

Case Officer **Patrick Reid****20/01196/FUL**

Date received 25.09.2020	Date valid 25.09.2020	Overall Expiry 19.02.2021	Ward Waterloo Irthlingborough
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Parish
Irthlingborough

Applicant **Marklin Developments - Mr Mark Kennedy**

Agent **Sidey Design Architecture - Mr Jon Sidey**

Location **28 College Street, Irthlingborough, Wellingborough, Northamptonshire NN9 5TX**

Proposal **1No 3-bedroom dwelling including, parking and amenity space (Resubmission of 19/01935/FUL)**

The application is brought before the Planning Management Committee because it has been called-in by Ward Councillor Lee Wilkes due to concerns over potential issues with the access off College Street and the loss of a historic wall. This is in accordance with part 1(a) (i) of the Council's Scheme of Delegation.

1	Summary of Recommendation
1.1	<u>Recommendation</u> : That planning permission be GRANTED subject to conditions.
2	The Proposal
2.1	A three-bedroom, detached dwelling is proposed on land to the west of no. 28 College Street. The dwelling is proposed to be two-storey with brick elevations and a tiled roof. A bay window is shown on the left side of the front elevation. Internally, the dwelling would include three bedrooms at first floor level with living accommodation at ground floor including a lounge and kitchen/dining room.
2.2	A new vehicular access off College Street is proposed which will lead to a parking / turning area to the rear to serve the new dwelling. The existing parking / access arrangement off Nursery Gardens will be altered to create garden space for the new dwelling and to provide parking spaces for no. 28. Part of the existing gravel driveway which is shared between three properties will be incorporated into the garden of the proposed dwelling.
2.3	Externally, the space on the site will be divided between land for the proposed dwelling and for no. 28. The land for the proposed dwelling would include the access drive, parking to the rear and garden to the side. The boundary wall, most of which was around 1.8m tall, has been removed as part of the proposal and it is proposed that it will be replaced with a 1.8m tall close boarded fence, behind a low wall to be rebuilt. (The removal of the wall, which is within a Conservation Area, is the subject of an enforcement case).

2.4	A new pedestrian access off College Street would be created leading up to the front door of the proposed dwelling. The garden for the dwelling would be to the west of the plot and will include space for bin storage. To the rear of the house would be two parking spaces. The eastern boundary to be shared with no. 28 would be partly defined by a low brick wall and partly by a 1.8m tall fence.
3	The Site and Surroundings
3.1	The application site is located within a residential area of Irthlingborough, positioned to the north of College Street and the east of an unadopted residential street known as Nursery Gardens. It is beside the junction between the two properties and forms part of the land associated with no. 28 College Street and the shared access that serves it and nos. 2 and 4 Nursery Gardens. The house at no. 28 College Street also has a detached flat roofed garage located within its plot.
3.2	The application site has variations in level as the land slopes upwards away from College Street. The level of the land on which the proposed house would be sited is approximately one metre above the street level of College Street. The boundary with Nursery Gardens was until recently defined by a brick wall either side of the access.
3.3	The site is set within the immediate context of residential properties. To the east of the site is a detached two-storey dwelling (no. 28). To the south are two-storey dwellings comprising a mix of terrace and detached properties. To the west across Nursery Gardens is a row of two-storey terraced dwellings which exhibit a traditional appearance. Nursery Gardens itself serves dwellings and runs north-west away from the site and includes three recently constructed bungalows (permitted under ref. 19/00923/FUL).
3.4	The site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). Most of the site is located within the Irthlingborough Conservation Area. There are no other planning constraints (designations) affecting the site.
4	Policy Considerations
4.1	<u>National Policy and Guidance</u> National Planning Policy Framework (NPPF) (2019) National Planning Practice Guidance (NPPG) National Design Guide (NDG) (2019)
4.2	<u>North Northamptonshire Joint Core Strategy (JCS) (2016)</u> Policy 1 - Presumption in Favour of Sustainable Development Policy 2 - Historic Environment Policy 4 - Biodiversity and Geodiversity Policy 5 - Water Environment, Resources and Flood Risk Management Policy 6 - Development on Brownfield Land and Land Affected by Contamination Policy 8 - North Northamptonshire Place Shaping Principles Policy 9 - Sustainable Buildings and Allowable Solutions Policy 10 - Provision of Infrastructure Policy 11 - The Network of Urban and Rural Areas Policy 28 - Housing Requirements and Strategic Opportunities Policy 29 - Distribution of New homes Policy 30 - Housing Mix and Tenure

