# APPLICATIONS FOR DETERMINATION

**PLANNING MANAGEMENT COMMITTEE – 23rd July 2020**

## INDEX OF APPLICATIONS FOR CONSIDERATION

<table>
<thead>
<tr>
<th>Application</th>
<th>Location</th>
<th>Recom.</th>
<th>Page No.</th>
</tr>
</thead>
</table>
| 19/01569/FUL  | 105 High Street, Rushden, Northamptonshire  
*Change of use of the existing public house (Class A4) to a mixed-use comprising restaurant and bar (Classes A3 and A4) at ground floor level with external and internal alterations involving a rear extension, the creation of a new lower ground floor to provide ancillary restaurant/bar space, a first floor rear extension together with an associated extension of the roof above, and the subdivision of the first floor and the new accommodation within the roof space to create a total of 8 self-contained flats.* | GRANT  | 2        |
| 19/01935/FUL  | 28 College Street, Irthlingborough, Wellingborough, Northamptonshire  
*1 No 3-bedroom dwelling including parking and amenity space* | GRANT  | 20       |
| 19/00709/FUL  | Kingswood House, Hollington Road, Raunds, Wellingborough, Northamptonshire  
*Change of use from existing Care Home to 10.No residential properties including alterations at Kingswood House* | GRANT subject to S106 | 35 |
| 19/01901/FUL  | Land Rear Of 57, High Street, Twywell, Northamptonshire  
*Demolition of the existing stable and store buildings and construction of three new dwellings and associated landscaping work (resubmission of 19/01119/FUL)* | GRANT  | 61       |
Case Officer: Patrick Reid 19/01569/FUL

Date received: 24 September 2019  Date valid: 25 October 2019  Overall Expiry: 10 July 2020  Ward: Rushden Hayden  Parish: Rushden

Applicant: Kilburn Investments Limited - Mr P Spicer
Agent: P R Architecture - Mr P Raheja
Location: 105 High Street, Rushden, Northamptonshire NN10 0NZ
Proposal: Change of use of the existing public house (Class A4) to a mixed-use comprising restaurant and bar (Classes A3 and A4) at ground floor level with external and internal alterations involving a rear extension, the creation of a new lower ground floor to provide ancillary restaurant/bar space, a first floor rear extension together with an associated extension of the roof above, and the sub-division of the first floor and the new accommodation within the roof space to create a total of 8 self-contained flats.

The application is brought before the Planning Management Committee as it has been called-in by Councillors Richard Lewis and Barbara Jenney. The reasons of the Councillors for calling the application are: that the proposal is for flats; worries over a subsequent application for flats to the rear; and there were hopes the town centre was to have a larger redevelopment involving the site.

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application seeks the change of use and works to construct the site to create restaurant and bar, with habitable accommodation above comprising 8 flats. The works comprise physical operations to create a three storey building. Due to the change in levels across the site, to the rear will be a lower-ground floor level which will house the kitchen to serve the restaurant. The roof form will include hips and a flat element.

2.2 At the rear of the building will be a flat roofed element which will also serve as terraces to serve two of the flats. Above these to the rear are two Juliette windows to serve two of the first floor flats. The rear elevation will have multiple windows serving both the residential and commercial uses proposed.

2.3 Internally the ground floor will contain the restaurant and lounge/bar, as well as a separate entrance off the High Street for the flats. The first floor will contain two-two bedroom flats and two-one bedroom flats. The second floor will include two one-bedroom flats and two studio-flats.

2.4 Externally the proposal is to use the access to the west of the building which will lead to the parking area to the rear. A total of seventeen parking spaces are shown which are to serve the staff of the restaurant/bar and the residential properties above. A one-way operation is proposed, with the exit being onto West Street to the north of the site.
3 The Site and Surroundings

3.1 The site comprises a building which until recently housed a public house at ground floor level with a flat above. The public house closed in January 2018 and in May 2018 a fire caused significant damage to the property. The building has remained damaged since and has been enclosed by scaffolding and covers which have screened the site.

3.2 The site is located on Rushden High Street and is in the context of mostly retail and other town centre uses. The site includes external space to the rear which appears to have been used for storage and some parking. The site also includes land which extends to the boundary to the west which is shared with an adjacent supermarket. The ‘L’ form of the land includes an area to the rear of properties fronting the high street and runs alongside the western boundary. This land is undeveloped and largely occupied by vegetation, whilst a track is located which adjoins West Street.

3.3 The building itself is set within the Rushden Conservation Area but is not listed. The frontage is near symmetrical and includes a centrally located doorway with sash windows either side. It is finished with stone at ground floor and as part of a central projection, with red brick for the rest of the walls.

3.4 The site lies within the zone of influence of the Nene Valley Gravel Pits Special Protection Area. There are no other particular planning constraints (designations) affecting the site.

4 Policy Considerations

4.1 National Policy and Guidance
- National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
- 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 7 - Community Services and Facilities
- Policy 8 - North Northamptonshire Place Shaping Principles
- Policy 9 - Sustainable Buildings
- Policy 10 - Provision of Infrastructure
- Policy 11 - The Network of Urban and Rural Areas
- Policy 12 - Town Centres and Town Centre Uses
- Policy 19 - The Delivery of Green Infrastructure
- Policy 22 - Delivering Economic Prosperity
- Policy 23 - Distribution of New Jobs
- Policy 28 - Housing Requirements
- Policy 29 - Distribution of New Homes
- Policy 30 - Housing Mix and Tenure

4.3 Rushden Neighbourhood Plan (Made version - 2018)
- H1 - Settlement Boundary
- H2 - Location of New Housing Development
- H4 - Market Housing Type and Mix
- EN1 - Design in Development
- T2 - Car Park Provision
R1 - Town Centre Uses
R2 - Shopping Frontages
R3 - First Floor Uses

4.4 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

5 Relevant Planning History

5.1 15/00022/FUL - Conversion of first floor into 3 No. apartments together with new external staircase to rear. Withdrawn 16.02.2015.


5.3 95/00586/FUL - Detached garage and fencing to side boundaries. Permission 18.10.1995.

5.4 94/00650/FUL - Elevational alterations to existing shop front to match public house frontage. Permission 07.11.1994.

5.5 93/00498/FUL - Incorporation of shop premises into public house. Refused Adjacent land

5.6 18/02351/FUL - Demolition of existing building. Permitted 08.10.2019.

6 Consultations and Representations

6.1 Neighbours

Four representations have been received, of which three are in objection and one makes comments neither in objection nor support. The matters raised are set out below:

- The proposal requires vehicles to exit along an unmade path and a private road
- West Street is private and potentially could be enclosed with a barrier
- The site plan does not form a direct link to the adopted highway as it is via a private road.

6.2 Rushden Town Council

Comments received 28.11.19: Rushden Town Council objects to this application for the following reasons:

1. We have concerns about access to the parking at the back of the site. The current application is showing access onto West Street and as this a private unmade road this would be unacceptable. We also note the comments that
access would not be granted onto West Street from the landowners in the vicinity of West Street. Therefore, access issues to and from the parking provision need to be reconsidered. We also note the comments from the LHA and hope they would be considered when a revised application is submitted.

2. We consider there is insufficient parking to accommodate both customers to the proposed restaurant and the proposed residential scheme.

6.3 Northamptonshire County Council - Local Highway Authority

Original comments received 05.11.19:
- The LHA would object to a second vehicular access point, such proposals create additional and unnecessary points of conflict between emerging vehicles and other highway users. The LHA would also resist a mixed use of an access involving commercial and residential vehicles.
- Should you be minded to grant this application permission the LHA have the following comments:

The applicant needs to comply with the LHA parking requirements as follows:

- A shared access is required to be 4.5m for the first 10m from the highway boundary, this will also be paved with a hard bound surface.
- The applicant is required to ensure that a linear drain is used to stop any excess water from running in to the highway and vice versa, the drain must be set back from the highway boundary.
- Please show on a detailed plan the pedestrian visibility with 2m x 2m splays
- Parking spaces need the following dimensions to be achieved - 2.5m (W) x 5m (L)
- The applicant is required to provide the following amount of parking spaces to comply with the Northamptonshire parking standards (Dated September 2016), for class A3 the applicant is required to demonstrate a parking arrangement of 33 spaces of which 10 percent will be disabled bays, also 8 spaces for cycles and 3 motorcycle spaces. The applicant is also required to show 10 spaces for the proposed residential dwellings.

Additional comments received 17.05.20:
The requirement for separate accesses for residential and commercial is a policy requirement (DM15) set out by Northants county council this application sets out to intensify that mix with more traffic likely to occur during peak times, it’s not a policy the LHA can really disregard and if you were minded to recommend this application for approval we would note that a one way system is a betterment negating exit from the existing car park access to high-street which has little to no pedestrian or vehicle visibility.

Final comments received 20.05.20:
The suggested one way system is a betterment as it will restrict vehicles leaving an access with no visibility splays on to the high street.

6.4 East Northamptonshire Council - Environmental Protection Officer

Comments received 13.11.19: No objection subject to conditions relating to the playing of music, extraction/treatment of odours and construction work hours.

Subsequent comments received 02.06.20 (following Officer query if details are acceptable to be required prior to occupation): Yes prior to occupation is ok.
6.5 Northamptonshire Police

Comments received 11.11.19: Comments in relation to door security and access to doors, a lighting scheme, bin and cycle storage, recommending details to ensure a safe environment.

6.6 East Northamptonshire Council – Commercial Health Team

Comments received 12.11.19: It is proposed that the kitchen for the restaurant is to be sited in the basement. If the area is to be used as a kitchen and associated storage the following will need to be taken into account:

1. Siting a kitchen in a basement poses issues around adequate ventilation. A ventilation survey should be undertaken to identify what is required to ensure:
   - There is not a build-up of cooking odours and/or potentially harmful gases such as carbon dioxide in the kitchen and associated storage areas.
   - The basement area cannot be used without the ventilation system in operation and, critically, any gas appliances cannot be switched on without the ventilation in operation.
   - Sufficient air flow in the kitchen and associated storage areas to maintain the temperature at a suitable level for staff.

2. There needs to be a suitable and safe method of taking deliveries into the basement area that ensures the safety of food and the health and safety of staff and delivery drivers.

3. There needs to be a suitable and safe method of removing waste from the basement area that ensures the safety of food and the health and safety of staff.

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:

Principle of Development

7.2 Policy 11 (1b) of the JCS sets out the spatial strategy for the area. The site is located within the town centre of Rushden, positioned on the High Street. Policy 11 sets out that, for the urban areas, the growth towns, of which Rushden is one, are to be the focus for facilities and development, including housing. Rushden as a ‘growth town’ is also to be a focus for employment and retail development.

