 10 December 1998 for the erection of a bungalow for occupation in connection with an equine enterprise. Planning permission reference WP/1999/0147/FUL was subsequently granted on 21 May 1999 for an amended scheme for a bungalow. The later scheme was implemented. Both consents included an occupancy restriction, stated as condition 4 which reads as follows:

"The occupation of the bungalow shall be related to the equine enterprise".

2.3 At the time that planning permission was granted, the site of the bungalow was located outside of the settlement boundary for Grendon and was therefore in the open countryside. Planning permission was granted for the bungalow on the basis of an essential need to support an existing and established equine enterprise. Hill Farm comprised of a 16 hectare (40 acre) holding which was managed by Mr R and Mrs M Bowers and was run as a stud farm for the breeding of thoroughbred racehorses. The intensive nature of the business and high value of the bloodstock kept on the holding established the need and justification for a dwelling which was occupied by Mr and Mrs Bowers. It was in this context that planning permission was granted, and by virtue of the restriction, occupancy of the bungalow was tied to the specific business of the Mr and Mrs Bowers. Mr and Mrs Bowers subsequently built the bungalow and continued to occupy it in conjunction with their business activities, until their death, which in the case of Mr R Bowers was most recently in 2016. The bungalow has stood empty since.

2.4 Variation to planning permission reference number WP/18/00723/VAR granted the removal of condition 4 (occupancy restriction) of planning permission reference WP/1999/0147. The executors of R Bowers deceased demonstrated through the information contained within the accompanying planning statement that as a result of the death of the original applicants, the associated equine enterprise on which the dwelling was originally justified is no longer in existence. Therefore, there was no existing need for the dwelling to be tied to an existing equine enterprise at the time of the application or in the future.

2.5 Planning permission reference WP/19/00541/FUL was granted on 23 January 2020 for a residential development for 5 dwellings accessed off a shared private drive, hardstanding and associated landscaping and boundary treatments. The

planning permission included the demolition of an existing two-sided open agricultural barn used for the storage of hay, two stable blocks, a detached garage and double carport block. This planning permission has been implemented and work has commenced on site.

2.6 An application for approval of details reserved by condition reference WP/20/00472/CND pursuant to conditions 1 (developed in accordance with approved plans), 2 (time limit), 6 (Dwellings meet category 2 of the National Accessibility Standards), 7 (CEMP), 9 (limit water use), 10 (approved parking laid out), 11 (approved refuse stores provided), 12 (approved cycle parking provided), 13 (land contamination), 15 (written scheme of investigation - archaeology), 18 (electrical charging points), 20 (stage 2 bat survey), 21 (removal of pd rights limiting use of garage for storage of vehicles and ancillary domestic storage), 22 (obscure glazing in ensuite windows in western elevation of plots 4 & 5) and 23 (Stage 2 bat survey confirming absence of bat by suitably qualified ecologist) of planning permission reference WP/19/00541/FUL was partially discharged 25 September 2020.

2.7 An application for approval of details reserved by condition reference WP/20/00561/CND pursuant to conditions 3 (external materials), 4 (vehicular areas), 5 (pedestrian to vehicle visibility splays), 8 (boundary treatments), 14 (hard and soft landscaping), 16 (hardstanding materials), 17 (lighting scheme) and 19 (nesting opportunities) of planning permission ref: WP/19/00541/FUL was partially discharged on 26 November 2020.

2.8 Planning permission reference WP/20/00234/VAR was granted on 5 November 2020 for a variation to condition 1 of planning permission reference WP/19/00541/FUL. This permitted the raising of the garage ridge line and the installation of dormer windows for plots 1 – 3 as during the working drawings stage, it became apparent that there was not enough headroom in the room above the garage. Relocation of the ground floor wc, amendments to the utility room, and stone window heads and sills was also approved. This variation permission has been implemented for plots 1, 2 and 3.

2.9 This application is made pursuant to section 73 of the Town and Country Planning Act 1990 (as amended) which allows applications to be made for permission without complying with conditions previously imposed on a planning permission. An approval of a section 73 results in a new permission and the local planning authority can decide to grant a new permission unconditionally, grant a permission subject to different/new conditions or they can refuse the application. The expiry date for any permission remains as per the original permission and so time limits cannot be extended under a section 73 application.

2.10 This application has been submitted following an investigation by the planning enforcement officer which confirmed that the working drawing that was used to construct plots 4 and 5 was not part of the planning permission (reference WP/19/00541/FUL) or subsequent approved variation (reference WP/20/00534/VAR) and part of this application is seeking to regularise the situation.

2.11 This application seeks to vary conditions 1 (approved plans), 4 (driveways laid out), 7 (CEMP), 8 (boundary treatment), 11 (location of refuse/recyclable materials), 14 (detailed landscaping scheme), 16 (details of ground surface areas), 17 (lighting of private driveways) 18 (details of electrical charging points) and 19 (new nesting

opportunities for birds, bats and insects) following grant of planning permission reference WP/19/00541/FUL and the regularisation of the siting of plots 4 and 5, the raising and repositioning of the rear bedroom window serving plot 4; the repositioning of the two parallel parking spaces serving plot 5; an amendment to the layout of the private driveway including the removal of a section of block paving and replacement with tarmac and the addition of stone lintels to plots 4 and 5 and removal of brick window headers. (Amended description and amended plans)

2.12 The applicant is seeking the wording of condition 1 of WP/19/00519/FUL to be changed from:

'The development hereby approved shall be carried out in accordance with the following drawings/details:

Location plan scale 1:1250 received 30 October 2019;

B57-100 Rev H (site plan as proposed) received 9 December 2019;

B57-101 Rev C (plot 1 floor plans and elevations as proposed) received 8 November 2019;

B57-102 Rev C (plot 2 floor plans and elevations as proposed) received 8 November 2019;

B57-103 Rev D (plots 4 & 5 floor plans and elevations as proposed) received 20 December 2019;

B57-105 (plot 3 floor plans and elevations as proposed) received 8 November 2019;

B57-104 Rev D (site elevations as proposed) received 9 December 2019;

Ecological appraisal by Cherryfield ecology dated 29 October 2019 (39 pages) received 6 November 2019'.

To 'The development hereby approved shall be carried out in accordance with Seagrove Developments Ltd drawings numbers and documents:

Location plan scale 1:1250 received 30 October 2019;

CL2020 CONS 1.02 Rev C (site layout plan) received 116 November 2021;

CL2020 CONS 1.02 Rev C (site layout plan) received 16 November 2021;

B57-101 Rev F (plot 1 floor plans and elevations as proposed) received 16 November 2020;

B57-102 Rev F (plot 2 floor plans and elevations as proposed) received 16 November 2020;

B57-103 Rev J (plots 4 & 5 floor plans and elevations as proposed) received 24 November 2021;

CL 2020 PLNG B57 104 Rev J (site elevation sections) received 24 November 2021;

B57-105 Rev C (plot 3 floor plans and elevations as proposed) received 16 November 2020;

CL-2020 P4&5 CONS 2.0 Rev E (plots 4 & 5 elevations) received 16 November 2021;

CL-2020-P4 & 5 CONS 2.1 Rev B (plots 4 & 5 approved and proposed elevations) received 22 November 2021;

B57-104 Rev G (site elevations as proposed) received 16 October 2020;

Ecological appraisal by Cherryfield ecology dated 29 October 2019 (39 pages) received 16 November 2021;

CL 2020 PLNG B57-106 Rev D (electrical charging point location plan) received on 24 November 2021;

L2020 PLNG B57-107 Rev D (hard landscaping) received 22 November 2020;

CL-2020 CONS 1.5 Rev E (landscaping plan) received 24 November 2021;

CL 2020 PLNG B57-109 Rev D (ecology requirements plan) received 24 November 2021;
Seagrove Developments Construction Environmental Management Plan (CEMP) REV C (10 pages) received on 16 November 2021;
CL -CP 01 Rev B (construction phase plan) received on 16 November 2021;
Soiltechnics Ground Investigation Report for proposed residential development off Chequers Lane Grendon reference number ST550121 -G01 Rev 0 dated May 2020 received 7 August 2020;
DW Windsor drawing number 20-15390-1 Rev D (lighting design) received 26 November 2021;
Rolec Wallpod Electrical Vehicle Ready datasheet received on 16 November 2021;
External materials for 15 Chequers Lane, Grendon received on 16 November 2021;
Bradstone Woburn Rumbled Graphite block paving received on 21 September 2020;
Land at Hill Farm, Grendon, Northamptonshire archaeological evaluation report No 2090 dated October 2020 by archaeology Warwickshire (32 pages) received 16 November 2021.

2.13 The applicant is seeking the wording of condition 4 of WP/19/00519/FUL to be changed from:

'The hereby approved dwellings on plot 1 and plots 2-5 shall not be occupied until the vehicular areas that are within 5 metres from the boundary of the site where it meets the public highway have been constructed and surfaced in a stable and durable manner in accordance with samples of the surfacing submitted to and approved in writing by the local planning authority. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.'