4.3	<p>Other Documents</p> <p>Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)</p> <p>Northamptonshire County Council - Local Highway Authority Parking Standards (2016)</p> <p>East Northamptonshire Council - Domestic Waste Storage and Collection Supplementary Planning Document (2012)</p> <p>East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)</p> <p>East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)</p> <p>East Northamptonshire Council - Residential Extensions and Alterations Design Guide (1998)</p>
5	Relevant Planning History
5.1	99/00284/FUL - Extension to detached garage. PERMITTED (22.06.1999)
5.2	<p>19/01935/FUL – 1no 3-bedroom dwelling including parking and amenity space. REFUSED. (28.07.2020)</p> <p>The reasons for refusal were:</p> <ol style="list-style-type: none"> 1. The proposed dwelling represents an overdevelopment of the site which would be detrimental to the character and appearance of the area. The relatively open nature of the site, which is free from tall structures, provides a visual break in development. The proposed dwelling would remove this visual break. The development is considered to be contrary to Policy 8 d (i and ii) of the North Northamptonshire Joint Core Strategy (2016) by virtue of not responding appropriately to the site's immediate context. 2. The proposed development is unacceptable as it would have a less than substantial impact on the Irthlingborough Conservation Area (CA) and the public benefits brought by the development would not outweigh this negative impact. The proposed detached dwelling would not adequately assimilate into the character of this part of the CA and would introduce a form of dwelling in the prominent location proposed that would be discordant with the historic character of the area. The proposed dwelling is in conflict with Policy 2 (a) and (b) of the North Northamptonshire Joint Core Strategy (2016). The proposal is therefore refused in line with paragraph 195 of the National Planning Policy Framework (2019). 3. The proposed access to the site is considered unacceptable as it represents the intensification of the use of a substandard access to the detriment of the safety of highway users. The proposed access would be contrary to Policy 8 (b)(ii) of the North Northamptonshire Joint Core Strategy (2016) which states that development should ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards. The visibility from the access onto Nursery Gardens is insufficient and makes manoeuvring difficult. The proposal would prejudice highway safety and as such would not accord with paragraph 109 of the National Planning Policy Framework (2019). <p>Planning applications on adjacent land:</p>
5.3	18/01880/FUL - Residential Development of 4No Dwellings including access, parking and amenity land. REFUSED (25.01.2019)

5.4	19/00923/FUL - Residential Development of 3No dwellings including access, parking and amenity land (re-submission of 18/00609/FUL). PERMITTED (16.07.2019)
5.5	19/01415/FUL - Erection of a single-storey dwelling on garden land including new access, parking and amenity land. REFUSED (25.11.2019)
6	Consultations and Representations
6.1	<u>Neighbours</u>
	<p>11 representations have been received, of which 10 are in objection and one makes neutral comments. The points raised are summarised as follows:</p> <p>Highways/access related:</p> <ul style="list-style-type: none"> • Loss of 2 on-street parking spaces • Nearby houses have no possibility to create spaces • It is already dangerous parking on the road • Access should be from Nursery Road • Some spaces near school have been lost due to the double yellow lines being extended • Teachers and staff have to park on College Street • Residents already struggle to park and have to park on nearby streets • Not objecting to a house, but to the parking • Parking at a distance from a dwelling significantly affects disabled people <p>Design, character and Conservation Area related:</p> <ul style="list-style-type: none"> • The house should have two bay windows • Loss of the brick wall and replacement with timber fence is unsuitable • The proposed house is fine • Driveway has already been dug <p>Detrimental impact on the Conservation Area</p> <ul style="list-style-type: none"> • Visual impact on the setting of no. 28 • Driveways not part of the character of the area • The house may appear small compared to no. 28 <p>Other comments:</p> <ul style="list-style-type: none"> • Works have begun and routinely begin before 08:00 • Reduced house prices (Officer comment: not a material planning consideration)
6.2	<u>Irthlingborough Town Council</u>
	<p><i>Comments received 29.10.2020:</i> Objection on the following grounds: -</p> <p>1. Conservation Area - unacceptable impact on/not in keeping with the conservation area. There has been no change to the design of the property therefore our previous objections in relation to the impact on the conservation area and removal of public open space still remains.</p> <p>2. Overdevelopment - the original garden of the plot for 28 College Street has already been substantially reduced by the previous development of 1 and 2 Nursery Gardens.</p>