7.3 The proposal represents the redevelopment of a former public house/bar which was subject to fire damage. At the time of the site visit in December 2019, the building was enclosed by fencing and the structure evidently has received significant damage from the fire. From view from the street, there appeared to be no roof remaining on the structure, although the front elevation appeared to mostly be standing.
7.4 Policy R1 of the Rushden Neighbourhood Plan (NP) sets out support for development proposals for main town centre uses in the Town Centre. The proposed restaurant/bar use benefits from this and as such positive weight is afforded to the proposal in this respect. The site in its current form requires development to allow a town centre use to happen at the site again and the proposal provides associated economic and social benefits to the local community.

7.5 The provision of a restaurant and bar at ground floor with residential accommodation above is acceptable in principle. Restaurant and bar uses are recognised as most suited to town centres and the provision of residential uses at the floors above is also suited to a town centre location. The proposal is therefore acceptable subject to other material considerations.

7.6 Policy R3 of the NP is focussed on first/upper floor uses within the Town Centre of Rushden and it sets out that reuse or conversion of these spaces will be supported, provided the proposal does not adversely affect the long term viability of the existing ground floor use. The policy is clear in its support for residential uses on the first and upper floors and as such, positive weight is attributed to the proposal in this respect.

7.7 In regard to Policy 7 of the JCS, the proposal changes the ground floor of the building from a public house / late bar to a restaurant / bar. The pub has been shut since before the fire occurred and there are several pubs on the High Street and nearby. As such there is no reason to indicate the ground floor is needed to be a pub for the local community. As such the proposal is acceptable in this respect.

Type of Residential Accommodation

7.8 The proposal includes the provision of eight residential units (in the form of flats) across two floors. The Rushden Neighbourhood Plan (NP) Policy H4 relates to the type of housing and installs limitations on the type of housing that may be suitable. It sets out that 'flattened development will only be supported' where it meets certain criteria. The criteria listed include the two below:

- where the physical or financial constraints of a site are such that it is not possible to provide smaller one and two bedroom houses or maisonettes; or
- where an existing non-residential building is being converted for residential use.

7.9 The proposal involves the reuse of the building which previously included a five-bedroom flat on the first floor. The status of the existing building is extensively damaged from fire, but there is evidently a structure remaining on the site. It is appropriate to consider the proposal in light of whether or not the existing building is to be reused.

7.10 If considered on the basis of the reuse of the building, the proposal represents a change of use at ground floor from a public house/bar (use class A4) to a restaurant and bar (A3 and A4). The accommodation above would involve the development of a total of seven additional units. There were no units at second floor level. Policy H4 of the NP seeks to prevent 'flattened development', which is interpreted to relate to accommodation set over a single level, that is not a bungalow, as it makes direct reference to maisonettes. The submitted plans show all eight units not having any stairs contained within each and as such would appear to be covered by the policy. The third criterion within the Policy allows for the conversion of buildings, but it sets out that they are in 'non-residential' use. Taking the approach that the proposal represents a conversion of a building that also contained a residential use, this criterion would not appear to be met.
7.11 The second criterion allows for conversions where the physical constraints would not allow for smaller one and two bedroom houses. The site is limited in its extent of land and given its location off the High Street, it would not be suited to the provision of houses both due to its physical constraints, and as town centre uses should be located here. Additionally, the residential units proposed are relatively small including two-two bedroom units, four-one bedroom units and two studio apartments. The policy wording to seek ‘smaller’ units is satisfied insofar as all eight units have no more than two bedrooms. For houses to be provided on the site, they would need to be set back away from the road and it would not be a feasible or practical option. It is therefore considered that if considered on the basis of the second criterion, the provision of flats fully accords with Policy H4 of the NP.

7.12 If considered on the basis of a complete redevelopment, the conclusion in respect of the second bullet point of Policy H4 equally applies as it does not specify that it relates to conversions. The physical constraints of the site are such that it is not possible to provide smaller one and two bedroom houses or maisonettes.

7.13 The provision of flats in the town centre above commercial uses is expressly supported by Policy R3 of the NP and adds additional weight in favour of the proposal. In regard to Policy 30 of the JCS and the requirement for the accommodation to meet the National Space Standards, the proposal meets the requirements. The two-two bedroom flats comfortably exceed the minimum floorspace. The four one-bedroom flats also exceed the space requirements, as do the two studio flats. The accommodation also meets the other requirements, including bedroom sizes.

7.14 Policy 30 a) seeks to ensure developments meet the need for households of 1-3 bedrooms. (part i). Part (ii) seeks to ensure the character or infrastructure of an area is not adversely affected by an over-concentration of a single type of housing. In this regard, the provision of a mix of one and two bedroom flats accords with part (i) through the provision of ‘smaller’ households. In regard to (ii), the site is on the High Street where town centre uses are a necessity at ground floor, meaning flats or maisonettes are the only option available for the space above. Flats are part of the character of Rushden High Street, and many high streets, as commercial uses dominate and are required to be at the ground floor level. The proposed restaurant with flats above is entirely in character with the area and is the desirable form of development in this location.

Heritage, Design, Layout and Impact on the Character and Appearance of the Conservation Area

7.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.

7.16 The building is to have a similar appearance to that of the existing building, prior to its fire damage. The footprint and scale of the building is similar. The front elevation keeps the traditional appearance in terms of the use of materials and fenestration layout. The roof is to have a similar hipped appearance but is to include four rooflights and a centrally located chimney. Historic plans from the site show that the proposed front elevation is to be very similar in appearance to that prior to the fire damage. In this respect, the appearance from the front is acceptable.

7.17 The side elevations are less visible due to the proximity to adjacent buildings. The side elevations are to be finished with facing brick and are to have simple elevations
aesthetically. Given the relatively dense nature of the surroundings in terms of the spacing between buildings, the sides are not visually prominent and the proposed treatment is acceptable.

7.18 The rear elevation is mostly away from public view except from distance. The proposed finish and design includes a lower and upper ground floor element which would serve the kitchen and restaurant. It would have a flat roof above which would be a balcony serving the first floor flats. In terms of the finish to the rear elevation, the appearance is considered appropriate. The use of a quality brick and roof material, along with the form of the roof hips ensure the rear elevation is appropriate to its context.

7.19 In heritage terms, the building in its current state is harmful to the conservation area (CA) as it is clearly in need of significant works following the fire damage. The continued placement of temporary screening and scaffolding around it is an unpleasant sight, harming the High Street. The proposed works to redevelop the building and reinstall it to close to its former appearance, whilst bringing back its active use and vitality, is a heritage benefit.

7.20 In conclusion on the matters of the design and with regard to the site building being within the CA, it is considered the proposal provides significant visual and character benefits to the High Street. Through bringing the building back into active use in the form of a restaurant/bar at ground floor, and residential accommodation above, the proposal will enhance the vitality of the area through active use appropriate to the town centre location.

Highway Safety and Parking

7.21 The access proposed utilises a one-way system using the access off the High Street and an exit onto West Street. The Local Highway Authority (LHA) initially raised concern about the proposed arrangement and their concerns are summarised below:

1) a second vehicular access point could create a further point of conflict;
2) mixed use access of commercial and residential vehicles could create conflict between users;
3) width of access and size of parking spaces; and
4) 33 spaces for the restaurant/bar and 10 for the residential units are required.

7.22 Relevant to this application is appeal decision ref. 3237088 (LPA ref. 18/02140/FUL) which was issued in January 2020 and allowed permission for the conversion of first and second floor offices, at 3 to 10 Newton Hall, to form 9 residential units. The site is also in Rushden town centre and has shared similarities with the current proposal. In particular, the car parking spaces were to be located in a car park shared with commercial uses and being substandard in terms of access width. The Inspector found that the proposal would not prejudice motorist or pedestrian safety and the change in vehicle movements would be relatively insignificant.

7.23 The latest response from the LHA confirms that the proposed development represents a betterment from the existing situation as the development will provide a one-way transport route, reducing the potential conflict at the access point. The existing situation is unrestricted in respect of planning control as a mix of commercial and residential vehicles can use the car park to the rear, and are reliant on the singular entry/exit point onto the High Street. The LHA have confirmed the one-way arrangement is preferable as it removes the less desirable exit route of vehicles onto the High Street immediately beside the building. Given the LHA do not object and note the development would result in a betterment when compared with the present arrangement, the impacts of the development are an improvement of the safety to pedestrians and motorists. As such the
development is considered acceptable in highways terms as it is an improvement on the existing unrestricted arrangement, introducing a one-way system solely for staff and residents.

7.24 The submitted Transport Statement and subsequent comments submitted from the Applicant's Transport consultant makes the case for the suitability of the access arrangements. The case made includes the following points:

- The access has existed for years and there are no known problems;
- There are no peak traffic hours in the High Street in any meaningful sense
- The applicant has right of access over West Street
- The existing loading bays cater for the High Street businesses including the site
- A minor / modest increase in motor vehicle movements would be caused
- The proposal arrangement is the best solution available in the context of the High Street and conservation area

7.25 Expanding on the site, the long-held use of the site as a public house with residential space above has to be taken into account. The former public house was serviced from the High Street and no public parking was available. The existing access to the side of the building, and parking area to the rear, was in place when it was in use. However, the access onto West Street was not used previously. As a public house the property operated with the associated number of customers with no parking spaces for such.

7.26 In regard to the initial concerns raised by the LHA, that referred to above as (1) is a matter of the principle of two access points rather than one. In this case, the proposed exit is onto the end of West Street, a relatively short unadopted road. Vehicles would then turn right onto West Street and would then meet High Street at its top. In respect of vehicles exiting onto West Street, in terms of safety and conflict, the use of West Street is preferable as the entry route is only wide enough for one vehicle. The junction onto West Street has good visibility and the travel speeds at the end of the cul-de-sac will be low. The use of West Street for vehicles exiting is considered justifiable given the constraints of the site's access beside the building. The confirmation from the LHA that the development represents a betterment confirms the acceptability of the proposal.

7.27 Concerns have been raised in representations that West Street is privately owned and the owner of the street could potentially not allow its use by staff/residents at the application property. Since this concern was raised, the applicant has confirmed they have right of access to use West Street. Insofar as Officers can consider such matters, as the applicant states they have a right of access then it is considered on this basis.

7.28 However, for completeness Officers have considered the potential situation of an egress onto West Street not being available given the representations made, although it has been confirmed by the applicant that they own West Street so this is unlikely to occur. In this circumstance, the proposal would be reliant on the sole access beside the building, which is the same position as exists currently. As the current access and car park has no planning restriction on its use, there was and remains no planning control over customers of the pub or the flat using the car park. The current proposal only seeks to use the car park for staff and residents, and this is considered to be no greater than unrestricted use by customers, staff and residents. As such, even if West Street were to be unavailable, in accordance with paragraph 109 of the NPPF the proposal is acceptable. Paragraph 109 states "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". 
7.29 The LHA raised concerns about the mixed use of commercial and residential vehicles. It would however only be staff parking and as such the type of vehicles would be limited to domestic rather than larger lorries. As service vehicles would deliver/collect off the High Street, the proposal is considered acceptable in this respect. In light of the extant use as a public house which operated this way, there are no justifiable grounds to resist the proposal on this basis.