To:

'The hereby approved dwellings on plot 1 and plots 2-5 shall not be occupied until the vehicular areas that are within 5 metres from the boundary of the site where it meets the public highway have been constructed and surfaced in a stable and durable manner in accordance with the Bradstone Woburn Rumbled Graphite block paving sample and tarmacadam as detailed on L2020 PLNG B57-107 Rev D (hard landscaping) received 24 November 2020;. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway'.

2.14 The applicant is seeking the wording of condition 8 of WP/19/00519/FUL to be changed from:

'Prior to the first occupation of any associated dwelling the boundary treatments detailed on drawing number B57-100 H (site plan as proposed scale 1:200) received on 9 December 2019 shall be installed and the approved fence and railings shall subsequently be retained thereafter.'

To:

'Prior to the first occupation of any associated dwelling the boundary treatments detailed on drawing number CL-2020 CONS 1.5 Rev E (landscaping plan) received 24 November 2021 shall be installed and the approved fence and railings shall subsequently be retained thereafter'.

2.15 The applicant is seeking the wording of condition 11 of WP/19/00519/FUL to be changed from:

'No dwelling hereby permitted shall be occupied until the refuse stores, as shown on approved plan number B57-100 Rev H (site plan as proposed scale 1:200) received 9 December 2019 have been completed in accordance with the approved details. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.'

To:

'No dwelling hereby permitted shall be occupied until the refuse stores, as shown on approved plan number CL-2020 CONS 1.5 Rev D (landscaping plan) received 24 November 2021 have been completed in accordance with the approved details. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site.'

2.16 The applicant is seeking the wording of condition 14 of WP/19/00519/FUL to be changed from:

'No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the local planning authority full details of both hard and soft landscape works. Soft landscape works shall include planting plans at a minimum scale of 1:200 with schedules of plants noting species, plant supply sizes and proposed densities; Development shall be carried out in accordance with the approved details. If within a period of 2 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner.'

To:

'Development shall be carried out in accordance with the hereby approved soft and hard landscaping details shown on Seagrove Developments Ltd drawing numbers CL-2020 CONS 1.5 Rev E (landscaping plan) received 24 November 2021 and CL2020 PLNG B57-107 Rev D (hard landscaping) received 24 November 2020. If within a period of 2 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner.'

2.17 The applicant is seeking the wording of condition 16 of WP/19/00519/FUL to be changed from:

'No development shall take place above slab level until samples of the materials to be used in the areas of hardstanding within the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved

Details.’

To:

‘Prior to the first occupation of the any associated dwellings hard surfacing areas shall be Bradstone Woburn Rumbled Graphite block paving and Tiselo Tephra Dark Grey Porcelain paving slabs as detailed on Seagrove Developments Ltd drawing number CL-2020 CONS 1.5 Rev E (landscaping plan) received 24 November 2021 and L2020 PLNG B57-107 Rev D (hard landscaping) received 24 November 2020’.

2.18 The applicant is seeking the wording of condition 17 of WP/19/00519/FUL to be changed from:

‘Prior to the commencement of the construction of any dwellings details of the proposed lighting scheme for the lighting of the shared private driveways and shared parking courts shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the lux levels of each light and a plan showing the position, type and extent of the lighting over the area to be lit. The approved scheme shall be implemented prior to the first occupation of the associated dwelling and shall be retained in that form thereafter or such other details that shall have been submitted to and approved in writing by the local planning authority and thereafter retained in that form’

To:

‘The hereby approved scheme for the lighting on the unadopted private driveway shown on DW Windsor drawing number 20-15390-1 Rev D (lighting design) received 26 November 2021 shall be implemented prior to the first occupation of the associated dwelling and shall be retained in that form thereafter or such other details that shall have been submitted to and approved in writing by the local planning authority and thereafter retained in that form.’.

2.19 The applicant is seeking the wording of condition 18 of WP/19/00519/FUL to be changed from:

‘Prior to the construction of the development above slab in level in each phase details of a charging point for electric vehicles to be installed in each dwelling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed prior to the first occupation of each associated dwelling in that phase’.

To:

‘The hereby approved scheme for the electric charging point details shown on drawing number CL 2020 PLNG B57-106 Rev D (electrical charging point location plan) received on 24 November 2021 and the Rolec Wallpod Electrical Vehicle Ready datasheet received 16 November 2021 shall be installed prior to the first occupation of each associated dwelling in that phase’.

2.20 The applicant is seeking the wording of condition 19 of WP/19/00519/FUL to be changed from:

‘No construction works shall be undertaken above slab level until details of new nesting opportunities for insects, birds and bats either integral to or mounted to the buildings or mounted on suitable trees has been submitted to, and approved in writing by the local planning authority. The scheme shall include details of

external bat roosting boxes, insect boxes for bees and ladybirds, a robin box, swift bricks or boxes and general nesting boxes and the development shall thereafter be carried out in accordance with the approved details prior to the occupation of associated building'

To:

'The hereby approved scheme for new nesting opportunities for birds, bats and insects shown on CL 2020 PLNG B57-109 Rev D (ecology requirements plan) received 24 November 2021 shall be implemented prior to the first occupation of any associated dwelling'.

2.21 The application was accompanied by a planning statement which sets out the reasons for the changes now being sought.

3. Site Description and Surroundings

3.1 The application site lies on the northern side of Chequers Lane and contains a vacant brick built detached single storey bungalow. Planning permission reference NW/21/00416/FUL was granted for a detached garage with home office/games room over to be associated with the host dwelling. This permission has not been implemented. An open sided agricultural barn previously used for the storage of hay, stable blocks, a detached garage and double carport block formally used in association with a former stud farm for the breeding of thoroughbred racehorses have all been demolished. Construction works on the new dwellings commenced in October 2020 and plots 1, 2 and 3 the detached dwellings are practically complete with just the external landscaping, parking spaces and surfacing of the driveway to be completed. Plot 4 has been plastered. And Plot 5 has been first fixed and plastered. The site is accessed from a vehicular access crossing off the northern side Chequers Lane.

3.2 To the north is the curtilage of number 40a Main Road. To the west of the site is a two-storey detached dwelling and garage block associated with number 26a Main Road and a pair of two-storey semi-detached dwellings associated with numbers 7 and 9 Chequers Lane. To the east is open countryside and a two-storey detached dwelling house with a detached wooden outbuilding associated with Holly Lodge, Chequers Lane. To the south is number 12 Chequers Lane a detached single storey bungalow. The site is partially within Grendon conservation area.

4. Relevant Planning History

WP/18/00723/VAR	Approved with conditions Removal of condition 4 (occupancy restriction) of planning permission ref: WP/1999/0147	09.01.2019
WP/19/00541/FUL	Approved with conditions Residential development for 5 dwellings accessed off a shared private drive, hardstanding and associated landscaping and boundary treatments.	23.01.2020

WP/20/00472/CND	Demolition of an existing two-sided open agricultural barn used for the storage of hay, two stable blocks, a detached garage and double carport block would be demolished - amended plan recd 20 December 2019 Part discharged	25.09.2020
WP/20/00534/VAR	Details submitted pursuant to conditions 1 (developed in accordance with approved plans), 2 (time limit), 6 (Dwellings meet category 2 of the National Accessibility Standards), 7 (CEMP), 9 (limit water use), 10 (approved parking laid out), 11 (approved refuse stores provided), 12 (approved cycle parking provided), 13 (land contamination), 15 (written scheme of investigation - archaeology). 18 (electrical charging points), 20 (stage 2 bat survey), 21 (removal of pd rights limiting use of garage for storage of vehicles and ancillary domestic storage) , 22 (obscure glazing in ensuite windows in western elevation of plots 4 & 5) and 23 (Stage 2 bat survey confirming absence of bat by suitably qualified ecologist) of planning permission reference WP/19/00541/FUL Approved with conditions	05.11.2020
WP/20/00561/CND	Variation to condition 1 of planning permission reference WP/19/00541/FUL - During the working drawings stage it became apparent that there was not enough headroom in the room above the garage so this application is to raise the garage ridge line and install dormer windows for plots 1 - 3. Relocate the ground floor wc and amend the utility room. To all plots we would like to use stone window heads and sills. New revision numbers to the relevant drawings Part discharged	26.11.2020
NW/21/00416/FUL	Details submitted pursuant to conditions 3 (external materials), 4 (vehicular areas), 5 (pedestrian to vehicle visibility splays), 8 (boundary treatments), 14 (hard and soft landscaping), 15 (archaeological evaluation) 16 (hardstanding materials), 17 (lighting scheme) and 19 (nesting opportunities) of planning permission ref: WP/19/00541/FUL Approved with conditions	28.07.2021
NW/21/00679/CND	Detached garage with home office/games room over Fully discharged Details submitted pursuant to Condition 3 (materials) and Condition 4 (existing trees) of planning permission NW/21/00416/FUL	19.08.2021

WP/1999/0147	Approved with conditions	21.05.1999
	Amended plans for approved equine bungalow	
WP/1998/0441	Approved with conditions	10.12.1998
	Erection of bungalow for occupation in connection with equine enterprise	

5. Consultation Responses

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

5.1 Grendon Parish Council

Objects to this application due to the material consideration of previous planning decisions. The previous plans were approved with the condition that the rear bedroom window of plot 4 was relocated (minuted resolution of the committee and officer's report) to prevent overlooking/loss of privacy to neighbouring properties, this approval was also based on the position of the plots 4 and 5 being as per the approved plans. Neither of these have happened, and as a consequence the impact on neighbouring properties of overlooking/loss of privacy and overshadowing has been increased.