	<p>3. Parking - the proposed installation of a dropped kerb for access to the planned driveway will reduce the amount of on street parking by at least 2 parking spaces in this already very congested road. Parking is already a problem along the full length of College Street, the road being a main access to the Irthingborough Infants and Junior school and to the retained fire station. With recent new developments this has had a detrimental effect to the parking provision, the surrounding streets having old Victorian houses with no off-street parking available. The Town Council regularly receives numerous complaints regarding the safety of school children in the area with the limited parking available. This proposal which would further reduce the parking provision and would be detrimental to the area and existing properties.</p> <p>4. Fencing - The replacement of a significant brick wall boundary with fencing is not acceptable and is not in keeping with the conservation area. (Please see letter from the Town Council dated 25th September 2020 addressed to Mr P Bland regarding the demolition of this wall and the request for planning enforcement to order the reinstatement of the wall).</p> <p>5. Visual Impact - it is considered that the proposed new driveway has a detrimental visual impact. To create the required visibility splays it takes away some of the existing house, this is a significant house in the conservation area and therefore alters the street scene.</p>
6.3	<u>Natural England</u>
	<i>Comments received 14.10.20:</i> The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.
6.4	<u>Northamptonshire County Council - Local Highway Authority (LHA)</u>
	<i>Initial comments received 22.10.20:</i> The LHA requires that the applicant sends the following document HIGHWAYS-448881 in a PDF format before the LHA can give an in-depth response to this application. The application site is not affected by a Public Right of Way.
	<i>Comments received 11.11.20 (following provision of plan referred to in earlier comments):</i> The LHA objects to this application as the proposed access is within 25m of a junction: "For vehicular accesses onto 'Road 1' a minimum clearance of 25.0m is recommended to / from the centre of the side road (or Byway) 'Road 2' and the nearest side of an access to the junction as in Figure 1 below. These clearances ensure that when vehicles are indicating to turn into an access or a junction their intentions are clear to other highway users. In addition, such clearance ensures that vehicular visibility is maintained"
	<i>Comments received 14.01.20 (following Officer's discussing the application with the LHA Officer:</i> As College Street is not classed as a primary road by the LHA and the applicant has supplied sufficient visibility splays the LHA confirms no further observations to this application.

6.5	<u>East Northamptonshire Council - Environmental Protection Officer</u>
	<i>Comments received 13.10.2020:</i> There are no objections to the proposed development. However, due to the proximity of existing sensitive development we ask that the following conditions are placed on the permission, if granted, to protect residential amenity during site preparation and construction. The applicant has submitted a construction environment management plan and measures included in the plan can be secured by way of planning condition as well. Conditions are recommended relating to no burning, hours of work and the measures within the Construction Environment Management Plan.
6.6	<u>East Northamptonshire Council – Waste Management Team</u>
	<i>Comments received 28.10.2020:</i> No comments.
7	Evaluation
7.1	Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:
	<u>Principle of Development</u>
7.1	Policy 11 (1b) of the JCS sets out the spatial strategy for the area. It states that the 'market towns will provide a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town'. Irthlingborough is classified as a 'market town' and Policy 11 refers to Policy 28 in respect of the provision of new housing.
7.2	Policy 28 sets the housing requirements for the district which are a minimum of 8,400 across the plan period. The distribution of new homes is expanded upon under Policy 29 and the associated Table 5 sets out that a minimum of 1,350 dwellings are to be provided at Irthlingborough. Market towns are the second most suitable location for development after the growth towns.
7.3	The site is located within Irthlingborough on land that is part of the amenity space for No. 28 College Street. The site is surrounded on all sides by residential development. As one of the most sustainable settlements within the district and as the site is contained within it, the principle of the development of a house is acceptable.
	<u>Material Changes to Proposed Development 19/01935/FUL</u>
7.4	On 28 July 2020 planning application 19/01935/FUL was refused by the Planning Management Committee, contrary to the officer recommendation. The development was similar to that proposed now insofar as it was for a single dwelling. The current application has been submitted to seek to address the reasons for which the previous application was refused.