7.30 It is noted that the LHA refer to the circumstance of the proposal being approved and they suggest conditions. This indicates the LHA's concerns are not considerably strong. In regard to the comment in relation to space sizes, the applicant has confirmed the spaces meet the required dimensions.

7.31 In regard to the number of spaces, the initial request of the LHA for a total of 43 spaces is considered unnecessary when taking account of the extant and historic pub use of the building, and the town centre location. The restaurant / bar is in the most sustainable and suitable location for its use and it would be entirely unreasonable to expect it to be able to accommodate 43 parking spaces. There are a number of public car parks nearby, and people are able to either walk or use public transport to access the town centre relatively easily. As such the proposal is acceptable with no parking for customers. In respect of resident parking, the proposal accommodates one space per flat and a total of 17 spaces overall, but as previously indicated, the proposal is acceptable even if West Street were to be unavailable. It is considered appropriate that space for bicycle storage should be included and a condition can ensure this is provided prior to occupation. There appears to be ample space to provide a shelter within or adjacent the car park/yard to the rear.

Environmental Considerations including Noise

7.32 The Council's Environmental Protection Officer has commented on the application, recommending conditions be applied in the event it is approved. The conditions relating to noise/music and extraction are considered appropriate to address such matters and will ensure no unacceptable noise or fumes are emitted from the property.

7.33 The Council's Commercial Health Team have commented on the application and raised additional matters including how ventilation, deliveries and waste will be managed. Given the layout of the site, collection of waste would appear to have to be taken down the access beside the building and collected from the High Street. It is stated that deliveries would occur from here also. These would need to be delivered to the kitchen via the access or through the restaurant. Whilst these arrangements are not ideal, they are workable and details for these can be secured by condition to ensure there would be no unacceptable noise or other negative impact by these arrangements. The kitchen would have windows onto the car park and it is expected suitable ventilation can be designed.

7.34 The hours of operation at of the former public house allowed the site to operate as a late night bar. The proposed operation hours are from 9am to 00:00/midnight all days. It is considered appropriate a condition be applied to restrict the use to the hours specified in the interests of residential amenity.

Ecology

7.35 The site is located within 3km of the Upper Nene valley Gravel Pits SPA and as the proposal will result in a total of 8 apartments, the associated impact of the residents requires mitigation in accordance with the relevant SPD. The relevant amount has been received. The proposal is acceptable in this respect.
7.36 In other respects, the building does not currently have a roof and there is no indication the works would affect protected species. The proposal is therefore acceptable in ecological terms.

Residential Amenity

7.37 As previously noted, the matters of odours and noise can be managed by appropriate conditions. The nearest residential property is across the road and the layout of the building would not have unacceptable adverse impacts on nearby properties. The use as a bar/restaurant is appropriate for the town centre location and an element of noise and activity is inevitable. It is considered that the proposal would have an acceptable impact on the amenities of nearby residential properties.

Trees

7.38 The application is accompanied by a tree survey which details that the works will require the removal of three trees and one group. The report specifies that they are of low quality and value, and it also specifies that the works will not harm a tree subject of a TPO. The report specifies works/mitigation proposals and it would be appropriate to require the development accords with these proposals.

Amenity Space

7.39 In respect of outside space, as flats the possibility for outside space is limited. Of the eight flats, four have terraces. It is evidently not possible for all flats to have outside space The development makes the best of the options available and the proposal is acceptable in this respect.

Sustainability / Water Reduction

7.40 Policy 9 of the JCS seeks to ensure water use is at sustainable levels and reduced where possible. It is considered appropriate that a condition be applied which ensures the dwellings incorporate measures to limit use as far as practical.

Internal Floor Space of Accommodation

7.41 Part (b) of Policy 30 of the JCS requires that new dwellings meet the National Space Standards as a minimum. In this regard, all of the dwellings have been assessed and meet the requirements. A breakdown of the overall space requirements is set out below:

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<td>50 (2p, 39sqpm for 1p)</td>
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8 Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.2 Housing Land Supply Position: The Planning Policy Committee met on 17 December 2019 to consider the 2019 Annual Monitoring Report (AMR) and resolved to note the five year housing land supply calculation of 6.03 years.

Subsequent to this, an appeal decision relating to The Willows, Thrapston was received on 24.01.2020. Based on the evidence presented at the appeal, the Inspector concluded that East Northamptonshire Council was only able to demonstrate a 4.28 year housing land supply. Central to that decision was the question of whether sites not listed in the definition of 'deliverable' in the Glossary to the NPPF could, in principle, be considered. The Inspector ruled that he could not and discounted a large number of units from the supply.

On the 6th March 2020 the Council submitted a S.288 Appeal to the High Court against the decision of the Inspector.

The Secretary of State having considered the Council’s robust application, conceded that the Inspector ‘had erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework (“NPPF”) as a ‘closed list’. It is not. The proper interpretation of the definition is that any site which can be shown to be ‘available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years’ will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available’.

Further to the Secretary of State’s decision the Council is able to confirm that it does have an up to date 5 Year Housing Land Supply of 6.16 years.

9 Conclusion / Planning Balance

9.1 The positive impact of bringing the building back into use as a restaurant/bar will enhance the vitality of the town centre with the associated economic and social benefits. The town centre will benefit through bringing the fire damaged building back into active use, encouraging more people to use the town centre. The support for town centre uses is expressed in the Core Strategy and the Neighbourhood Plan (Policy R3) and as such significant weight is attributed to these benefits. Additionally, the Neighbourhood Plan expresses support for first and upper floor residential accommodation in the town centre and as such the proposal will provide smaller units in a highly sustainable location, adding to the vitality of the town centre.

9.2 The proposal is considered to be acceptable in terms of its access and parking arrangements taking account of its location and the previous public house use. Matters including noise and ventilation can be controlled by condition and in all other respects the proposal is acceptable. The proposal will also provide heritage benefits to the Conservation Area.

9.3 The development will provide real benefits to the vitality of the High Street and the provision of a restaurant/bar and residential accommodation is clearly supported by the Neighbourhood Plan. These matters weigh strongly in favour of the proposal. Whilst the
access arrangements are not ideal, they would not be materially different to that which has existed with the public house and the proposal is acceptable in these terms. Taking all matters into account, the development provides real economic, social and heritage benefits and as such should be supported.

10 Recommendation

10.1 That planning permission be GRANTED subject to the following conditions:

11 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- OS Plan ref. 12
- Proposed elevations ref. 09E
- Existing and proposed site plans 01C
- Proposed lower ground floor plan ref. 06E
- Proposed ground floor plan – car entry, exit and car parking ref. 05G
- Proposed first, loft and roof plans ref. 08E
- Proposed sections ref. 10E

Reason: To assist in defining the terms of the planning permission.

3 Prior to the first operation of the commercial premises a noise assessment and mitigation measures relating to the non residential element of the development shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved mitigation measures prior to the first use of the development hereby permitted and they shall thereafter be retained and maintained in perpetuity.

Reason: To prevent transmission of noise into neighbouring premises to protect amenity.

4 Prior to the first operation of the commercial premises a scheme for the extraction and treatment of fumes and odours together with a maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises. The extraction and treatment equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the local planning authority.

Reason: To prevent transmission of odours into neighbouring premises to protect amenity.

5 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.

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

6 There shall be no burning of any material from site preparation works (i.e. clearance of trees, scrub, vegetation, internal fittings etc).

**Reason:** To minimise the threat of pollution and disturbance to local amenity

7 Prior to operation of the restaurant / bar, a scheme detailing the arrangements for the collection of waste from and the deliveries to the site shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the location of deliveries, their route to the store / kitchen and the location of waste storage and collection. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** In the interests of ensuring acceptable waste collection and delivery arrangements for the amenity of the area and for environmental health reasons.

8 The restaurant / bar shall be open only between the hours of 09:00 and 00:00 each day.

**Reason:** In the interest of the amenity of the area.

9 Prior to the installation of windows and doors into the building hereby permitted, details (including scale drawings, cross sections and details of colour/finish) of all doors and windows (which shall be of timber for the front and side elevations) shall be submitted to the Local Planning Authority for approval in writing. Thereafter the windows and doors shall be installed prior to the first use of the development hereby approved as per the approved details and retained as such in perpetuity.

**Reason:** In the interests of preserving the character of the existing building and the significance of the Conservation Area.

10 Prior to the first occupation of any of the residential units, the access, parking and turning areas shall be laid out as detailed on drawing 'Proposed ground floor plan – car entry, exit and car parking ref. 05G' and they shall thereafter be permanently retained and maintained in this condition.

**Reason:** In the interests of residential amenity and highway safety.

11 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 either of the vehicular accesses.

**Reason:** In the interests of highway safety.
12 The works hereby permitted shall be undertaken in accordance with the Tree removal and Tree Protection Plan set out in the Arboricultural Report ref. 181201-PD-11 dated June 2019.

**Reason:** In the interests of ensuring appropriate arboricultural works.

13 Each dwelling shall be fitted with measures to limit, as far as is reasonably possible, the expected water consumption to no more than 105 litres of water per person per day and external water use of no more than 5 litres per person per day.

**Reason:** To comply with Policy 9 of North Northamptonshire Joint Core Strategy.

14 Prior to occupation of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority, of signage to be located within the car park to inform motorists of the one-way system. The signage shall then be installed before the first residential or commercial unit is occupied and shall be maintained / retained in accordance with the approved details. The details shall include the material for the signage, its dimensions and its location(s).

**Reason:** For the avoidance of doubt and in the interest of highway safety.

15 Prior to first occupation, details of a bicycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the residential accommodation and the bar/restaurant, the bicycle store shall be provided in accordance with the approved details prior to the occupation of the development.

**Reason:** In the interests of providing a means of storing bicycles to encourage sustainable modes of travel for residents and staff.
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.

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>19/00569/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application address:</td>
<td>105 High Street, Rushden, Northamptonshire NN10 0NZ</td>
</tr>
<tr>
<td>Application description:</td>
<td>Change of use of the existing public house (Class A4) to a mixed-use comprising restaurant and bar (Classes A3 and A4) at ground floor level with external and internal alterations involving a rear extension, the creation of a new lower ground floor to provide ancillary restaurant / bar space, a first floor rear extension together with an associated extension of the roof above, and the sub-division of the first floor and the new accommodation within the roof space to create a total of 8 self-contained flats.</td>
</tr>
<tr>
<td>Status of Application:</td>
<td>Pending decision</td>
</tr>
<tr>
<td>Proximity to SPA:</td>
<td>Within 3km</td>
</tr>
</tbody>
</table>

Lead Planning Officer: Patrick Reid

<table>
<thead>
<tr>
<th>Stage 1 - details of the plan or project</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>European site potentially impacted by planning application, plan or project:</td>
<td>YES</td>
</tr>
<tr>
<td>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)?</td>
<td>NO</td>
</tr>
<tr>
<td>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)?</td>
<td>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</td>
</tr>
</tbody>
</table>
such development would have an adverse effect on its integrity of the SPA unless avoidance and mitigation measures are in place.