5.2 Neighbours/Responses to publicity

Consultation following amended description and amended plans dated 25.11.2021

One letter of objection has been received from occupiers of properties in Main Road who abut the application site:

- The application itself has not been amended and the reference to an amended description is therefore unclear.
- continues to seek to retain plots 4 and 5 in their present, unlawful, position as constructed. It is noted that construction has continued despite the Council having advised the applicant not to do so;
- seeks marginal amendment to the scale of the rear window of plot 4, but which continues to do so in contravention of planning consent and without reference to the applicable Building Regulations or the Council's rationale in respect of the prior approval.
- continue to oppose the application in the strongest terms and would ask that application should be dismissed in full on that basis that it materially contradicts the previous decisions of the Council;
- The application is invalid;
- The siting of plots 4 and 5 is unlawful and unacceptable;
- The proposed rear bedroom window to plot 4 is unlawful and unacceptable;
- The application continues to materially contradict the previous planning decisions of the Council.
- The site was consented on the basis that the rear bedroom window of plot 4 was relocated to prevent loss of privacy and overlooking of neighbouring properties, as set out in the Officer's Report and minuted as a resolution of the Committee.

- The site was also approved on the basis of the position of plots 4 and 5 being in accordance with the approved plans, again as minuted and set out in the Officer's Report.
- Neither of these approvals has been met either by the original variation application as submitted, nor by the several sets of amended plans now lodged, and in consequence the impact on neighbouring properties has materially increased with greater overlooking, loss of privacy and overshadowing.
- The application seeks to retain plots 4 and 5 in the current, unlawful, position, and to introduce a window which would directly and unacceptably overlook a neighbouring property contrary to the representations made by the applicant to the Council, and by the Council's Officer to the prior Committee, that there was no such overlooking.

Original Consultation dated 29.09.2021

Two letters of objection have been received from occupiers of properties in Main Road who abut the application site:

- not in accordance with the original approved plans which mitigated some of the loss of privacy/overlooking issues, if they had been built in accordance with the plans, they would have been mostly hidden by garage at number 26.
- The unlawful building of plots 4 and 5 in the wrong position has resulted in greater overlooking, loss of privacy and overshadowing to neighbouring dwellings.
- The application seeks to retain plots 4 and 5 in the current, unlawful, position, and to introduce a window which would directly and unacceptably overlook neighbouring properties;
- construction has proceeded in spite of the fact that the council was advised that the placement was unlawful.
- No valid application has been made for the variation;
- The applicant wrongly represented in relation to WP/20/00534/VAR that there was no change to the siting of the plots 4 and 5, when clearly there was, and from the Planning Statement, the applicant knew that was the case;
- The application was approved by the Committee on the basis of the position of plots 4 and 5 (and hence the window) being in accordance with the approved plans. This is not now the case;
- The application was approved by the Committee on the basis of the Officer's representation that the plot and window were sited in such a place that they overlooked a garage. They do not, instead overlooking 26A directly;
- The applicant chose to continue to construct knowing the window (and the location of the plots) did not have planning consent;
- The previous plans were approved with the condition that the window was relocated to prevent overlooking and loss of privacy to neighbouring properties. That decision and the Officer's Report are minuted. This window would not have been approved in this location because of unacceptable overlooking and should not be approved now;
- The dimensions of the window are not stated and accordingly cannot be consented (and on the basis of the single dimension given, are more than twice the size of the Building Regulation requirement for an escape window);
- The assertions made in the Planning Statement are incorrect;
- In all these circumstances (even had a valid application been made) it would not be proportionate to grant such an application.

5.3 NNC highway engineer

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.

- As it will serve more than a single dwelling and less than six dwellings the means of access into the site must be laid out as a shared private drive having a width of no less than 4.5 metres for a distance of 10 metres in rear of the highway boundary.
- The existing vehicular crossing must be modified as appropriate, the vehicular crossing into Plot 1 constructed and all highway surfaces affected by the proposals reinstated in accordance with the specification of the Local Highway Authority and subject to a suitable licence/agreement under the Highways Act 1980.
- Works to remove, accommodate or protect existing street furniture or features such as street lighting columns, trees, traffic signs or the apparatus of service providers must be agreed with the Local Highway Authority or Statutory Undertaker and carried out at the cost of the applicant.
- To prevent loose material being carried onto the public highway the driveways must be paved with a hard-bound surface for a minimum of 5 metres in rear of the highway boundary.
- A positive means of drainage must be installed to ensure that surface water from the driveways does not discharge onto the highway.
- Pedestrian to vehicle visibility of 2.0 metres x 2.0 metres above a height of 0.6 metres must be provided and maintained on both sides of the points of vehicular access.
- Turning facilities should be provided within the shared private drive to enable the largest vehicle likely to visit the development to enter and leave the public highway in a forward direction.
- The vehicular access gradient shall not exceed 1 in 15 for the first 5m from the highway boundary.
- Parking accommodation should be provided in accordance with the Northamptonshire Parking Standards and satisfy policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

5.4 NNC environmental protection officer

No objections to make on this application for land contamination. Recommends that conditions should be imposed in the event that any unexpected contamination is discovered during the works.

5.5 Northamptonshire Police

Has no formal objection in terms of designing out crime to the application in its current form. However, the following should be considered:

- All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products.
- Each dwelling has a dusk 'til dawn light adjacent to the front door.
- The applicant should confirm that a suitable means of access is provided that meets with the requirements of Northamptonshire Fire and Rescue Service and of Building Regulation B5 – Access and Facilities for the Fire Service.

5.6 Commission for Darker Skies (CFDS)

CFDS notes and welcomes the use of DW Windsor Kirium Pro mini post top lanterns. These lanterns offer excellent distribution on the ground whilst producing negligible upward waste light. From the attached drawing, there appears to be probable light

spill into a neighbouring existing property from lantern A3. CFDS advises that the lantern orientation be adjusted, and shielding is fitted to both the lantern and column to minimize unwanted light nuisance to the existing property which could become an issue under Paragraph 102 CNE Act.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

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

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)

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

Policies:

- 1 (presumption in favour of sustainable development)
- 2 (historic environment)
- 3 (landscape character)
- 4 (biodiversity and geodiversity)
- 5 (water environment, resources and flood risk management)
- 6 (development on brownfield land and land affected by contamination)
- 8 (North Northamptonshire place shaping principles)
- 9 (sustainable buildings and allowable solutions)
- 11 (network of urban and rural areas)
- 25 (rural economic development and diversification)
- 28 (housing requirements and strategic opportunities)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

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

Policy

SS1 (villages)

6.5 Other Relevant Documents:

Sustainable Design

Biodiversity

Upper Nene Valley Special Protection Area

Trees on Development Sites

Planning Out Crime in Northamptonshire

Parking

7. Evaluation

The proposal raises the following main issues:

- conformity with the development plan and material considerations;

- design, layout and the effect on the character and appearance of the surrounding area;
- effect on heritage assets;
- effect on archaeology;
- effect on landscape visual amenity;
- effect on flood risk and surface water drainage;
- effect on foul sewage;
- effect on noise:
- noise on air quality;
- effect on biodiversity;
- effect on the Upper Nene Valley Special Protections Area;
- compliance with national space standard, national accessibility standards and affordable;
- effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development;
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- contamination;
- crime and disorder;
- conditions.

7.1 Principle of Development and material considerations - 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.”*

7.2 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.

7.3 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’.

7.4 The application form at question five indicates that no 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.

7.5 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.

7.6 The application site was originally excluded from the village confines for Grendon in the village inset map for Grendon contained within the Wellingborough Local Plan 1999 - 2004.

7.7 The red line boundary of the application site is partly within and partly outside the village boundary line for Grendon as defined in policy SS1 of the PBW. However, the location of the proposed built development on this site lies entirely within the village boundary line for Grendon.

7.8 The inspector's report into the local plan concluded that the village boundary for Grendon should include the land to the immediate west and south of the dwelling known as Hill Farm. The Inspector's views were reflected in the modifications to the plan which were consulted on in July - August 2018. The plan as modified was approved and adopted on 26 February 2019. Both local residents and the parish council were provided with opportunities to make representations on the PBW as it proceeded through the local plan process to its ultimate adoption.