7.5	The reasons that the previous application was refused relate to the development being considered detrimental to the open character of the site; harmful to the Conservation Area and the intensification of a substandard access using Nursery Gardens. Each of these matters are discussed in turn below.
	<i>Reason for Refusal 1: 'Overdevelopment'</i>
7.6	The first reason for refusal primarily relates to the matter of the development of a house on a site that is relatively free from built form. Until recently, the largest building on the site was a flat roofed garage, which has now been removed. The reason for refusal indicates the 'visual break in development' was an important positive feature that the site provides to the immediate area and the development as proposed then was considered to be detrimental simply by virtue of the loss of the space.
7.7	As the previous application was recommended by Officers for approval, the impact in this respect was deemed acceptable. It is noted also that the Council's Senior Conservation Officer had no objection to the proposal and as such found the spacing aspect of the development to be acceptable. The Council's Planning Management Committee determined that the loss of the visual openness that would be caused by the development of the house would be sufficiently detrimental to the character of the area to warrant a reason for refusal.
7.8	In regard to this proposal, the scale and design of the house is near identical to that previously. The siting of the house is adjusted slightly to the west to allow sufficient space for the proposed access road. The changes in respect of the space and impact of the house are negligible as the built form on the site will be near identical to that considered at the previous application.
7.9	It is considered therefore that the proposed development does not represent a material departure from the previous application. The matter of the previous application and decision is a material consideration. It was however the consideration of Officers in the previous application that the built form proposed in the space is not materially detrimental and that the dwelling can be assimilated into the space appropriately without harm to the character of the area. Whilst the Planning Management Committee considered differently, there are no material reasons for Officers to support the concerns raised by Members and to find differently in this respect.
	<i>Reason for Refusal 2: Impact on the Character of the Conservation Area (CA)</i>
7.10	The two main changes with this current proposal compared to the previous proposal are the changes to the existing access / parking arrangements and a boundary treatment alteration. The access 'alteration', through the provision of a dropped kerb and removal of the front wall necessary to make space for the access; is modest in visual impact terms. The part of the wall to be removed to make space for the vehicular access would appear to have included part of a modern low wall and part of the older taller wall. The loss of a relatively small extent of older wall to make way for the access is considered acceptable in heritage terms.