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 £269.44 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 (NE) comments:

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).
Case Officer  Patrick Reid  

Date received 10 December 2019  Date valid 13 December 2019  Overall Expiry 22 May 2020  Ward Irlhlingborough  Parish Waterloo

Applicant  Marklin Developments - Mr M Kennedy

Agent  Sidey Design Architecture - Mr J Sidey

Location  28 College Street, Irlhlingborough, Wellingborough, Northamptonshire, NN9 5TX

Proposal  1 No 3-bedroom dwelling including parking and amenity space

This application is brought before the planning management committee as it has been called-in by Ward Cllr Lee Wilkes due to concerns over potential issues with the access into and off Nursery Gardens from the site.

1  Summary of Recommendation

1.1  That planning permission be GRANTED subject to conditions.

2  The Proposal

2.1  It is proposed to develop a detached, two-storey, three bedroom dwelling along with associated parking and external amenity space. The dwelling is proposed to be located to the west of no. 28 College Street, with its front and rear elevations running parallel to that house. A space of 2.4m is proposed between the two side elevations, with a 1.8m close boarded fence in the middle.

2.2  The site would be subdivided to leave no. 28 College Street with less land than currently as the south-western part is to be the private space for the new dwelling. The garden space of the new dwelling is to be on its western side and is to be a combination of patio and lawn. Two parking spaces are proposed to be located adjacent the garden to the south of the shared gravel driveway. The parking for no. 28 College Street is to be positioned to the north of the new dwelling.

2.3  The proposed dwelling is to be rectangular in footprint and will include a lounge, kitchen/dining room and WC at ground floor, as well as three bedrooms and a bathroom at first floor level. A bay window is proposed to the front elevation. The front elevation is to include three first floor windows, with one at ground floor in addition to the door. Facing brick is proposed to all elevations.

3  The Site and Surroundings

3.1  The application site is located within a residential area of Irlhlingborough, positioned to the north of College Street and the east of an unadopted road, Nursery Gardens. The site forms the land associated with no. 28 College Street, which fronts the highway to the south and is positioned toward the south eastern corner of the site. There is external space to the side/west of the house, in addition to garden space and a gravel driveway to the rear/north.

3.2  The site includes a vehicular access which is located to the west of the site off Nursery Gardens. The access serves three dwellings, including no. 28 College Street, which has
parking to its side. The house at no. 28 College Street has a detached flat roofed garage located within the site also.

3.3 The site has variations in level as the land slopes upwards away from College Street. The boundary with Nursery Gardens is defined by a brick wall either side of the access.

3.4 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).

3.5 The site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). The majority of the site is located within the Irthlingborough Conservation Area, except for the access onto Nursery Gardens. There are no other particular planning constraints (designations) affecting the site.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
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
Policy 10 - Provision of Infrastructure
Policy 11 - The Network of Urban and Rural Areas
Policy 26 - Housing Requirements
Policy 29 - Distribution of New Homes
Policy 30 - Housing Mix and Tenure

4.3 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)
Irthlingborough Conservation Area Character Appraisal (2010)

5 Relevant Planning History

5.1 99/00284/FUL - Extension to detached garage. Permitted 22.06.1999
Adjacent land:

5.2 99/00408/FUL - Three bedroom bungalow. Permitted 25.08.1999
5.4 99/00284/FUL - Extension to detached garage. Permitted 22.06.1999
5.5 18/01880/FUL - Residential Development of 4No Dwellings including access, parking and amenity land. Refused 25.01.2019
5.6 19/00923/FUL - Residential Development of 3No dwellings including access, parking and amenity land (re-submission of 18/00609/FUL). Permitted 16.07.19
5.7 19/01415/FUL - Erection of a single-storey dwelling on garden land including new access, parking and amenity land. Refused 25.11.19

6 Consultations and Representations

6.1 Neighbours

Three representations were received, of which two were in objection. The following comments were made:

- Access onto the unadopted Nursery Gardens
- Reference to a recent refusal of an application for an access onto Nursery Gardens
- Numbers 2 and 4 currently have to reverse to gain access onto Nursery Gardens
- Concern that the Construction Environment Management Plan would not be adhered to
- Unclear what level the house would be built at
- Construction would require deliveries to Nursery Gardens due to a lack of access off College Street
- Parking space would be compromised by adding more spaces

6.2 Inthlingborough Town Council

Comments received 23.01.20: Objection on the following grounds:

1 - Unacceptable impact on/not in keeping with the conservation area.

2 - Would like to see property of the same height and with bay windows, as the existing property on the plot.

3 - Junction access into and off of Nursery Gardens - needs to meet current Highways requirements.

4 - 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.

6.3 Natural England

Comments received 08.01.20: 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.

6.4 Northamptonshire County Council - Local Highway Authority (LHA)

Comments received 06.01.20: The LHA object to the above proposal due to there being more than 5 dwellings off a private drive.

Please also note the other observations;
- The correct dimensions for residential parking spaces are 3 metres x 5.5 metres;
- necessary 2 metres x 2 metres pedestrian visibility splays required on both sides of the access;
- Vehicular accesses serving two to five dwellings must have a minimum width of 4.5 metres for the first 10 metres from the highway boundary. This enables two opposing vehicles to pass each other at the point of access;
- The proposed additional dwelling would lead to the intensification of a substandard road and footpath as some sections or Nursery Gardens are only 3 metres wide.

6.5 East Northamptonshire Council - Environmental Protection Officer

Comments received 02.01.20: There are no objections to the proposed development. However, due to the proximity of existing sensitive development we ask that conditions are placed on the permission, if granted, to protect residential amenity during site preparation and construction.

Officer note: Sensitive development in this instance means residential properties and the school.

6.6 East Northamptonshire Council - Waste Management Officer

Comments received 10.01.2020: With regards to the above application I would comment that the bin collection area as shown is not suitable as a collection point. Waste collection containers must be presented for collection at or immediately adjacent to the adopted highway. I would also add that if bins were to be stored at the location shown there is a possibility other persons may use it as a dumping ground or contaminate the bins.

6.7 East Northamptonshire Council - Senior Conservation Officer

Comments received 15.06.20: I am satisfied that the above proposal would not cause harm to the character and appearance of the designated Irthlingborough Conservation Area. If you are minded to approve I recommend imposing a condition to request details of external materials.

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:
Principle of Development

7.2 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.

7.3 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.

7.4 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.

District-wide Housing Supply / Shortage

7.5 The Planning Policy Committee met on 17 December 2019 to consider the 2019 Annual Monitoring Report (AMR) and resolved to note the five year housing land supply calculation of 6.03 years.

7.6 Subsequent to this, an appeal decision relating to The Willows, Thrupston was received on 24.01.2020. Based on the evidence presented at the appeal, the Inspector concluded that East Northamptonshire Council was only able to demonstrate a 4.28 year housing land supply. Central to that decision was the question of whether sites not listed in the definition of 'deliverable' in the Glossary to the NPPF could, in principle, be considered. The Inspector ruled that he could not and discounted a large number of units from the supply.

7.7 East Northamptonshire Council lodged a S.288 appeal to the High Court challenging the appeal decision on that basis. The Secretary of State conceded that the Planning Inspector erred in his interpretation of the definition of 'deliverable' in the NPPF, and that the sites he removed from the supply should, in principle, have been considered. As such, and on the basis that the 2019 AMR concludes that there is sufficient evidence to show those sites do meet the definition of deliverable, it is considered that East Northamptonshire Council can demonstrate a 5 year supply of deliverable housing sites.

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

7.8 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.

7.9 The application site is located mostly within the Irthlingborough Conservation Area (CA), whilst the shared access is outside. The CA covers the land immediately west, east and south. The town’s Conservation Area Appraisal (2010) includes reference to architectural features found within College Street, but it does not refer to the application site. The
accompanying Townscape Appraisal Map identifies a number of buildings within College Street as ‘Positive buildings’, including No. 28, the terraced house set the west and those to the south of the site.

7.10 In respect of the site context, it is located on the northern side of College Street which is characterised by different styles of traditional property. There are detached, semi-detached and terraced properties all in the near vicinity. Features including bay windows are evident, as are varying forms of building shape, proximity to the highway and use of materials. There are a number of more recently constructed houses, as well as a fire station and junior school. There is no dominant style in the near vicinity, particularly off College Street to which the property would face.

7.11 The design of the proposed house takes cues from nearby architecture through the scale, form and use of materials. The house is two storey and to be the same height as the adjacent property to the east. At ground floor the inclusion of a bay window is reflective of other examples on properties further east off College Street, whilst the window placing and sizing is also similar of those nearby. The use of quality brick for the majority of the elevations, along with stone cills and concrete interlocking roof tiles are considered to be sympathetic to the surroundings. However, a condition is recommended seeking approval of the materials.

7.12 The proposal has been considered by the Council’s Senior Conservation Officer and found to be acceptable in heritage terms as it would not harm the character and appearance of the CA. In terms of general design considerations, the side and rear elevations are also considered to be appropriate. The siting of the house allows also for a reasonable amount of spacing to the side and to the front. There will continue to be more than sufficient external amenity space for no. 28 College Street whilst the new dwelling will have a satisfactory amount of garden space to the side.

7.13 The parking arrangements propose two adjacent spaces near to the access and beside the garden. The spaces are accessible from the shared access and from a design perspective this is acceptable. All spaces are side by side – two for the proposed dwelling and two for No.28 College Street.

7.14 The Town Council has raised concern that the proposal would result in ‘overdevelopment’ as land to the north has been developed. However, for the reasons set out, officers consider the proposal to be acceptable in terms of the space available for the proposed house and no. 28 College Street. The space to the side of no. 28 College Street is an unusual feature and the proposed house would be accommodated satisfactorily in terms of spacing and how it would appear in the street scene. Additionally, whilst concern was raised about the height of the house, it is necessary to note the house would be the same height as no. 28 College Street and it would therefore be of a suitable size.

7.15 The traditional design of the house and its siting will ensure it assimilates in to the surroundings in a sympathetic manner that respects this part of the CA. It is considered the house would not harm the CA and is acceptable in design terms. To ensure that high quality materials are used, an appropriately worded condition requesting samples is recommended. This would reflect the aims of paragraph 127 of the NPPF which seeks to ensure the development is sympathetic to the local character and history.

Highway Safety and Parking

7.16 The proposed use of the existing shared access off Nursery Gardens leads to two parking spaces to serve the new dwelling, and two parking spaces will remain for No. 28 College Street. The Local Highway Authority has commented on the application and has objected
as well as noting a number of observations. Amongst these is an objection to the parking spaces being accessed via a shared driveway leading to more than five dwellings. The objection from the LHA is because the proposal would serve more than five dwellings off a private drive. The private drive being Nursery Gardens.