7.9 Policy 11 (2) (a) of the JCS limits rural development to that which is required to support a prosperous rural economy and that is required to meet a local need. Policy 11 (2) (b) suggests that small scale infill development will be permitted on suitable sites within the village boundary, where it would not materially harm the character of the settlement, residential amenity or exceed the capacity of local infrastructure. Whilst this development would be within the village boundary it will need to be determined as to whether it represented a suitable location for this scale of infill development.

7.10 The development of the site would make a small contribution towards meeting the borough's housing targets as set out in policies 28 and 29 of the JCS. Specifically, it makes a contribution towards the rural housing target (outside of the four main villages) of 540 over the plan period. This should be weighed against other planning considerations in any decision.

7.11 The principle of the demolition of an existing two sided open agricultural barn used for the storage of hay, two stable blocks, a detached garage and double carport block and a residential development for 5 dwellings including plots 4 and 5 accessed off a shared private drive, hardstanding and associated landscaping and boundary treatments was established under planning permission reference WP/19/00541/FUL.

7.12 As referenced above a subsequent S73 consent reference WP/20/00534/VAR was granted on 5 November 2021 for the variation to condition 1 of planning permission reference WP/19/00541/FUL

7.13 A section 73 application is used to make minor amendments to an already approved scheme, which results in a development which is substantially different from the one which has been approved. These applications should be determined in accordance with section 38 (6) of the 2004 Act, but the council should, in making its decision, focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of planning permission, as well as the changes sought. The council should not look again at the principal of the development which is already established.

7.14 This current application seeks a variation to planning permission reference WP/19/00541/FUL which includes the variation of conditions 1 (approved plans), 4 (driveways laid out), 7 (CEMP), 8 (boundary treatment), 11 (location of refuse/recyclable materials), 14 (detailed landscaping scheme) , 16 (details of ground surface areas), 17 (lighting of private driveways) 18 (details of electrical

charging points) and 19 (new nesting opportunities for birds, bats and insects) following grant of planning permission reference WP/19/00541/FUL and the regularisation of the siting of plots 4 and 5, the raising and repositioning of the rear bedroom window serving plot 4; the repositioning of the two parallel parking spaces serving plot 5; an amendment to the layout of the private driveway including the removal of a section of block paving and replacement with tarmac and the addition of stone lintels to plots 4 and 5 and removal of brick window headers.

7.15 Neighbour objections have been received in relation to whether this application is lawful.

7.16 The current application does vary the previous permissions, that is why the developer must make an application.

7.17. The local planning authority needs to consider the revised scheme and decide whether it is acceptable in planning terms.

7.18 The development is not “unlawful”, it is unauthorised. It is not illegal to carry out development without planning permission. It only becomes unlawful when there is an enforcement notice in force (i.e. not appealed and having taken effect). The Council has not served an enforcement notice. It is only a criminal offence to carry out unauthorised works to a listed building or protected trees, which is not the case here.

7.19 The developer seeks to amend the approved plans condition to amend the approved layout and design of the dwellings.

7.20 The correct application to change the conditions is under Section 73. It is noted that the application form confirms that development has already started and the start date. Section 73A just deals with the effective date for retrospective applications.

7.21 Retrospective applications are not illegal, and developers can benefit from a Section 73 permission knowing the works were unauthorised.

7.22 The developer has applied to vary the original 2019 planning permission. The developer has two extant full permissions for this scheme references WP/19/00541/FUL and WP/20/00534/VAR. The developer can implement either and seek to vary either permission.

7.23 The proposed residential development would be acceptable in principle and would comply with policies 11 (2) (a) and (b), 28 and 29 of the JCS. The effects of the proposed design changes are discussed in detail below.

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

7.25 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.

7.26 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.

7.27 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.

7.28 The key changes to the site layout plan for plots 4 and 5 are shown on drawing number CL-2020 CONS 1.02 Rev C, plots 4 and 5 have been sited 0.45 metres to the south west of the originally approved position. The detached dwelling and garage at number 26a Main Road were incorrectly shown on approved drawing number B57 100 Rev H and did not match the footprint shown on the location plan scale 1:1250.

7.29 In addition, the two parallel parking spaces serving plot 5 have been set back to allow the private driveway to be amended to provide enough space for vehicles to manoeuvre when entering and existing parking spaces. A small section of block paving provided on the front part of the private driveway is to be removed and replaced with tarmac to enable a single continuous surface to be provided.

7.30 The key changes to the elevational treatment of plots 4 and 5 are shown on drawing number B57-103 Rev J (plots 4 & 5 elevations) and include the omission of brick headers and replacement with stone headers and cills. The window design has changed to remove the central glazing bars. The bottom of window W7 on the first-floor rear elevation of plot 4 would be approximately 0.26 metres higher off the ground floor level than the approved first floor rear window, and as a result of the re-positioning of the proposed window the top of the window would therefore be approximately 0.26 metres higher than the approved window. Drawing number CL-2020-P4 & 5 CONS 2.1 Rev B (plots 4 & 5 approved and proposed elevations) shows the differences between the approved and proposed first floor rear window serving bedroom 3 in plot 4.

7.31 The proposed changes to the siting of plots 4 and 5, the elevational treatment of plots 4 and 5 and the proposed changes to the layout of the parking and removal of a section of block paving on the private driveway would not have a harmful effect on the character and appearance of the immediate site and would not have a harmful wider effect on the character and appearance of the street scene.

7.32 Parish council and neighbour objections have been received in relation to the effect on the character and appearance of the area.

7.33 The proposed changes to the siting and elevational treatments of plots 4 and 5 would comply with policy 8 (d) (i) and (ii) of the JCS.

7.34 Landscape character and visual amenity

7.35 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.

7.36 An existing 2.5 metre laurel hedgerow (4 metres from existing ground level of plots 4 and 5) along the western boundary with 26A Main Street would be retained. A 2.5 hedge is being shown as retained along the southern boundary with number 9 Chequers Lane. A hard and soft landscaping condition was imposed on planning permission reference WP/19/00541/FUL to secure some environmental enhancements particularly within Chequers Lane and along the private drive to soften the appearance of hardstanding within the street scene. Under approval of details reserved by condition application reference WP/20/00561/CND the council agreed the hard and soft details as required by condition 14 on planning permission reference WP/19/00541/FUL. The approved details are shown on drawing numbers CL2020 PLNG B57-108 Rev D (soft landscaping) received 15 October 2020 and CL2020 PLNG B57-107 Rev A (hard landscaping) received 10 September 2020. This application seeks to vary the approved details approved under condition 14 with the details shown on drawing number CL-2020 CONS 1.5 REV E (landscaping plan) received 24 November 2021 and L2020 PLNG B57-107 Rev D (hard landscaping) received 24 November 2021. The details include the retention of the existing laurel hedgerow along the western rear boundary of plots 4 and 5 and the southern boundary of plot 4 which were shown to be removed on the originally approved site plan.

7.37 No neighbour or parish objections have been received in relation to the effect on landscape visual amenity.

7.38 Subject to the imposition of a condition requiring the landscaping scheme to be implemented the proposed development would comply with policy 3 (a), (b) and (e) of the JCS.

7.39 Sustainability

7.40 Policy 9 of the JCS is clear that development should incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. All residential development should incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day or alternative national standard applying to areas of water stress. To ensure compliance with this policy, a planning condition is recommended.

7.41 Effect on heritage assets: setting of listed buildings

7.42 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.

7.43 Policy 2 (a) of the JCS seeks the protection, preservation and enhancement of the historic environment.

7.44 With regards the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 195 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 196 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.

7.45 Listed buildings in the vicinity of the application site include 38 Main Road which lies adjacent to the site, number 40 Main Road and the Half Moon public house a little further down Main Road, all these buildings are Grade II listed. Further down Chequers Lane lies 29 also a building Grade II listed. At the centre of the village is the Grade II* listed St Mary's Church.

7.46 The more significant listed building is the Grade II* church which is a little further away. The church is set on the highest ground in the village and is easily visible from many points both within and on the edge of the village. The proposed plots replace recently demolished open sided hay barn, stable blocks, a garage and car port block and therefore would not significantly add to the built form or detract from views from far away of the church spire. NNC's built heritage consultant does not consider that the proposed development which forms part of this variation to planning permission reference WP/19/00541/FUL would harm the significance of the Grade II* listed church.

7.47 The closest listed building is number 38 Main Road, the part of the site that is nearest to this building would be the unaltered bungalow and stable block, NNC's built heritage consultant considers that there would not be any harm to the setting of the listed building.

7.48 Special regard has been had to the desirability of preserving the setting of listed buildings which lie within the vicinity of the application site as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development is not considered to harm the setting of grade II and II* listed buildings which lie within the vicinity of the site and would comply with policy 2 (a) of the JCS.

7.49 Effect on heritage assets: conservation area

7.50 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.

7.51 Policy 2 (a) of the JCS seeks the protection, preservation and enhancement of the historic environment.

7.52 Policy 2 (b) of the JCS seeks proposals to complement their surrounding historic through the form, scale and design of materials.