7.11	It has been suggested in representations that the provision of a driveway in itself would be out of character with the CA. In considering this, it is noted that there are examples of private driveways to properties located off College Street. They are not a dominant feature but are visible to the east of the site. The access in itself is not a factor that would appear discordant with the area and it is not considered to be harmful to the character of the area in visual terms
7.12	The proposed parking arrangement is largely confined to the less visible area to the rear and is not considered to have a material impact on the area. This aspect is therefore not considered to be detrimental to the character of the CA.
7.13	The proposal includes the removal of the taller part of the wall which wraps around the corner of the site onto Nursery Gardens. A recent site visit confirms that this wall has been removed at some point between the determination of the previous application and the determination of this current application. Discussions with the developer, as well as the Council's Building Control team, suggest that this was due to the wall being unsafe. Representations have indicated the wall to be one hundred years old and no further information is available in this respect. When in place, it did have the appearance of being a mature feature of the area and clearly older than the new part to the front of no. 28.
7.14	The proposal is to replace the wall with fencing at 1.8m tall whilst rebuilding a lower part of the wall. During the application process, the Applicant advised the Council that the wall was structurally unsound and was unsafe due to being at risk of collapse. The wall was removed due to this safety concern. Following its removal and concern raised locally about this, a Building Control Officer from the Council visited and inspected the site to assess this matter. The advice received from the officer was that the wall was structurally unsound and required removal as it represented a safety risk of collapsing onto the pavement. This advice means that it is unreasonable to resist the planning permission for the removal of the wall as it was dangerous and required removal.
7.13	In the absence of the more historic wall, the most appropriate treatment is a consideration as to whether a wall should be re-built if structurally possible. The provision of a 1.8m tall close boarded fence is considered to be a negative change when compared against the previous wall. The provision of a wall would be preferred, while noting it would need to be structurally sound. Notwithstanding the plans providing indicating the fencing treatment on the corner, it is considered appropriate that the boundary treatment be controlled by condition. Details of a boundary wall including the type of brick could be provided to help ensure this aspect of the development is appropriate for the CA.
7.14	In respect of the second reason for refusal of the previous application, the proposed changes that would alter the appearance of the proposed development most, i.e. the new access and the boundary alteration, would not have a materially detrimental impact on the CA. The removal of the wall for safety reasons is supported by the Council's Building Control Officer and it is reasonable to conclude a replacement could be installed using appropriate bricks, provided it is structurally sound to do so. Officers found the previous scheme to be acceptable in respect of the CA and the current proposal does not alter this position.

	<i>Reason for Refusal 3: Intensification of Use of Substandard Access (Nursery Gardens)</i>
7.15	A key change compared to the previous scheme is the proposal to install a vehicular access off College Street. This proposal has been considered by the Local Highway Authority (LHA) who do not object as set out in the below paragraphs. The responses received have considered the proposed access in relation to their standards and requirements. During the application process, the Applicant provided a plan showing the visibility splays west and east from the proposed access. Key considerations in relation to the access include the visibility splays, the relationship with the junction with Nursery Gardens and the impact on parking provision on College Street.
	<i>Relationship with Nursery Gardens junction</i>
7.17	The distance between the proposed private drive and Nursery Gardens is a relevant consideration and the County Council's Standing Advice (2016) document includes details of the separation that new accesses should be from a road junction. The distance in the guidance indicates the separation should be 25m to the centre of the road. As the proposed drive is around 12m from the junction, this matter was discussed with the LHA to understand the guidance. The LHA advised that the guidance is relevant only where the road on which the access would be created is a 'primary road'. The LHA have confirmed College Street is not a 'primary road' and as such the guidance at 4.3.2 of the Standing Advice is not directly applicable. Considering this and as the visibility splays provided indicate splays of 2m x 43m in both directions, this indicates that the access would have acceptable visibility.
	<i>Potential loss of on-street parking</i>
7.18	Representations received have expressed significant concern about the proposed access. A key recurring feature of the objections is the loss of either two or three on-street parking spaces due to the introduction of the access. It is reasonable to consider that at least two parking spaces would be 'lost' for the access, quite possibly three. It is apparent from the comments received and the site visits undertaken that many of the residents of the street are reliant on on-street parking. From the Officers site visits, it was apparent that cars park along the northern side of College Street at all times of the day.
7.19	Whilst the existing on-street parking provision is informal, it is clear that it is needed to serve the dwellings within the street. Representations received indicate it is used by residents and staff at the school further to the west. How this should be considered in terms of a proposal for a new access is important to consider.
7.20	For the reasons set out above, the visibility from the proposed access is deemed acceptable. To prevent the creation of an access which is otherwise acceptable on the grounds of loss of on-street parking raises the matter of the reasonableness of this argument. Firstly, as the LHA do not object to the provision of a dropped kerb and new access, this could conceivably be pursued without the need for a new dwelling either here or in general. A dropped kerb / new access removes the reasonable possibility of parking in front of that access. But given this possibility is acceptable to the LHA, it weakens the argument that it would represent a reasonable reason for refusal.