7.17 In considering the proposed access, it is necessary to consider the context of it being located off Nursery Gardens, which is a private road, and then the gravel driveway is itself shared by three other properties. The stretch of Nursery Gardens leading to the access is relatively short at around 17m and it is straight. The short journey between the junction with College Street and the access to the parking spaces is along the part of Nursery Gardens which is wide enough only for one vehicle. Motorists will see the nature of the short stretch of road and know to exercise caution, whether exiting the parking spaces, or entering Nursery Gardens.

7.18 In terms of the volume of traffic that uses Nursery Gardens, it is noted the street serves around nineteen dwellings, including three recently constructed. Whilst the County Highways Advice seeks that no more than five dwellings are served off a private access (in this case the private access being Nursery Gardens), it is noted that a number of applications have been approved both by the local authority and at appeal where an access has been found to be acceptable despite the proposal exceeding five dwellings off a private drive. For example, Appeal Decision ref. 3234814 (LPA ref. 19/00579/FUL) relating to a site at 42 Jubilee Street in Irthlingborough. A case where the LPA have found the provision of dwellings to be acceptable in highways terms contrary to the guidance against more than five dwellings off a private drive include that permitted ref. 19/00923/FUL issued in July 2019 for three dwellings also located off Nursery Gardens. This followed an earlier permission for the site ref. 18/00609/FUL from June 2018. As such, each case for dwellings off a private driveway needs to be considered on its own merits.

7.19 The matter of additional use of Nursery Gardens was considered under application ref. 18/00609/FUL in the context of a similar objection from the LHA. The officer report discusses this matter and cites the NPPF advice in relation to considering highways matters and it also refers to the ability to access in a forward gear and the nature of the road width means users will be aware to exercise caution. Paragraph 7.18 of the associated officer report noted the bungalows would be served by an existing access and that there is a footpath on one side. Furthermore, the LHA did not quantify or suggest that the impacts of providing the bungalows would have led to a severe impact upon highway safety. Ultimately it was concluded in that case that the three dwellings proposed were acceptable as the impact on highway safety was not considered to be severe and the LHA had not given any indication that increasing the number of dwellings would lead to a severe impact.

7.20 In this case, the proposal would add the two parking spaces associated with the dwelling to the access off Nursery Gardens and would relocate the two spaces currently associated with 28 College Street. The policy context is similar to that of June 2018 albeit the NPPF was updated in February 2019 The June 2018 version of the NPPF included a highways focussed paragraph 32 which sought to ensure ‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.’ The current equivalent, paragraph 109 of the NPPF is worded as follows: ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

7.21 The change in wording moves away solely from the ‘severe’ test to include if a development would ‘have an unacceptable impact on highway safety’. The LHA have not
quantified nor suggested that they consider the development to have such an impact and only noted it would exceed five dwellings off a private drive. In this case, the particular matter of focus is whether the access to the two parking spaces would have an unacceptable or severe impact. In considering this, Officers are mindful of the recent appeal decision ref. 3234814 (LPA ref. 19/00579/FUL) to the site off Jubilee Street, Irthlingborough, previously noted. The two cases have similarities and it adds weight in favour of the access being acceptable for this application.

7.22 Representations received refer to a recent refusal for a dwelling off Nursery Gardens. It is not apparent precisely which application was being referred to as the most recent residential proposal off the street, namely ref. 19/00923/FUL (regularising development permitted under 18/00609/FUL) for three dwellings, was permitted. It is more likely the representation is referring to application ref. 18/01880/FUL which was refused by the Council’s planning committee, against officer advice. That application was refused due to the proposal intensifying the use of Nursery Gardens, where it proposed four dwellings rather than the previously approved three. Officers recommended approval based on a judgement that the additional property would not represent unacceptable or severe impact on the highway. Officers consider that a consistent approach should be applied as the previously submitted application and have therefore recommended approval despite Nursery Gardens serving more than five dwellings.

7.23 The refusal of application ref. 18/01880/FUL cited an ‘intensification of the use of a substandard access’ and that the proposal would conflict with Policy 8(b) of the JCS and paragraph 108b of the NPPF. Since the decision ion 25 January 2019, refusals of the Council have been subject of appeal and the findings of the Inspectors have been taken into account. Appeal decision 3234814 dated 3rd December 2019, related to an application for two dwellings off Jubilee Road, Irthlingborough. The application was refused by the LPA as the access to the parking spaces was substandard, along a single-track which was also used by pedestrians. The inspector in that case took into account that the access was substandard, but concluded that it was not the only determining factor. The Inspector considered the safety of using that access, and found that the access to four parking spaces would not be unacceptable. The implications of this decision are that a judgement of the acceptability of access arrangements cannot be limited to assessing whether or not it meets Highways Standards. Instead, a pragmatic and practical judgement has to be made as to the acceptability and safety impact of a development.

7.24 A further appeal decision ref. 3237088 (LPA ref. 18/02140/FUL), dated 28 January 2020, relating to a site within the district at a site off the Newton Road, Rushden. The appeal as against a refusal of the LPA to refuse a nine-dwelling residential scheme whereby the parking spaces would have shared an access with commercial parking spaces, and as such it was refused for not meeting the County Highways Standards. In this case, the Inspector assessed the merits of the particular access and found it to be acceptable. This indicated that it is not adequate to refuse an application based solely on highway standards being met, as a more reasoned judgement is necessary.

7.25 In March 2020 the Council received appeal decision ref. 3230419 (LPA ref. 18/01388/FUL) which considered a proposed development of eighty dwellings. Paragraph 31 of the decision, in discussing the Council’s refusal reason which cited tandem parking and highways matters, notes that the County Council’s parking standards are not adopted by the LPA and do not form part of the statutory development plan. The County Council’s Highway Development Management Strategy is also not adopted and not exceeding five dwellings off a private driveway is in itself not a conflict with an adopted policy.
7.26 In considering the relevance of the Council's decision ref. 18/01880/FUL, it is Officers' view that the access to two parking spaces is not unacceptable. As such whilst the road off which access would be taken to reach the parking spaces, these can be accessed in a safe manner. Motorists accessing Nursery Gardens would be aware to exercise caution as the residents of the existing properties which use the parking area currently. It is considered appropriate that conditions be applied which can control matters including the size and retention of parking spaces.

Environmental Protection Considerations

7.27 The Council's Environmental Protection Officer has not objected to the application and has suggested conditions be applied to protect residential amenity during construction. It is considered appropriate conditions should be applied.

Flood Risk and Drainage

7.28 As the application site is in Flood Zone 1 (the least risk of flooding) and is minor, there is no need for an assessment report of its flood risk. The proposal does not raise any concerns with regards to surface water matters.

Ecology

7.29 The application site is of little ecological value as it is partially developed including a flat-roofed garage, parking area and garden. The proposal is also within 3km of the Nene Valley Gravel Pits Special Protection Area (SPA) and as such, the associated SPD requires appropriate mitigation to be made for the impact on such.

7.30 The SPA mitigation payment has been received and the proposal is acceptable in this respect.

Residential Amenity

7.31 The house has been sited to be set back from the road and there are no side windows proposed on the eastern side, adjacent no. 28 College Street. The separation of the house to those across the road is 14m and is sufficient to ensure the relationship is acceptable in terms of private amenity. To the west and north, the distances (15.5m and 21.5m respectively) to the nearest dwellings are significant and sufficient to ensure there will be no loss of privacy of nearby dwellings.

Waste

7.32 The comments received from the Council's Waste Manager indicate the proposed collection area is not suitable. However, Officers consider that there is more than sufficient space for bins to be stored within the site safely. Additionally, it will be possible for waste to be wheeled to College Street for collection. A suitable condition can control this matter.

National Space Standards and Housing Mix

7.33 Policy 30 of the JCS requires that new dwellings meet the required National Space Standards. The space proposed in the house overall, and the space for the individual bedrooms exceeds the minimum requirements. The dwelling also contains three bedrooms which is classified as a 'smaller household'. Part a) of Policy 30 supports the provision of smaller households, such as this. In these respects, the proposal is acceptable in this respect.
Sustainable Buildings

7.34 Policy 9 of the JCS seeks to ensure that new developments incorporate measures for resource and energy efficiency. This should include measures to limit water use to no more than 105 litres per person per day. It is considered appropriate that a condition be applied which ensures these measures are achieved.

8 Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9 Conclusion / Planning Balance

9.1 The proposal is considered to be acceptable in principle as it is located within a market town near to a variety of facilities and services.

9.2 The proposed house is not considered to cause harm to the conservation area and is acceptable in design and heritage terms. Whilst the concerns relating to the use of Nursery Gardens are acknowledged, Officers have assessed the acceptability of the access and find that the spaces can be accessed safely, as can the existing spaces near to those proposed. The distance between the junction of Nursery Gardens and College Street is short and vehicle speeds of vehicles on Nursery Gardens would be slow at this point. In the event that there would be opposing vehicles, motorists will be able to pass without conflict. A vehicle leaving the access can wait if a vehicle enters Nursery Gardens. If a vehicle intends on accessing Nursery Gardens and finds a vehicle leaving, it can wait for it to leave before entering. The access is considered to not have an unacceptable impact on the highway and vehicles can access the parking spaces safely.

9.3 In other respects, the proposal is considered acceptable in terms of residential amenity. Officers have considered the planning history of the site and surroundings, along with recent appeal decisions indicating how matters of access are to be interpreted.

10 Recommendation

10.1 That planning permission be GRANTED subject to the following conditions:

11 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed site plan ref. 19-0150-01A
- Proposed vehicle manoeuvring ref. 19-150-03A
- Proposed floor plans, proposed elevations, location plan ref. 19-150-02A

Reason: To assist in defining the terms of the planning permission.
3 Prior to the construction of the development above slab level, 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.

Reason: In the interests of preserving the character and significance of the conservation area.

4 Prior to the commencement of development hereby permitted, details of the proposed levels of the finished development shall be submitted to the Local Planning Authority for approval in writing. Thereafter the house shall be constructed as per the approved details and retained as such in perpetuity.

Reason: In the interests of the character of the area and how the house will relate visually to its context.

5 Prior to first occupation, details of 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 or is severely damaged within the first five years since planting shall be replaced in the next planting season.

Reason: In the interests of visual amenity and ecology.

6 Prior to first occupation, details of the provision of boundary screening to the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary screening shall then be provided in accordance with the details so approved before the dwelling is occupied and shall be retained and maintained thereafter in perpetuity.

Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

7 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. 19-0150-01A and they shall thereafter be permanently retained and maintained in this condition in perpetuity.

Reason: In the interests of highway safety.

8 Prior to the occupation of the dwelling hereby approved, the works to remove part of the wall to the south of the access off Nursery Gardens shall be completed to improve visibility when leaving the site. The works shall be undertaken in accordance with Proposed Site Plan ref. 19-0150-01A indicating 2m of length of wall to be reduced to a maximum of 0.6m in height. The wall shall remain as such in perpetuity.

Reason: In the interest of improving visibility from the site.
9 Prior to the first occupation of the development, details of all the bin storage and collection points shall be submitted to the Local Planning Authority for approval in writing. Thereafter the agreed locations shall be constructed as per the approved details and retained as such in perpetuity.