7.53 With regards to the revised NPPF, chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 195 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 196 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 201 informs that not all elements of a conservation area will necessarily contribute to its significance.

7.54 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.

7.55 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.

7.56 The application site is located on the edge of the village and a small part is within the conservation area (plot 4). The remainder of the site borders the conservation area and as such can be considered to affect the setting of the conservation area.

7.57 The character of the conservation area generally consists of stone houses and cottages and the occasional brick-built house. There are also modern twentieth century houses and cottages, but these are occasional only.

7.58 The existing bungalow on the site would remain and a new garage block with a first-floor office to be used incidentally to the original dwelling has been permitted but this permission has yet to be implemented. A large open sided hay barn, stable blocks and a detached garage and double car port, have been demolished as part of the proposed redevelopment of the site.

7.59 Plots 2 and 3 are roughly in the position of the open side hay barn and plot 1 is positioned nearer to Chequers Lane. Plots 4 and 5 are set to the west of the site.

7.60 The part of Grendon conservation area that encroaches onto the site seems to be a remnant of the former curtilage of number 9 Chequers Lane. There is no other reason for the conservation area to further extend onto the site.

7.61 Plots 1, 2 and 3 have been constructed out of stone to match other stone buildings to the west of the application site. Plots 4 and 5 have been constructed out of facing brick which match the colour of other brick dwellings in the vicinity of the application site.

7.62 The stone sills and stone external finish are supported by NNC built heritage consultant.

7.63 The specification of all finish materials, fenestration and door details, and rainwater goods are shown on the materials schedule and physical samples have been received and are considered acceptable.

7.64 No parish council or neighbour objections have been received in relation to the effect on the character and appearance of the conservation area.

7.65 Subject to a condition being imposed in relation the implementation of the approved samples of materials and details shown on the materials schedule A the proposed development would comply with policy 2 (a) and (b) of the JCS and special attention to the need to preserve or enhance the character or appearance of a conservation area has been paid by the council's design and conservation officer as

required Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.66 Archaeology

7.67 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.

7.68 With regards the revised NPPF, section 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.

7.69 A condition was imposed on planning permission reference WP/19/00541/FUL for an archaeological programme of works.

7.70 A written scheme of investigation archaeological evaluation on land at Hill Farm, Grendon by Archaeology Warwickshire dated August 2020 (21 pages) was considered by Northamptonshire archaeological officer appropriate for the proposal.

7.71 NNC archaeological advisor confirms that following the receipt of an archaeological evaluation report by archaeology Warwickshire there is no need to impose any archaeological condition on any new planning permission.

7.72 The varied development would comply with policy 2 (d) of the JCS.

7.73 Flood risk and drainage

7.74 The JCS at policy 5 sets out a raft of sub policies aimed at preventing or reducing flood risk.

7.75 The revised NPPF at chapter 14 sets out government views on how the planning system should take into account the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.

7.76 The application site does not lie within a known flood plain. The environment agency flood map for planning shows that the application site is in an area that has a low chance of flooding from surface water. This means that each year, the area has a chance of flooding of between 1 in 1000 (0.1%) and 1 in 100 (1%).

7.77 The application site is well served by public storm water drains and foul sewers that could accommodate run-off and wastewater.

7.78 No objections have been received from neighbours in relation to effects on flood risk and drainage.

7.79 The proposed development would comply with policy 5 of the JCS.

7.80 Noise

7.81 To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (ii) states that new development should be prevented from contributing to or being adversely affected by unacceptable levels of noise. Chapter 15 of the revised NPPF gives advice on how local planning authorities should prevent new development from being adversely affected by unacceptable levels of noise pollution. The NPPF further advises that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

7.82 The PPG offers detailed advice on Noise which was updated on 24 December 2014.

7.83 NNC environmental protection officer previously identified that the construction phase of the development has the potential to cause problems in terms of dust and noise. To limit the potential detriment of construction works on residential amenity a condition was imposed on planning permission reference WP/19/00541/FUL requiring a construction environmental management plan. A construction environment management plan was approved under approval for details reserved by condition reference WP/20/00472/CND. Seagrove Developments Construction Environmental Management Plan (CEMP) REV C and CL -CP 01 Rev B (construction phase plan) accompanied this application.

7.84 No parish council or neighbour objections have been received in relation to effects from noise during the construction process.

7.85 Subject to the imposition of a condition requiring the amended construction environmental management plan to be implemented throughout the construction process the proposed development would comply with policy 8 (e)(ii) of the JCS.

7.86 Air quality

7.87 The JCS at policy 8 amongst other things, requires development not to result in an unacceptable impact on neighbours by reason of pollution.

7.88 To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (i) requires development not to have an unacceptable impact on amenities by reason of pollution, whilst 8 (e) (ii) goes further by stating that both new and existing development should be prevented from contributing to or being adversely affected by unacceptable levels of air pollution.

7.89 Chapter 15 of the revised NPPF offers broad advice on how local planning authorities should prevent both existing and new development from being adversely affected by unacceptable levels of air pollution.

7.90 The East Midlands region is looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking at significance.

7.91 The proposed development includes the provision for vehicle parking. A key theme of the revised NPPF is that developments should enable future occupiers to make "green" vehicle choices and paragraph 112 (e) "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Policy 15 (c) of the JCS seeks for the design of development to give priority to sustainable means of transport

including measures to contribute towards meeting the modal shift targets in the Northamptonshire Transportation Plan.

7.92 An informative should be added to any permission seeking any gas fired boilers to meet a minimum standard of 40 mgNO_x/Kwh. To prepare for the increased demand for electric vehicles in future years a condition was imposed to planning permission reference WP/19/00541/FUL for appropriate infrastructure for electric vehicle charging points to be included within the development. This application was accompanied by drawing number CL 2020 PLNG B57-106 Rev D (electrical charging point location plan) received on 24 November 2021 showing where the electric charging points on each dwelling would be installed and manufacturer details of the electric charging point to be installed on each dwelling. The proposed electric charging point information is deemed to be acceptable.

7.93 Subject to the imposition of an informative in relation to any gas fired boilers meeting the minimum standard and a condition requiring the for the scheme for electric charging points to be installed on each dwelling prior to the first occupation of each associated dwellings the proposed development would comply with policies 8 (e) (ii) and 15 (c) of the JCS.

7.94 **Biodiversity**

Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

7.95 The JCS at policy 4 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.

7.96 The revised NPPF at chapter 15 'protect and enhance biodiversity and geodiversity' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

7.97 The ecological appraisal recommended the following mitigation and enhancements should be incorporated into the development including open fronted bird boxes for a variety of species, a variety of insect boxes for example urban bee nesting box or bug biome, bat boxes installed in the building or on posts. New nesting opportunities for birds, bats and insects are shown on CL 2020 PLNG B57-109 Rev D (ecology requirements plan) received 24 November 2021. A condition should be imposed to ensure that these details are implemented prior to the first occupation of any associated dwelling.

7.98 No neighbour or parish council objections have been received in relation to the effects on protected species and biodiversity enhancements.

7.99 Subject to the imposition of condition in relation the implementation of the plan for new insect, bat and bird boxes and or bricks prior to the first occupation of any associated dwelling, the proposed development would comply with policy 4 of the JCS.

7.100 Effect on the Upper Nene Valley Special Protection Area

7.101 The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

7.102 Policy 4 of the JCS on biodiversity and geodiversity states that developments likely to have an adverse effect either alone or in-combination on the Upper Nene Valley Gravel Pits Special Protection Area must satisfy the requirements of the Habitat Regulations and avoid or mitigate any impacts identified.

7.103 The Upper Nene Valley Gravel Pits Supplementary Planning Document (SPD) has been produced to help local planning authorities, developers and others ensure that development has no adverse effect on the SPA, in accordance with the legal requirements of the Habitats Regulations. The SPD has been developed with Natural England and the RSPB. A Mitigation Strategy adopted as an addendum to the SPA SPD provides further guidance for development within the 3km zone of the SPA and details a specific financial contribution for each new dwelling towards Strategic Access Management and Monitoring (SAMM) to avoid and mitigate impact.

7.104 Since these policies were adopted there has been a ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17). This requires development relying on mitigation in relation to the Habitats Regulations to no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained.

7.105 A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken as the applicant has made an SPA mitigation payment of £1,347.20 (£269.44 per dwelling x 5) made under section 111 of the Local Government Act 1972 under planning permission reference WP/19/00541/FUL and the development meets the criteria set out in the SPA SPD for this approach to be taken. The SPA payment is required to be made before the determination of a planning application and so the correct SPA mitigation fee was paid at that time of the determination of the original planning permission reference WP/19/00541/FUL. As there is no increase in residential units no further payment is necessary in respect of this new varied application.

7.106 The proposed development would comply with Policy 4 of the JCS and with the requirements of the SPA SPD. The contribution provided will be used for measures to reduce the impacts of the proposed development and allows a conclusion of no adverse effect on the integrity on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site.