7.21	Secondly, the impact on on-street parking would affect 'informal' on-street parking provision which is not allocated to any particular private property. It therefore does not affect any property's or individual's parking provision but that of the street. An effect on on-street parking provision is considered insufficient to be a reason to resist the creation of a new access which is acceptable to the LHA. Officers would not deem this a reasonable reason to resist the proposed development. A potential loss of two on-street parking spaces is not considered significant and is not deemed a reason to warrant refusing the development
7.22	The proposal alters the internal access drive arrangement off Nursery Gardens which serves as the access and parking area for three dwellings (28 College Street, nos. 4 and 2 Nursery Gardens), including no. 28. The space available for turning would be reduced. It appears however, that as there is more than 6m to the rear of the spaces, that a three-point turn will be possible for vehicles to exit onto Nursery Gardens. All three properties will retain their parking spaces. As such the arrangement is acceptable in this respect.
7.23	The Applicant has indicated that parking currently occurring within 10m of the Nursery Gardens junction is against the Highway Code and should not be occurring. This argument makes the case that parking along College Street within 10m should not be happening and that as part of the development, the Applicant would seek the requisite lines to be painted from the LHA to ensure this does not occur to make access from Nursery Gardens safer. It is considered by officers that this matter is not directly relevant to the proposal and could be pursued separate to this proposal and as such has no material weighting on its consideration.
	<i>Access Conclusion</i>
7.24	In light of the proposed access being considered acceptable by the LHA in terms of its visibility and proximity to Nursery Gardens, the acceptable provision of two on-site parking spaces and that the impact on on-street parking is not deemed a reason to prevent the development, the proposal is considered acceptable in access terms.
	<u>Ecology</u>
7.25	The application site is within 3km of the Upper Nene Valley Special Protection Area (SPA). In accordance with the associated SPD, mitigation for new dwellings is required for the impact of the residents on the ecology of the area. The applicant has indicated the SPA contribution paid on application 19/01935/FUL is to be 'moved' to this application. As the amount has increased since that time due to indexing, the applicant has contributed the difference and provided the required SPA form. As such, the required mitigation amount has been secured and the impact on the SPA is adequately mitigated.
	<u>Environmental Health</u>
7.26	Comments received from the Council's Environmental Protection Officer have recommended conditions. The proposal is no different in this respect to the previous application and it is considered appropriate that such conditions be applied, should permission be granted.

	<u>Residential Amenity</u>
7.27	<p><i>28 College Street</i></p> <p>The proposal is similar to the previous application, but the access arrangement is the main difference for no. 28. The provision of an access drive and parking area beside no. 28 are a new introduction. The plans show that no. 28 would retain a significant extent of garden land. Additionally, the access drive itself will not materially affect the privacy or outlook of no. 28 and the proposal is acceptable in this respect.</p>
7.28	<p><i>43, 45, 49 College Street</i></p> <p>The proposed house would be opposite these properties. The design is not materially different to the scheme considered under 19/01935/FUL and is acceptable in terms of the impact on its amenities.</p>
8	Other Matters
8.1	<u>Equality Act 2010</u> : It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
8.2	<u>Other matters raised in representations</u> : Concern was raised in relation to the impact on house prices. This is not a material planning consideration and cannot be taken into account. Concern has also been raised that the loss of parking spaces on the street may force local residents with disabilities to park further from their house. In response to this concern, for the reasons set out earlier in the report it is not considered reasonable to resist the proposed access for its impact on on-street parking.
9	Conclusion / Planning Balance
9.1	The previous application was refused against Officers' recommendation. This current proposal includes an access off College Street rather than Nursery Gardens and it has been demonstrated it will have acceptable visibility. The impact on on-street parking is not considered sufficient to refuse the application partly as dropped kerbs can be sought and installed with the agreement of the LHA. The LHA find the dropped kerb and access acceptable and the proposal is considered acceptable in this respect.
9.2	The proposal is not significantly different to that deemed acceptable by Officers under the previous application ref. 19/01935/FUL and it is therefore considered acceptable in terms of the impact on the character of the area, including the Conservation Area. The proposal is therefore considered to accord with the relevant policies of the local development plan.
10	Recommendation
10.1	<u>Recommendation</u> : That planning permission be GRANTED subject to conditions.