**Reason:** In the interests of ensuring appropriate waste collection.

10 There shall be no burning of any material during construction, demolition or site preparation works.

**Reason:** To minimise the threat of pollution and disturbance to local amenity.

11 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.

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

12 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.

**Reason:** In the interests of Highway safety.

12 **Informatives**

1 Condition 4 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 pre-commencement conditions.
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.

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>19/01935/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application address:</td>
<td>28 College Street, Irthlingborough Northamptonshire NN9 5TX</td>
</tr>
<tr>
<td>Application description:</td>
<td>1 No 3-bedroom dwelling including parking and amenity space</td>
</tr>
<tr>
<td>Status of Application:</td>
<td>Pending decision</td>
</tr>
<tr>
<td>Proximity to SPA:</td>
<td>Within 3km</td>
</tr>
</tbody>
</table>

Lead Planning Officer: Patrick Reid

Stage 1 - details of the plan or project

<table>
<thead>
<tr>
<th>European site potentially impacted by planning application, plan or project:</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>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)?</td>
<td>NO</td>
</tr>
<tr>
<td>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)?</td>
<td>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</td>
</tr>
</tbody>
</table>
### 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 £269.44 per dwelling to fund a range of measures which could include fencing and screening, footpath diversions, wardenng and monitoring. This fee has been paid.

Natural England Officer:

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).
This application was originally reported to the Planning Management Committee (PMC) in January 2020 but was deferred for further information and to allow for a more comprehensive Members site visit. The original report is attached below as appendix 1.

The application is now reported back to the Committee in accordance with Part A, 1(a), A. and 1(b) 4. of East Northamptonshire Council’s Scheme of Delegation (2019). It represents major residential development as defined by the Development Management Procedure Order 2015 and the recommendation to approve is also contrary to the views of the Town Council.

1 Summary of Recommendation

1.1 **Recommendation 1:** If a satisfactory S.106 planning agreement which secures obligations as set out in this report is completed by 30th October 2020 (or other agreed date): GRANT planning permission subject to conditions.

1.2 **Recommendation 2:** If a satisfactory S.106i planning agreement to secure obligations as set out in this report is not completed by 30th October 2020 (or other agreed date): Delegate to the Head of Planning Services to REFUSE planning permission.

2 The Proposal

2.1 The application proposes the conversion of the existing care home building to create 10 residential properties. The Committee previously expressed concern about the description referring to them as flats, so this has been revised from:

"Change of use from existing Care Home to 10 no residential flats including the alterations at Kingswood House"

to

"Change of use from existing Care Home to 10. No residential properties including alterations at Kingswood House"

2.2 There would be minor alterations to the appearance of the building and associated works to the remainder of the site layout to create a car and cycle parking area, amenity space for the new properties, and shared landscape / amenity space. The schedule of accommodation is unchanged and would be as follows:
Ground Floor

- 3x 1-bedroom
- 5x 2-bedroom
- 1x 3-bedroom

First Floor / Loft

- 1x 3-bedroom

2.3 All of the new properties would meet or exceed the minimum sizes stated in the government's technical housing standards, and as required by Policy 30 of the Joint Core Strategy.

2.4 As the proposal represents 'Major' residential development, one of the new dwellings would be required to be affordable and the details of this would be secured through a Section 106 agreement.

3 The Site and Surroundings

3.1 The application site comprises an existing residential care home in its own grounds and accessed by both vehicles and pedestrians from Hollington Road. The care home comprises an attractive two storey red brick, bay fronted building which has been substantially altered and extended over time to the north and east boundaries at single storey level. The building is not listed, locally listed or within a conservation area.

3.2 The site is within a predominantly residential area of Raunds, with residential curtilages abutting its north, east and southern boundaries. To the west, on the opposite side of Hollington Road, are other residential properties and a graveyard. The site is within the 3km Special Protection Area (SPA) buffer zone, but is not within flood zones 2 or 3.

4 Matters for Consideration

4.1 The application was deferred to a future meeting of the PMC for the following reasons:

1. To enable officers to seek further information regarding the impact of the proposed development on the supply of housing;

2. To seek further information from the applicant regarding the viability of the care home; and

3. To allow for a Members site visit.

4.2 Updates in relation to these matters are discussed below.

Impact of the proposed development on the supply of housing

4.3 When the application was first presented to the PMC in January 2020, the Council had received an inspector's appeal decision relating to The Willows in Thrapston, which cast doubt over the authority's 5 year housing land supply.

4.4 Following the decision of the Inspector, ENC lodged a S.288 Appeal. Having considered the grounds of the Appeal the Secretary of State conceded that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework as a 'closed list'. It is not. The proper interpretation of the
definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition.

4.5 In the Secretary of State conceding, the Council can now continue to confidently confirm that it does have a 5 year housing land supply.

4.6 Turning to the impact of the proposed development on the supply of housing, the starting point for decision-making is the development plan, which in this case is:

- The North Northamptonshire Joint Core Strategy (JCS) (2016); and
- The Raunds Neighbourhood Plan (RNP) (2017)

4.7 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (2019) (NPPF) is a material consideration in planning decisions and at Paragraph 60, referring to the delivery of homes, states that:

"To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for."

4.8 JCS Policies 28, 29 and 30 relate to the provision of housing. Policy 29 (Distribution of New Homes) is particularly relevant to this case as it relates to previously developed land and states that:

"The re-use of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged."

4.9 JCS Policy 30 a) (Housing Mix and Tenure) discusses the overall size and mix of properties, setting out the following context:

"The mix of house types within a development should reflect:

i. The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people."

4.10 This stance is reflected in the RNP, where at paragraph 6.4 (Housing – Objective 1) where it states that:

"The Raunds Neighbourhood Development Plan, therefore seeks to secure a good balance of house types and sizes by recognising the need for variety in both the "affordable" and "market" housing sectors. In recognition of the likely need for smaller dwellings and for the need for flexibility, the Raunds Neighbourhood Plan supports the Local Plan which indicates that, for new
developments, a significant proportion (generally at least 70%) of small and medium sized properties (1-3 bedrooms) will be provided. The Neighbourhood Plan also supports Local Plan objectives, to ensure that a balanced housing stock is secured."

4.11 This follows through into Policy R1 of the RNP (Ensuring an appropriate range of sizes and types of houses) which is worded as follows:

"Proposals for new residential development will be expected to be accompanied by evidence to show how the proposals will, by virtue of type and size of dwelling proposed, contribute to meeting the future needs of the Raunds, having regard to the existing housing stock and the local housing market conditions. Housing developments will be expected to provide for affordable housing in accordance with Policy 30 of the North Northamptonshire Joint Core Strategy.

Any future proposals for infill or urban housing developments, within 3km of the Upper Nene Valley SPA/Ramsar, will be required to make a financial payment in line with the SPA Mitigation Strategy."

4.12 The application is for 10 properties, all of which would be 1, 2 or 3 bedrooms in size; and all of which would meet or exceed the national space standards. The majority of the properties would also be ground floor only, thus making them more attractive to older and less ambulant occupants.

4.13 The application clearly demonstrates compliance with policy in that it would reflect local need, and would involve the re-use of suitable previously developed land.

Viability of the care home

4.14 The applicant has supplied additional information to demonstrate that the care home is increasingly unviable. This comprises submissions from a marketing agent and a chartered accountant.

4.15 Both sets of information were provided before the onset of the Coronavirus pandemic, so the situation described below is likely to be worse now.

Marketing agent

4.16 Information from the marketing agent demonstrates that the business has been marketed for sales as a going concern between 2012 and early 2016, before being remarketed until the summer of 2017.

4.17 The earlier marketing period (2012 - 2016) was unsuccessful but the latter period (2016 – 2017) yielded 33 viewings and 5 offers, but none of these proceeded. The marketing agent concludes that this was due to concerns about the future sustainability of the home, so banks were reluctant to lend, and that the physical layout of the building is a constraint.

4.18 The agent further comments that market demand is much higher for purpose-built homes that have 40+ bedrooms than it is for smaller, adapted homes of this nature and concludes that, on balance, the home is unlikely to find a ready willing and able purchaser as a going concern business.
Chartered accountant

4.19 The accountant carried out a financial review and appraisal of the viability of the business. A summary of profit / loss accounts for the years 2016 – present have been provided and whilst these show a growth in gross profit, operating and net profit have been more volatile (ranging from £42,193 in 2017 to £15,784 in 2018) owing to a continued increase in administrative expenses.

4.20 Forecast figures for the year ending 29 February 2020 show an operating / net profit of just £11,000. The applicant does not draw a salary from the business. The market rate for a general manager is around £52,000, so if a salary was to be drawn, the business would have made losses for this year and the previous four years. This is not a sustainable business model.

4.21 It is also noted by the accountants that owing to regulatory changes by the Care Quality Commission (CQC), 4 new care workers will be required to meet an extra shift, which will increase overheads further. The typical rate for an in-house care worker is £9 an hour, whereas an agency worker typically costs £14-17 an hour. Recruitment of care workers has become more difficult in the last year owing to uncertainties relating to Brexit.

4.22 The accountant also refers to the condition of the building, which will require investment to keep it up to industry standards, and also that lending options have dried up. They also note that as more people choose to be in their own home (a point already raised by Northamptonshire Adult Social Services (NASS) – paragraph 6.7 of the original report), demand for care home places has declined across the county and is forecast to continue to decline in future, particularly for residential care.

4.23 Their conclusion suggests an orderly closure of the business and to sell the freehold to a buyer, but that to achieve a reasonable price for the building, any new buyer would be likely to require planning permission for an alternative use, or vacant possession.

Summary on viability

4.24 The information provided by the applicant demonstrates that the business has only been making a modest profit in recent years, and that this is only because the applicant has not been drawing a salary. The business would have made a loss every year since 2016 if a salary had been drawn.

4.25 Even before the Coronavirus pandemic began impacting the country, the business has been struggling with increasing running costs and a non-purpose built building which requires investment, but with lending options unavailable. Marketing of the business as a going concern has also proven to be unsuccessful.

4.26 NASS confirmed in their response to the application that there is a trend toward caring for people in their own homes, so it is unsurprising that demand for residential has fallen and is forecast to continue to fall.

4.27 Overall Officers are satisfied that the applicant has adequately demonstrated that the business is unviable and that there is no realistic prospect of it returning to profitability in the short to medium term.
Members site visit

4.28 A physical site visit will not be possible in the foreseeable future owing to safety restrictions and concerns associated with the Coronavirus pandemic. Members of the Committee have previously visited the site and observed it from Hollington Road, but wished to further explore the inside of the building and some of the areas around the site perimeter.

4.29 In the absence of being able to undertake a physical site visit at this time, the applicant has provided a supporting statement with photographs of the interior and has provided a virtual tour which will be shown to Members of the committee before the meeting.