7.107 Housing mix

Policy 30 (a) (i) of the JCS seeks to the mix of house types within developments to reflect the need to accommodate smaller house households with an emphasis on the provision on small and medium sized dwellings (1 to 3 bedroom) include where appropriate dwellings designed for older people.

7.108 Policy 30 (a) (ii) of the JCS seeks to ensure there would not be an overconcentration of a single type of housing where this would adversely affect the character or infrastructure of the area.

7.109 The proposed development includes the provision of three four bedroom and two three-bedroom market dwellings. The proposed development would not result in an overconcentration of a single type of housing or adversely affect the character or infrastructure in the area.

7.110 National Space Standards

The JCS at Policy 30 (b) requires the internal floor area of new dwellings to meet the National Space Standards as a minimum.

7.111 The applicant has confirmed on amended drawing numbers B57-100 K (proposed site plan); B57-101 F (floor plans plot 1); B57-102 F (floor plans plot 2); B57-105 Rev C (floor plans plot 3) and B57-103 J (floor plans plots 4 and 5) that the minimum gross internal floor area for each unit and built in storage area would meet the technical housing standards. The width and area of the single bedrooms and double bedroom would meet the technical requirements.

7.112 The development would comply with policy 30 (b) of the JCS.

7.113 National Accessibility Standards

Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility Standards as a minimum.

7.114 All units should achieve category 2 of the National Accessibility Standards as a minimum. A condition was imposed on planning permission reference WP/19/00541/FUL and should be re imposed on any planning permission issued in relation to this proposed variation to planning permission application to ensure that the dwellings met category 2 of the National Accessibility Standards

7.115 Living conditions of the neighbouring occupiers

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

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

7.118 There are a number of properties in the vicinity of the site whose gardens abuts the application site and who have an outlook from habitable rooms onto the application site. In addition, there is a change in levels from west to east.

7.119 Effect on 26A Main Road is located on ground approximately 2 metres lower than the application site. There is a two-metre-high retaining wall on the boundary between number 26A Main Road and the application site. A 1.8-metre-high close boarded fence sits on top of the retaining wall. The proposed dwellings would be sited approximately 9.3 metres from the boundary with number 26A Main Road as shown on the site location plan. In the eastern side elevation of 26A Main Road, there are secondary lounge and study windows and a cloakroom window at ground floor level. At first floor level there is a bedroom and an ensuite window. These are the sole windows to these rooms.

7.120 The site plan confirms that the existing boundary treatment along the western boundary with number 26A Main Road is being retained. Plots 4 and 5 would retain a spacing and separation distance to 18.1 metres. The rear elevation of plots 4 and 5 would contain a kitchen/dining room which would be screened by an existing 1.8-metre-high fence positioned along the boundary with number 26A Main Road. At first floor level an ensuite window in each dwelling is proposed. These windows should be conditioned to be obscurely glazed as per the original planning permission reference WP/19/00541/FUL.

7.121 A first-floor window serving bedroom 3 in plot 4 is proposed in the rear elevation above the ground floor French window which faces the eastern side boundary of 26A Main Road. Additional drawing number CL-2020-P4 .& 5 CONS 2.1 Rev B (plots 4 and 5 approved and proposed elevations) received on 22 November 2021 compares the changes between the approved first floor window serving bedroom 3, in the rear elevation of plot 4, with the proposed window to be installed in the first floor rear elevation serving bedroom 3. The window currently installed on-site in the rear elevation is not the final window. The positioning of the window has changed as the building regulations require the bottom opening light of a window to be between 0.8 metres and 1.1 metres from the first-floor level with a minimum opening of 0.45 x 0.7 metres for escape purposes. The approved drawings show the bottom of the window at approximately 0.54 metres above first floor level. For the property to meet building regulations, the applicant needs the window cill to start at 0.8 metres above the first floor level and proposes to fit a window measuring approximately 1.05 metres high which would then finish at a total height of approximately 1.85 metres, and would measure 0.25 metres lower than a standard window at the top and 0.4 metres lower than a standard window at the bottom, whilst still complying with building regulations.

7.122 The proposed window would measure the same height as the approved window. However, the bottom of the proposed window would be approximately 0.25 metres higher than the bottom of the window approved window and the top of the window would be approximately 0.25 metres higher than the approved window. (see drawing number CL-2020-P4 .& 5 CONS 2.1 Rev B (plots 4 .& 5 approved and proposed elevations))

7.123 This proposed first floor window would be positioned in excess of 18.1 metres from the flank side elevation of number 26A Main Road. The proposed window would face onto the eastern side elevation of number 26A Main Road. The proposed bedroom window would not directly face the neighbour but be at an oblique angle to a first-floor bedroom window which is used by the occupiers of 26A Main Road as a study. It is considered that a spacing and separation distance of in excess of 18.1 metres would be adequate between the first floor bedroom window in the rear elevation of plot 4 and habitable rooms at ground and first floor in the side flank elevation of number 26A Main Road, so as not to result in unacceptable loss of privacy. The eastern boundary of between plots 4 and 5 is screened by a 1.8-metre-high close boarded fence and a laurel hedgerow which measures approximately 4 metres in height from the finished floor level of plot 4 and currently wholly screens the first floor bedroom window serving plot 4, and results in no loss of privacy to either habitable rooms in the flank elevation or the side garden of 26A Main Road.

7.124 The proposed dwellings serving plots 4 and 5 have been sited approximately 0.45 metres to the southwest of the originally approved siting. However, the originally approved site plan on drawing number B57 -100 Rev H under planning permission reference WP/19/00541/FUL for the erection of the 5 dwellings incorrectly shows the position of the dwelling house and associated detached double garage at No. 26a High Street. This has now been shown on the site layout plan in its correct place using a darker green line on drawing number CL 2020 CONS 1.02 Rev C. This change results in part of plot 4 siting in line with the northern side elevation of the double garage rather than to the rear of the garage. Plot 5 is positioned 0.45 metres to the southwest of its original position. The incorrect positioning of the double garage is on the originally approved planning permission is an anomaly. The siting of the proposed dwellings is considered to be acceptable and would not have harmful effect on the amenities of number 26A in relation to unacceptable loss of privacy, light or overshadowing. It should be noted that the principal garden serving number 26A Main Road lies to the north of the dwelling and is not affected by the proposed development.

7.125 Effect on 9 Chequers Lane this is one of a pair of semi-detached properties which front onto part of the western boundary of the application site. An existing 1 metre high retaining wall with a 1.8-metre-high close boarded fence screens the two ground floor windows serving habitable rooms however, two first floor bedroom and landing windows enjoys an open outlook. A ground floor kitchen and first floor bathroom window are located within the northern side elevation of 9 Chequers Lane. An existing 1 metre high retaining wall with a 1.8-metre-high fence encloses the northern boundary of 9 Chequers Lane in front of which lies a hedgerow on the application site. Planning permission reference WP/19/00244/FUL was granted on 18 June 2019 for "the moving of internal staircase and removal of external door/canopy in east elevation and installation of 2 windows; the removal of a first floor single pane window and replacement with a three pane window; The removal of an existing ground floor window and addition of a new front door and canopy". This permission has not been implemented but is still extant.

7.126 The southern flank elevation of plot 4 would face the side elevation of 9 Chequers Lane. A flank to flank spacing and separation distance of 19.6 metres would be retained. A ground floor window serving a kitchen/dinner and a secondary lounge window is proposed in the southern elevation. These would be screened by a 1 metre high retaining wall with a 1.8-metre-high close boarded fence on top and an existing hedgerow. No windows are proposed in the southern first floor elevation.

7.127 Grendon Parish Council and neighbours consider that the proposed variation to the siting of plot 4 and 5 and the re-positioned first floor rear window in plot 4 causes unacceptable overlooking / loss of privacy/overshadowing to neighbouring amenity.

7.128 Having reviewed the issue of neighbouring amenity in detail, including the additional site visits at an advanced stage of the development, and taking account of representations received, it is considered that the proposed development would not have an unacceptable effect on neighbouring amenity in relation to light, outlook or privacy and would comply with policy 8 (e) (i) of the JCS.

7.129 Highway safety

7.130 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.

7.131 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.

7.132 Access

7.133 The site is located on the northern side of Chequers Lane and contains a vacant single residential dwelling and the shells of 5 dwellings. The site is served by an existing access to Chequers Lane. At its junction with Main Road the carriageway of Chequers Lane is 5.3 metres wide and there are footways on either side of the carriageway at the junction. The northern footway terminates at the access to the site. Outside of the site Chequers Lane measures approximately 4.8 metres wide and from this point to the east it is a shared surface lane.

7.134 The existing dwelling on the site will be retained making a total of 6 dwellings on the site. A shared private drive will serve the existing dwelling and 4 of the proposed dwellings. Access to the private drive will be taken from the existing access point serving the site. It is also proposed to create a new access to Chequers Lane to serve plot 1. The proposed variations to the scheme would not affect the accesses to serve either plot 1 or plots 2-5.