11	Conditions
1.	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p><u>Reason:</u> To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> • Existing Site/Topographical Plan; Proposed Site/Topographical Plan; Location Plan & Proposed Access Plan ref. 19-150-05; • Proposed Ground & First Floor Plans, Proposed Elevations, Proposed Streetscene ref. 19-150-06; • Vehicular Visibility Splays – New Access ref. 19-150-09. <p><u>Reason:</u> To define the terms of this planning permission.</p>
3.	<p>Notwithstanding the boundary treatment shown on the proposed Site Plan ref. 19-150-05, prior to the occupation of the dwelling, details of the boundary treatments for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the materials, location and dimensions of the treatments to be used. The boundary treatment shall be installed prior to occupation of the development.</p> <p><u>Reason:</u> To ensure the boundary treatment is suitable for the character of the site, the Irthingborough Conservation Area and the relationship with no. 28 College Street.</p>
4.	<p>Prior to the construction of the development above slab level, details (including details of materials and colour/finish) of all external doors and windows, and details of materials and colour/finish) of all elevations and the roof shall be submitted to the Local Planning Authority for approval in writing. Thereafter the windows and doors shall be installed as per the approved details and retained as such in perpetuity.</p> <p><u>Reason:</u> In the interests of preserving the character and significance of the conservation area.</p>
5.	<p>Prior to the commencement of the development hereby permitted, details of the proposed levels of the finished development shall be submitted to the Local Planning Authority for approval in writing. The details shall include a streetscene annotated with levels, and a plan showing the finished floor level of the proposed dwelling in relation to spot heights taken at points within the application site and across the surrounding land. Thereafter the house shall be constructed as per the approved details and retained as such in perpetuity.</p> <p><u>Reason:</u> In the interests of the character of the area and how the house will relate visually to its context.</p>

6.	<p>Prior to first occupation of the development hereby permitted, details of the proposed hard and soft landscaping (including location and species of vegetation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details in the first planting season following completion or first occupation of the dwellings hereby permitted. The landscaping agreed shall be maintained and any tree that dies, is removed or is severely damaged within the first five years since planting shall be replaced in the next planting season.</p> <p><u>Reason:</u> In the interests of visual amenity and ecology.</p>
7.	<p>Prior to the first occupation of the dwelling hereby permitted, the access, parking and turning areas shall be laid out as detailed on drawing Proposed Site Plan ref. 19-150-05 and they shall thereafter be permanently retained for the purposes of access, parking and turning only and maintained in the approved manner in perpetuity.</p> <p><u>Reason:</u> In the interests of highway safety and to ensure a parking provision that meets with the Local Highway Authority guidance for residential development.</p>
8.	<p>There shall be no burning of any material during construction, demolition or site preparation works.</p> <p><u>Reason:</u> To minimise the threat of pollution and disturbance to local amenity.</p>
9.	<p>No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.</p> <p><u>Reason:</u> To ensure the protection of the local amenity throughout construction works.</p>
10.	<p>The Construction Environment Management Plan Measures as stated in the submitted Construction Environment Management Plan Rev A prepared by Sidey Design shall be adhered to throughout site clearance and construction of the development hereby permitted.</p> <p><u>Reason:</u> In the interests of residential amenity, highway safety and visual amenity.</p>
11.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), no gates shall be installed to the vehicular access.</p> <p><u>Reason:</u> In the interests of Highway safety and to prevent obstruction in the adopted highway.</p>

12	Informatives	
	1	Condition 5 requires details to be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of the development, as the site is visually sensitive by virtue of being within the Irthlingborough Conservation Area.