Other Matters

4.30 Layout – The layout has now been revised to increase the number of car parking spaces from 19 to 20. This accords with the Local Highway Authority’s standards and represents an improvement to the scheme. Condition 14 can be amended to take account of the revised drawing number.

5. Conclusion / Recommendation

5.1 The committee should now have sufficient information to enable a decision to be made on the application. The recommendations remain as before, with changes to the dates only:

5.2 Recommendation 1: If a satisfactory legal agreement which secures obligations as set out in this report is completed by 30th October 2020 (or other agreed date): GRANT planning permission subject to conditions.

5.3 Recommendation 2: If a satisfactory legal agreement to secure obligations as set out in this report is not completed by 30th October 2020 (or other agreed date): Delegate to the Head of Planning Services to REFUSE planning permission.

5.4 The original report and Habitats Regulation Assessment (HRA) are attached below as appendices.
APPENDIX 1 – Report to PMC – 30 January 2020, including HRA

Case Officer: Dean Wishart  
Date received: 17 April 2019  
Date valid: 16 August 2019  
Overall Expiry: 30 April 2020  
Ward: Raunds Saxon  
Parish: Raunds  
Applicant: Mr N Patel – Sienna Care Ltd. T/K Kingswood Home  
Agent: Mr R Randeree - RKA  
Location: Kingswood House Hollington Road Raunds Wellingborough Northamptonshire NN9 6NH  
Proposal: Change of use from existing Care Home to 10 no residential flats including the alterations at Kingswood House

This application is reported to the Planning Management Committee in accordance with Part A, 1(a), A. and 1(b) 4. of East Northamptonshire Council’s Scheme of Delegation (2019). It represents major residential development as defined by the Development Management Procedure Order 2015 and the recommendation to approve is also contrary to the views of the Town Council.

1 Summary of Recommendation

1.1 Recommendation 1: If a satisfactory legal agreement which secures obligations as set out in this report is completed by 30th April 2020 (or other agreed date): GRANT planning permission subject to conditions.

1.2 Recommendation 2: If a satisfactory legal agreement to secure obligations as set out in this report is not completed by 30th April 2020 (or other agreed date): Delegate to the Head of Planning Services to REFUSE planning permission.

2 The Proposal

2.1 The application proposes the conversion of the existing care home building to create 10 residential flats. There would be minor alterations to the appearance of the building and associated works to the remainder of the site layout to create a car and cycle parking area, amenity space for the new properties, and shared landscape / amenity space. The schedule of accommodation would be as follows:

Ground Floor
3x 1-bedroom  
5x 2-bedroom  
1x 3-bedroom

First Floor / Loft
1x 3-bedroom

2.2 All of the new properties would meet or exceed the minimum sizes stated in the government’s technical housing standards, and as required by Policy 30 of the Joint Core Strategy.
2.3 As the proposal represents ‘Major’ residential development, one of the new dwellings would be required to be affordable and the details of this would be secured through a Section 106 agreement.

3 The Site and Surroundings

3.1 The application site comprises an existing residential care home in its own grounds and accessed by both vehicles and pedestrians from Hollington Road. The care home comprises an attractive two storey red brick, bay fronted building which has been substantially altered and extended over time to the north and east boundaries at single storey level. The building is not listed, locally listed or within a conservation area.

3.2 The site is within a predominantly residential area of Raunds, with residential curtilages abutting its north, east and southern boundaries. To the west, on the opposite side of Hollington Road, are other residential properties and a graveyard. The site is within the 3km Special Protection Area (SPA) buffer zone, but is not within flood zones 2 or 3.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 3 - Landscape Character
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 7 - Community Services and Facilities
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 11 - The Network of Urban and Rural Areas
Policy 28 - Housing Requirements
Policy 29 - Distribution of New Homes
Policy 30 - Housing Mix and Tenure

4.3 Raunds Neighbourhood Plan (Made Version – 2017)
Policy R1 - Ensuring an Appropriate Range of of Sizes and Types of Houses
Policy R2 - Promoting Good Design
Policy R3 - Flexibility and Adaptability in New Housing Design
Policy R4 - Car Parking in New Housing Development
Policy R8 - Protecting Existing Community and Recreation Facilities and Buildings
Policy R16 - Built and Natural Environment
Policy R18 - Locally Listed Buildings
Policy R19 - Upper Nene Valley Gravel Pits Special Protection Area (SPA) / Site of Special Scientific Interest

4.4 Other Documents
- Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
- Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
5 Relevant Planning History

5.1  
- 86/00127/FUL - Change of use to residential care home for the elderly – PERMITTED 29.1.86.
- 86/00483/FUL - Single storey extension to provide eight bed sitting rooms in association with use of property as care home for elderly persons – PERMITTED 11.4.86.
- 93/00116/FUL - Single storey extension to residential home – PERMITTED 8.4.93.
- 93/00805/FUL - Single storey rear extension to care home to form additional accommodation – PERMITTED 20.1.94.
- 11/01421/FUL - Proposed extension and alteration to care home to provide additional accommodation and ancillary facilities – PERMITTED 16.11.11.
- 13/00634/FUL - Proposed extension and alteration to care home to provide additional accommodation and ancillary facilities (revised scheme to the previously approved 11/01421/FUL dated 16/11/2011) – PERMITTED 12.8.13.
- 13/02196/AMD - Non Material Amendment to 13/00634/FUL (Proposed extension and alteration to care home) to allow change of access to laundry room – PERMITTED 4.2.14.

6 Consultations and Representations

6.1 Neighbours

Three letters of objection received, all of which cite parking / congestion / highway safety concerns. Other concerns raised relate to a protected tree and lack of infrastructure support (i.e. medical facilities).

6.2 Raunds Town Council

Initial comments received 30.8.19: Object (see text below as it reiterates initial comments).

Final comments received 4.11.19: Resolved that Raunds Town Council still strongly object to the application due to the loss of an important facility in the Town.

In addition, the proposed development is not in keeping with Raunds Neighbourhood Plan and does not meet the towns requirement that housing is of good design and attractive to families wishing to move to the area.

The proposed flats do not meet the parking standards set out by Northamptonshire County Council and this will add to the known local parking issues in this area. The flats are small and are only on the borderline of being acceptable in terms of dwelling size against recommended national standards.
6.3 **Natural England**

*Initial comments received 28.8.19 (Summary): 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 and Species Regulations 2017 (as amended).

*Final comments received 7.11.19 (Summary): The advice provided in our previous response applies equally to this amendment, although we made no objection to the original proposal.*

6.4 **Northamptonshire Police – Crime Prevention Design Advisor**

*Comments received 5.9.19: Northamptonshire Police has no formal objection to the planning application in its present form other than to suggest that the following recommendations are included, which if implemented will reduce the likelihood of crime and anti-social behaviour occurring.*

- All exterior doors (including communal entrance doors fitted with access control), internal flat entrance doors and exterior windows must conform to BS PAS24:2016.
- Any glazing within PAS 24 certificated doorsets must incorporate one pane of laminated glass meeting the requirements of BS EN 356:2000 class P1A (this is a requirement within PAS 24). In addition it is a requirement that any windows or side lights adjacent to doors (within 400mm) and easily accessible emergency egress windows with non-lockable hardware also include one pane of laminated glass meeting the requirements of BS EN 356:2000 class P1A (minimum).
- I would strongly recommend that the cycle storage area is a secure (lockable) covered store. Details should be supplied and agreed in writing.
- An external lighting scheme should be submitted and agreed in writing. The detail should include lux levels and uniformity levels for all communal areas.

6.5 **Northamptonshire Fire and Rescue Service**

*Comments received 22.8.19 - Northants Fire and Rescue Service have no comment to make at this stage other than consideration should be given to Fire Service access in line with NFIRS pre planning guide.*
6.6 Northamptonshire County Council – Lead Local Flood Authority (LLFA)

Comments received 22.8.19: On review of the details we have no comment to make.

6.7 Northamptonshire County Council – Adult Social Services (NASS)

Comments received 14.11.19: NCC modelling of future demand for care related accommodation through the Sheffield Hallam HOSPR model (live model attached updated monthly) shows a significant shortfall of accommodation suitable for our older people across the county as they age. The modelling shows a shortfall across all specialist accommodation types such as Extra Care Housing, sheltered housing, and residential care. As set out in the MPS for Living and Ageing Well in Northampton, NCCs priority is to enable people to age in place – typically in their own homes, where this can be done in a way which supports their health and wellbeing. Much of this will be achieved through suitable care in existing homes, adaptations and use of assistive technology. For people and homes where this cannot achieve the necessary customer outcomes, Extra Care housing is NASSs preferred approach for its customers, and a is market which NASS is supporting the development of for both its own customers and self-funders. This approach means that it is less likely in the long term that any significant numbers of NASS customers would benefit from the care home applying for closure in this application. The closure of this care home may have a greater impact on self-funders in the longer term. The modelling shows there is a higher likelihood of demand from self-funders for residential care homes in future. However, anecdotally, self-funders may be more likely to choose a new purpose built residential care home (of which a number of new planning applications have come through in the North of the county in the past 18 months) over a smaller home with fewer modern facilities (e.g. only 19 of the rooms in this facility have an en-suite w.c.).

The latest CQC inspection for this care home awarded an overall rating of 'Good'. NASS currently places nine customers in this care home therefore its closure would impact directly on those customers and their families in the short to medium term. The home is registered for a maximum of 26 residents in total, therefore this is likely to have a greater impact on the self-funder market in this time period. I would suggest that the care home operator would need to engage with customers and set out a proposed transition plan for customers. While there is likely to be capacity in other care homes to facilitate moves, this capacity may not be in the same locality, moving customers from one residential setting to another, or to an alternative setting may have detrimental effects on the physical and mental health of a vulnerable person, and people may not wish to move as this may have been their home for a number of years.

6.8 Northamptonshire County Council – Ecology

Comments received 28.10.19: Thank you for consulting us on the above application to which we make no comment.

6.9 Northamptonshire County Council – Development Management

Comments received 29.8.19 (Summary): No objection. Requests the following.

- Section 106 contributions toward early years education £26,564) and libraries (£1,685);
- A planning condition relating to hydrants / sprinkler systems; and
- Informatives relating to broadband
6.10 Northamptonshire County Council – Local Highway Authority (LHA)

Initial comments received 21.10.19 (Summary): I would like to confirm the following observations:

The LHA has concerns over the amount of space proposed for manoeuvring in an out of parking spaces therefore the applicant will be required to provide evidence that the space proposed is adequate. The correctly dimensioned parking spaces will requiring proving by swept path analysis exercises of each of the parking spaces in turn by a 4.5m in length private car in all in and out movements of the site and parking spaces whilst the remaining spaces remain parked upon by vehicles of the same dimensions. The exercise must include both the wheel tracking and vehicle body overswing tracking paths.

Access gradient must not exceed 1:15 for the first 10.0m into the site from the back of the highway boundary; the hedge line in this instance. The gradient over the highway verge must be no more than 1:33.

Please note that this application seeks to increase traffic movements at the junction of Hollington Road and Hill Street which offers very poor junction visibility which is a highway safety concern.