7.135 Northamptonshire highways raised no objections in highway safety or capacity terms to the modification of the existing entrance and widening of the access drive to serve the existing dwelling and plots 2 -5 or to the formation of a new vehicular access and driveway to serve plot 1. A condition should be imposed on any permission seeking the shared access drive to be hard paved for the first 5 metres back from the highway and a drainage channel is provided to prevent surface water draining directly into the highway.

7.136 Pedestrian Access

Northamptonshire highways previously recommended that a condition should be imposed to ensure that pedestrian to vehicle visibility of 2.0 metre x 2.0 metre above a height of 0.6 metres can be provided and maintained on both sides of the vehicular accesses. This condition should be imposed on any new permission.

7.137 Parking

7.138 On-plot parking provision should be in accordance with the standards set out in the Northamptonshire parking standards (2016). The three-bedroom dwellings should be provided with two allocated on plot parking spaces and a covered cycle store to enable three cycles to be stored. The four-bedroom dwellings should be provided with three allocated on plot parking spaces and a covered cycle store to enable four cycles to be stored. Northamptonshire highways recommend that four bedroomed dwellings only with a double garage may be regarded as one parking space. The internal dimensions of garages should be 5.8 metres x 6 metres for a double garage.

7.139 In addition, two unallocated visitor parking spaces should be provided.

7.140 The site layout plan includes provision of areas of hardstanding for up to 12 vehicles to park (10 on plot and 2 unallocated spaces), in addition the 4 bedroomed dwellings would have one parking space for a vehicle and space for the parking of 4 cycles inside the double garage. A covered cycle store would be provided in the gardens of plots 4 and 5 which would be accessible from a dedicated private footpath to each dwelling.

7.141 The proposed site layout plan shown on drawing number CL 2020 CONS 1.02 Rev C seeks to amend the siting to the parallel parking spaces serving plot 5. The spaces would be sited within previously approved garden land. This change has been made to enable enough manoeuvring space to be provided for future users of plot 5 to enable vehicles to enter and exit the private driveway in a forward gear.

7.142 Upon occupation of the site by the applicant, it was discovered that the site boundary shown on drawing number B57 100 Rev H to the southwest of Plot 4 was incorrectly shown and in fact there was additional land approximately 1.9 metres. This has enabled landscaping to be retained along the southern boundary with number 9 adjacent to the parking spaces serving plot 4.

7.143 There is adequate on-site parking for the proposed dwellings to comply with the Northamptonshire parking standards.

7.144 Northamptonshire highways have not raised any objections to the proposed varied development on highway capacity or highway safety grounds.

7.145 No parish council or neighbour objections have been received in relation to the effects of the varied development on highway safety and capacity.

7.146 Subject to conditions in relation to the installation of the agreed hard surfacing and surface water drainage channels to prevent the discharge of surface water directly onto the highway and pedestrian to vehicular visibility The proposed varied development would comply with policy 8 (b) (i) and (ii) of the JCS and advice contained within paragraphs 111 and 112 of the NPPF.

7.147 Contamination

7.148 The JCS at policy 6 says that local planning authorities will seek to maximise the delivery of development through the re-use of suitable previously developed land within the urban areas. Where development is intended on a site known or suspected of being contaminated a remediation strategy will be required to manage the contamination. The policy goes on to inform that planning permission will be granted where it can be established that the site can safely and viably be developed with no significant impact on either future users of the development or on ground surface and waters.

7.148 The revised NPPF at paragraphs 184 and 185 sets out policies on development involving contaminated land. The planning practice guidance also offers detailed government advice on this topic.

7.150 The application was accompanied by Soiltechnics Ground Investigation Report for proposed residential development off Chequers Lane Grendon reference number ST550121 -G01 Rev 0 dated May 2020 received 7 August 2020, which identifies

remedial works which need to be carried out before the development is occupied. A condition should be imposed seeking any remedial works to be carried out in accordance with the remediation strategy and validated by the submission of an appropriate verification report prior to first occupation of the development. Should any unforeseen contamination be encountered the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the local planning authority.

7.151 The council's environmental protection officer (contamination) recommends that they have no objections to make on this application for land contamination.

7.152 No parish council or neighbour objections have been received in relation to the effects of contamination.

7.153 Subject to the imposition of a condition in relation to remediation and verification of any remediation works carried out the proposed development would comply with policy 6 of the JCS.

7.154 Crime and disorder

7.155 Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area.

7.156 The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime.

7.157 The adopted designing out crime supplementary planning guidance gives detailed advice this issue.

7.158 The revised NPPF at paragraph 130 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

7.159 Northamptonshire Police has no formal objection in terms of designing out crime to the application in its current form. However, the following should be considered:

- All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products.
- Each dwellings have a dusk 'til dawn light adjacent to the front door.
- The applicant should confirm that a suitable means of access is provided that would meets with the requirements of Northamptonshire Fire and Rescue Service and of Building Regulation B5 – Access and Facilities for the Fire Service.

7.160 The applicant has confirmed that all doors and windows will meet requirements of approved Document Q of the Building Regulations. Each dwelling will be fitted with a dusk to dawn light adjacent the front door and there is suitable means for access that meets Northamptonshire Fire & Rescue Service Part B5 of the Building Regulations.

7.161 No parish or neighbour objections have been raised in relation to crime and disorder.

7.162 The proposed development would comply with policy 8 (e) (iv) of the JCS.

7.163 **Conditions**

7.164 The revised NPPF at paragraph 55 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 reiterates this advice.

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

8. Other Matters

8.1 **Lighting**

Policy 8 (e) (i) of the JCS seek to protect amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area by reason of light.

8.2 Condition 17 of planning permission reference WP/19/00541/FUL required details of the proposed lighting scheme for the lighting of the shared private driveways and shared parking courts. The application was accompanied by a lighting strategy for the private driveway shown on drawing number DW Windsor drawing number DW Windsor drawing number 20-15390-1 Rev D (lighting design) received 26 November 2021. The commission for darker skies (CFDS) notes and welcomes the use of DW Windsor Kirium Pro mini post top lanterns. These lanterns are considered by CFDS to offer excellent distribution on the ground whilst producing negligible upward waste light. From originally submitted lighting drawing, there appears to be probable light spill into a neighbouring existing property from lantern A3. CFDS recommended that the lantern orientation be adjusted, and shielding is fitted to both the lantern and column to minimize unwanted light nuisance to the existing property which could become an issue under paragraph 102 Clean Neighbourhoods and Environment Act.

8.3 However, the light from lantern three spills into the driveway of the host dwelling 15 Chequers Lane and the applicant would sooner have the light from the lamp post lighting the driveway serving the host property for security reasons.

8.4 No neighbour objections have been received in relation to lighting.

8.5 Subject to the imposition of a condition in relation to the implementation of the detailed lighting scheme serving the private driveway before any associated dwelling is first occupied the proposed development would comply with policy 8 (e) (i) of the JCS.

8.6 **Equality** – the scheme provides housing which meets the nationally described space standards and category 2 of the national accessibility standards.

8.7 Health Impact Assessment – Paragraph 92 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion (c) of this seeks to enable support healthy lifestyles for example, through a layouts which encourage walking to local services and amenities within the village. It is considered that the proposal subject to this application will enable this aims to be achieved and therefore it is considered acceptable on health impact grounds.

8.8 Neighbour comments in relation to non-material planning matters

Building regulations are a separate regime and not for the planning application.

9. CONCLUSION/PLANNING BALANCE

9.1 The proposed variation to planning permission reference WP/19/00541/FUL complies with the development plan policies and is consistent with the provisions in the revised NPPF specifically in relation to promoting sustainable development, raising design standards, the effects on highway safety and capacity, contamination, surface water drainage, noise throughout the construction process, biodiversity, the provision of electric vehicle charging points, effects on SPA mitigation and effects on neighbouring amenity. The changes are considered acceptable. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

10. RECOMMENDATION

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

11. Conditions

1. The development hereby approved shall be carried out in accordance with Seagrove Developments Ltd drawings numbers and documents:
Location plan scale 1:1250 received 16 November 2021;
CL2020 CONS 1.02 Rev C (site layout plan) received 16 November 2021;
B57-101 Rev F (plot 1 floor plans and elevations as proposed) received 16 November 2020;
B57-102 Rev F (plot 2 floor plans and elevations as proposed) received 16 November 2020;
B57-103 Rev J (plots 4 & 5 floor plans and elevations as proposed) received 24 November 2020;
B57-105 Rev C (plot 3 floor plans and elevations as proposed) received 16 November 2020;
CL2020 PLNG B57 104 J (site elevation - sections) received 24 November 2021;
CL-2020 P4&5 CONS 2.0 Rev E (plots 4 & 5 elevations) received 28 September 2021;
CL-2020-P4 & 5 CONS 2.1 Rev B (plots 4 & 5 approved and proposed elevations) received 22 November 2021;
B57-104 Rev G (site elevations as proposed) received 16 October 2020;

CL 2020 PLNG B57-106 Rev D (electrical charging point location plan) received on 24 November 2021;
CL-2020 P1 CONS 1.5 Rev E (soft landscaping) received 24 November 2021;
CL2020 PLNG B57-107 Rev D (hard landscaping) received 24 November 2021;
CL 2020 PLNG B57-109 Rev D (ecology requirements plans) received 24 November 2021;
Seagrove Developments Construction Environmental Management Plan (CEMP) REV C (10 pages) received on 16 November 2021;
CL -CP 01 Rev B (construction phase plan) received on 16 November 2021;
Soiltechnics Ground Investigation Report for proposed residential development off Chequers Lane Grendon reference number ST550121 -G01 Rev 0 dated May 2020 received 7 August 2020;
DW Windsor drawing number 20-15390-1 Rev D (lighting design) received 26 November 2021;
Rolec Wallpod Electrical Vehicle Ready datasheet received on 16 November 2021;
External materials for 15 Chequers Lane, Grendon received on 16 November 2021;
Ecological appraisal by Cherryfield ecology dated 29 October 2019 (39 pages) received 16 November 2021;
Bradstone Woburn Rumbled Graphite block paving received on 21 September 2020;
Land at Hill Farm, Grendon, Northamptonshire archaeological evaluation report No 2090 dated October 2020 by archaeology Warwickshire (32 pages) received 16 November 2021.