	2	The applicant has agreed to the inclusion of condition 5.
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 Appendix 1 – Habitat Regulation Assessment

Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

Application reference:	20/01196/FUL
Application address:	28 College Street, Irthlingborough Northamptonshire NN9 5TX
Application description:	1 No 3-bedroom dwelling including, parking and amenity space (Resubmission of 19/01935/FUL)
Status of Application:	Pending decision
Proximity to SPA:	Within 3km

Lead Planning Officer: Patrick Reid

Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	YES
Is the planning application, project or plan directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	NO
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	YES , The HRA for the North Northamptonshire Joint Core Strategy assessed the in-combination effect of residential development within a 3km catchment of the SPA and concluded that such development would have an adverse

	effect on its integrity of the SPA unless avoidance and mitigation measures are in place
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Stage 2 - HRA screening assessment

Test 1: the significance test – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA.

Conclusion on the need for a full Habitats Regulations Assessment (Appropriate Assessment) (has evidence shown there is a need for a full HRA?) **Yes**

The application is for development resulting in a net gain in residential units within 3km (linear distance) of the SPA. The HRA for the North Northamptonshire Joint Core Strategy identified that the ‘in-combination’ impact of proposals involving a net increase of one or more dwellings will have an adverse effect on the integrity of the SPA unless avoidance and mitigation measures are in place; therefore a contribution from each new dwelling is required to meet the Regulations.

The ruling by the Court of Justice of the European Union on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17) requires development relying on mitigation to no longer be considered at the screening stage but taken forward and considered at the appropriate assessment stage. Therefore as the application requires mitigation it will need to be considered at the appropriate assessment stage.

Stage 3 - HRA – Appropriate Assessment

Test 2: the integrity test – If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

A mitigation strategy has been proposed to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA by making a financial contribution towards Strategic Access Management and Monitoring (SAMM) and/or other suitable infrastructure. This would reduce the adverse impact of people visiting the SPA through specific measures and monitoring.

Provided the applicant agrees to this contribution and that Natural England is satisfied that payment of the standard contribution provides adequate mitigation then significant harm can be suitably avoided and mitigated. Note that Natural England only need to be consulted for applications of more than 10 dwellings.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Conclusion:

Development in the area surrounding the Upper Nene Valley Gravel Pits SPA could lead to increased public access for recreation, e.g. from dog walking, which in turn can lead to disturbance of the notified bird populations and impacts to the ability of birds to use the site for feeding and roosting.

It is considered that if there are satisfactory mitigating measures put into place the development would be considered to be acceptable. Adequate mitigation measures can be achieved by the payment of £296.55 per dwelling to fund a range of measures which could include fencing and screening, footpath diversions, wardening and monitoring. This fee has been paid.

Natural England Officer:

SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.

Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document.

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Internationally Internationally and nationally designated sites.

The application site is in close proximity to a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations 2017'). The application site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area which is a European site. The site is also listed as a Ramsar Site and also notified at a national level as a Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can

be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment Habitats Regulations Assessment Rationale

Increased visitor access to the Upper Nene Valley Gravel Pits SPA is recognised by Natural England as a threat to the favourable condition of the site, detailed within the Site Improvement Plan for the SPA. This is underpinned by a number of studies documenting disturbance to birds from activities such as dog walking within the SPA. A report titled "Visitor Access Study of the Upper Nene Valley Gravel Pits SPA" has explored the expected increases in visitor numbers as a result of new development (based on interviewing over 1000 groups who visited the site), and identifies that the majority of visitors originate from within 3km of the SPA, with most visitors arriving via a short car journey.

As a result of this evidence the North Northamptonshire Joint Core Strategy has identified that mitigation is needed for the likely effects of new residential developments proposed within 3km of the Upper Nene Valley Gravel Pits SPA. A mitigation Strategy has been developed as a Supplementary Planning Document (available to view here) and identifies the required mitigation as a financial contribution of £269.44 per new dwelling within the 3km zone. This will contribute towards a package of Strategic Access Management and Monitoring to include fencing, screening and wardens to manage visitors within the SPA. The Mitigation strategy has now been formally adopted and can be used by developers to mitigate impacts to the SPA. Provided the contribution is made, Natural England advises your Council that there is not likely to be an adverse effect on the integrity of the SPA.

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Other advice

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.