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.

2. The development shall be begun not later than 22 January 2023.

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.

3. The development shall be carried out in accordance with the hereby approved external materials Rev A schedule for 15 Chequers Lane, Grendon unless alternative material samples are submitted to and approved by the local planning authority.

Reason: To ensure that the development does not detract from the appearance of the locality in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

4. The hereby approved dwellings on plot 1 and plots 2-5 shall not be occupied until the vehicular areas that are within 5 metres from the boundary of the site where it meets the public highway have been constructed and surfaced in a stable and durable manner in accordance with the Bradstone Woburn Rumbled Graphite block paving sample and tarmacadam as detailed on Seagrove

Developments Ltd L2020 PLNG B57-107 Rev D (hard landscaping) received 24 November 2020. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of extraneous material or surface water in the interests of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure a satisfactory parking of vehicles outside of highway limits in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of plot 1 and plots 2 - 5, pedestrian to vehicle visibility of 2.0 metre x 2.0 metres above a height of 0.6 metres must be provided and maintained in perpetuity on both sides of the vehicular access.

Reason: In the interests of highway safety in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

6. The dwellings hereby approved shall be built to meet the requirements of the national Accessibility Standards in category 2 (accessible and adaptable dwellings) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).

Reason: To ensure that the development complies with the national accessibility standards and policy 30 (c) of the North Northamptonshire Joint Core Strategy.

7. The development shall be carried out in accordance with the hereby approved Seagrove Developments Construction Environmental Management Plan (CEMP) REV C (10 pages) and drawing number CL -CP 01 Rev B (construction phase plan) throughout the construction process.

Reason: To ensure there are adequate mitigation measures in place and in the interests of amenities of existing and future residents in accordance with policies 8 (b) (i) and 8 (e) (ii)] of the North Northamptonshire Joint Core Strategy.

8. Prior to the first occupation of any associated dwelling the boundary treatments detailed on drawing number CL-2020 CONS 1.5 Rev E (landscaping plan) received 24 November 2021 shall be installed and the approved fence and railings shall subsequently be retained thereafter.

Reason: To ensure a suitable form of boundary treatment is constructed in accordance with Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

9. The dwellings hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

10. No dwelling shall be occupied until the car/vehicle parking area shown on the hereby approved plans have been constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

11. No dwelling hereby permitted shall be occupied until the refuse stores, as shown on approved plan number CL-2020 CONS 1.5 Rev E (landscaping plan) received 24 November 2021 have been completed in accordance with the approved details. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

12. No dwelling hereby permitted shall be occupied until the cycle parking provision shown on the approved plans has been completed. Thereafter, the cycle parking provision shall be kept free of obstruction and shall be available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with policy 8 (b) (i) of the North Northamptonshire Joint Core Strategy.

13. The remedial works identified in Soiltechnics Ground Investigation Report for proposed residential development off Chequers Lane Grendon reference number ST550121 -G01 Rev 0 dated May 2020 shall be carried out in accordance with the strategy hereby approved by the local planning authority and validated by the submission of an appropriate verification report prior to first occupation of the development. Should any unforeseen contamination be encountered the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the local planning authority.

Reason: To ensure that the site is fit for its proposed purposes and any potential risks to human health, property, and the natural and historical environment, are appropriately investigated and minimised in accordance with policy 6 of the North Northamptonshire Joint Core Strategy.

14. Development shall be carried out in accordance with the hereby approved soft and hard landscaping details shown on Seagrove Developments Ltd drawing numbers CL-2020 CONS 1.5 Rev E (landscaping plan) received 24 November

2021 and L2020 PLNG B57-107 Rev D (hard landscaping) received 24 November 2021. If within a period of 2 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner.

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

15. Prior to the first occupation of the any associated dwellings hard surfacing areas shall be Bradstone Woburn Rumbled Graphite block paving and Tiselo Tephra Dark Grey Porcelain paving slabs as detailed on Seagrove Developments Ltd drawing number CL-2020 CONS 1.5 Rev E (landscaping plan) received 24 November 2021 and L2020 PLNG B57-107 Rev D (hard landscaping) received 24 November 2020.

Reason: To protect the character and appearance of the area and to minimise the effect of development on the area in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

16. The hereby approved scheme for the lighting on the unadopted private driveway shown on DW Windsor drawing number 20-15390-1 Rev D (lighting design) received 26 November 2021 shall be implemented prior to the first occupation of the associated dwelling and shall be retained in that form thereafter or such other details that shall have been submitted to and approved in writing by the local planning authority and thereafter retained in that form.

Reason: To ensure that there is adequate lighting over the associated private driveways and to reduce the fear of crime through the creation of a safe environment and accord with policy 8 (e) (iv) of the North Northamptonshire Joint Core Strategy.

17. The hereby approved scheme for the electric charging point details shown on drawing number CL 2020 PLNG B57-106 Rev D (electrical charging point location plan) received on 24 November 2021 and the Rolec Wallpod Electrical Vehicle Ready datasheet received 8 October 2020 shall be installed prior to the first occupation of each associated dwelling in that phase.

Reason: To negate the impact of the development on local air quality and accord with policy 8 (e) (ii) of the North Northamptonshire Joint Core Strategy and advice contained within the Northamptonshire parking standards (2016).

18. The hereby approved scheme for new nesting opportunities for birds, bats and insects shown on Seagrove Developments Ltd drawing number CL 2020 PLNG B57-109 Rev D (ecology requirements plan) received 24 November 2021 shall be implemented prior to the first occupation of any associated dwelling.

Reason: To maintain and enhance local biodiversity and ecology in accordance with policy 4 of the North Northamptonshire Joint Core Strategy.

19. All mitigation and compensation recommendations set out in the ecological appraisal by Cherryfield ecology dated 29 October 2019 shall be implemented at the appropriate stage of the development and no later than one year after the final occupation of the development.

Reason: To maintain and enhance local biodiversity and ecology in accordance with policy 4 (a) (ii) and (iii) of the North Northamptonshire Joint Core Strategy.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging/parking of private motor vehicles and ancillary domestic storage associated with the residential occupation of the property without the specific grant of planning permission from the local planning authority.

Reason: To ensure adequate parking is provided, in the interests of highway safety and in accordance with policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 2015 (or any order revoking, re-enacting or modifying that Order), the proposed first floor rear (western) elevation ensuite windows serving plots 4 and 5 shall be glazed with obscure glass and thereafter maintained in this condition at all times. The level of obscurity shall be a minimum level 3 of the Pilkington range of Textured Glass or equivalent. The ensuite windows in the proposed rear (western) elevation of plots 4 and 5 shall not be altered to clear glazing without the specific grant of planning permission from the local planning authority.

Reason: To preserve the amenity and privacy of the adjoining residential occupiers in accordance with policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

12. INFORMATIVE/S:

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. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property. Application forms for Street Naming and Numbering are available at

https://www.wellingborough.gov.uk/info/200011/building_control/1039/street_naming_and_numbering

4. All gas fired boilers should meet a minimum standard of 40 mgNO_x/Kwh.

5. All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of third party accredited products.

6. The existing vehicular crossing must be modified as appropriate, the vehicular crossing into plot 1 constructed and all highway surfaces affected by the proposals reinstated in accordance with the specification of the local highway authority and subject to a suitable licence/agreement under the Highways Act 1980.

7. Works to remove, accommodate or protect existing street furniture or features such as street lighting columns, trees, traffic signs or the apparatus of service providers must be agreed with the local highway authority or statutory undertaker and carried out at the cost of the applicant.

8. The existing boundary/retaining wall is a joint responsibility between the owner of the development land and the adjacent owner at 26A Main Road, Grendon. The local planning authority therefore advises the applicant, to determine the need if any to engage the services if required to meet the party wall act 1996.