Further comments received 28.10.19 following receipt of additional highway information from the applicant: The LHA would object to an application that presents two points of access, No dwelling should have more than one vehicular access point from any Highway including Public Rights of Way. Such proposals create additional and unnecessary points of conflict between emerging vehicles and other highway users. As such, the LHA will resist any such proposal.

The LHA would recommend that the access labelled "IN" should be closed up and the access labelled "OUT" should be recommended as the primary access to this development. In doing so you would eradicate the chances of misuse of the second access point lowering the outcome of any enhanced highway safety concerns.

Please ensure that the shared access complies with the LHA Standing Advice (dated June 2016) the minimum access width is required to be 4.5m with 2x2m pedestrian visibility splays on each side.

The LHA has concerns over the increase in traffic movements at the junction of Hollington Road and Hill Street which offers very poor junction visibility, intensification of use to this junction raises highway safety concerns.

The applicant is required to ensure that a suitability placed linear drain is located at the access to the back of the highway to stop any excess rain water from entering the highway and vice versa.

Final comments received 14.11.19 following dialogue with case officer): The LHA would not object, we will allow the in/out access to remain and that the OUT access be widened to the required 4.5m.

After looking in more detail at the traffic movements we believe it will be like for like.

6.11 East Northamptonshire Council - Waste Management

Comments received 3.9.19: I would comment that the waste/recycling compound is of sufficient capacity for the required number of Eurobins. I would however request that the
entrance to the compound needs to be on the right hand side adjacent to the driveway out to ensure it is not blocked by parked cars.

6.12 East Northamptonshire Council – Environmental Protection

Comments received 27.8.19 (Summary): No objection – recommends conditions relating to:

- Construction work operational times
- Dust mitigation
- Construction traffic
- Prevention of mud on the road
- Burning on site
- Lighting

6.13 East Northamptonshire Council – Senior Tree and Landscape Officer

Comments received 28.8.19: The proposals set out in the Arboricultural Method Statement shall be suitable to limit the impact of the proposals on the adjacent trees. Therefore I raise no objection to the proposals.

6.14 East Northamptonshire Council – Housing Strategy

Comments received 19.9.19: As we understand from our colleagues in Social Care and Health, there is a need to retain existing care units to meet anticipated future needs due to an aging population. From an affordable housing perspective, if the development is to proceed then under the National Planning Policy Framework (February 2019 - para 64.) where a major development is proposed, at least 10% of the homes should be available for affordable home ownership.

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:

Principle of Development / Loss of Care Home

7.2 The proposal would result in the loss of the existing 26-bedroom residential care home and the provision of 10 new residential properties. The 2 storey building on the site was originally a residential property until it gained change of use back in the 1980s. National and local planning policies support the provision and retention of community facilities and the existing care home use is regarded to fall within that category.

7.3 More specifically, Policy 7 c) of the 2016 JCS states that development should support and enhance community services and facilities, where appropriate, by:

"Safeguarding existing facilities, unless it can be demonstrated that:

i. They are no longer viable; and

ii. No longer needed by the community they serve; and"
iii. Are not needed for any other community use or that the facility is being relocated and improved to meet the needs of the new and existing community."

7.4 The applicant has provided a statement which sets out their context for the proposal. They cite that significant investment has been made in the premises over the years, but that they face a range of operational difficulties. These include steps in parts of the building, 5 first floor rooms being very difficult to let to elderly residents and a lack of space to be able to provide a lift to the first floor.

7.5 They go on to explain that in their opinion, the loss of the care home would not cause any shortage of beds in the local area because it caters for a certain type of resident, but do not specify what type, or types of resident this is.

7.6 The information provided is not sufficient to address the three criterion within JCS Policy 7c), so this will need to be weighed up against other policy and material considerations. The Town Council has objected to the proposal and part of their objection relates to the loss of the facility.

7.7 Policy R8 of the more recent Raunds Neighbourhood Plan (2017) has a list of community buildings and facilities which will be protected. The application site does not feature on the list. Notwithstanding the Town Council's objection, this therefore reduces the weight that can be given to the loss of the care home.

7.8 Consultation has also been undertaken with Northamptonshire Adult Social Services (NASS) and their response can be found at Paragraph 6.7 above. They confirm that modelling of future demand for care related accommodation shows a significant shortfall of accommodation suitable for our older people across the county as they age.

7.9 NASS go on to clarify that the modelling shows a shortfall across all specialist accommodation types such as extra care housing, sheltered housing, and residential care. The County Council's priority is to enable people to age in place – typically in their own homes – and where this isn't possible, extra care housing is NASSs preferred approach.

7.10 NASS currently places 9 customers in this care home (which has a capacity of 26 bedrooms) and believes that its approach to care means that it is less likely in the long term that any significant numbers of NASS customers would benefit from this particular care home.

7.11 In short, if the care home was to close, the greater impact is likely to be on the self-funder market. NASS also note that the age of this care home, and lack of facilities relative to more modern, purpose built facilities would also be a factor in people's choice.

7.12 Whilst the majority of the care home accommodation is on the ground floor, some of it is on the first floor. From the site visit it is clear as to why the applicant and NASS both refer to operational challenges. The building was not originally used as a care home and has been adapted for this purpose as best it can. The construction and configuration of the main 2-storey building also makes it more difficult to adapt, so the ability of the site to adapt to modern requirements is also more limited. The external site layout is also impractical for visitors, staff and deliveries, and this leads to overspill parking onto Hollington Road.

7.13 In terms of residential development in this location, the surrounding area is predominantly residential and the site is in a sustainable location, relatively close to the centre of Raunds, with access to services and public transport within walking distance.
7.14 The loss of the care home would undoubtedly have some impact on supply for adult social services and the self-funder market, but owing to the operational constraints it is likely that this impact would reduce over time as more elderly people are catered for in their own homes, in extra care provision, or elect to choose other homes. The lack of an objection from NASS and their acknowledgement of the operational constraints related to this particular home is considered to be reliable evidence in this regard.

7.15 Whilst the applicant’s justification for the loss of the care home does not fully meet the criterion set out in JCS Policy 7c, the fact that the Raunds Neighbourhood Plan, which is more recent than the JCS, does not include the care home on its list of protected community facilities is further evidence that its loss is not perceived to have a substantial / detrimental impact.

7.16 On balance, the loss of the care home is considered to be acceptable in principle.

Design and Layout

7.17 In terms of the buildings, works would be relatively minor and would primarily consist of the addition and removal of windows and doors to suit the new floor plan. The majority of these works would have no visual impact from the public domain, or from neighbouring properties.

7.18 The most noticeable changes from a public viewpoint would be to the two storey building, where two ground floor windows would be bricked up, and two doors would be partly bricked up and replaced with windows. It is also proposed to add a pitched roof to the north east corner of the site, to replace the existing flat roof. All of the alterations to the building are considered to be acceptable and matching materials can be secured through condition.

7.19 The most significant change in physical terms would be to the site layout where the existing green space between the buildings and Hollington Road would become a car and cycle parking area. A total of 19 car and 19 cycle spaces would be provided. The existing ‘in’ and ‘out’ accesses onto Hollington Road would remain.

7.20 Whilst there would be more hardstanding than is currently the case, the proposed layout would represent a marked improvement on the existing arrangements, where vehicles are often parked in tandem adjacent to the ‘in’ section. Some soft landscaping is also proposed to the amenity areas for each property, and a larger communal garden would be retained to the southern part of the site.

7.21 Space has been provided for refuse and recycling containers adjacent to the highway. The LHA has requested that the ‘out’ access point be widened to 4.5m but it is clear from the layout drawing that it would already be wider than this to allow for vehicles to manoeuvre out of the parking spaces.

7.22 Overall the design and layout are considered to be acceptable.

Highway Safety / Parking

7.23 Concerns have been raised by both the Town Council and local residents in this regard. The current layout lends itself to overspill parking onto Hollington Road, even during the day, due to its impracticalities.

7.24 The new layout would improve this situation by providing additional and, crucially, more
practical parking for cars, as well as the provision of cycle parking. Tracking details for the parking spaces have been provided and these are to the satisfaction of the LHA. A total of 19 parking spaces are to be provided, which is two more than is required, and allows for 2 visitor spaces to be provided. The new layout should reduce overspill parking onto Hollington Road, which should in turn reduce the competition for on-street spaces elsewhere along the street.

7.25 There has been dialogue between the case officer and LHA regarding the overall number of vehicle movements as a result of the proposals. The applicant has submitted a transport statement which concludes that the current use has more movements than would be expected from the proposed development. The LHA disagrees, but concludes that the movements would be “like-for-like” and does not object to the proposals. As mentioned in the previous section, the widening of the ‘out’ access requested by the LHA is not required as it is already wide enough.

7.26 In the absence of an objection from the LHA, given that the proposed layout would represent an improvement and that the number of vehicle movements would not be materially different to the existing situation, it would be unreasonable to conclude that the proposal is unacceptable on highways grounds.

Ecology / Trees

7.27 With regard to Natural England’s comments, the site is within 2km of the Upper Nene Valley Gravel Pits Special Protection Area. This is a protected site from a nature conservation point of view under the terms of European Legislation.

7.28 In such cases, the Council has a requirement linked to an adopted Supplementary Planning Document which requires a contribution of £269.44 per dwelling to mitigate against any impact. The applicant has agreed to pay this sum and it can be secured through a Section 106 agreement, or be paid in full before any permission is issued. The payment will secure adequate mitigation against the impacts of developments on the Upper Nene Valley Gravel Pits Special Protection Area.

7.29 In relation to the above matter, a Habitat Regulations Appropriate Assessment is appended to this report.

7.30 No objection has been received from the County Council Ecologist or from East Northamptonshire Council’s Senior Tree and Landscape Officer, subject to the tree protection measures in the Arboricultural Method Statement being carried out. These are necessary owing to the presence of protected trees on the site and can be secured by condition.

Residential Amenity

7.31 The existing use is residential in nature and the proposals would continue that, albeit in a different form. To the north and east boundaries of the site the new properties would each be provided with a small amount of private amenity space, in the space currently used as an access path around the building. This represents a good use of what would otherwise be wasted space. There would be no issues relating to overlooking of existing properties as there is an existing boundary wall to the north boundary and fencing to the east boundary.

7.32 Greater use of the communal garden is likely given that future occupants of the new properties are more likely to be more ambulant than residents of the care home, but the level of usage is not likely to be excessive, or to cause amenity issues for neighbouring
residents.

7.33 Flats do not benefit from permitted development rights in the same way that dwellinghouses do, so there is no need to remove any rights to extend or to install additional windows / doors, as rights to undertake such works would not exist.

**Impact on Local Infrastructure / Section 106 (S106)**

7.34 The County Council has requested Section 106 contributions toward the following matters:

- Early years education (£26,564 – based on the number of bedrooms per property); and
- Libraries (£1,685)

They have not requested contributions toward primary or secondary education.

7.35 As the proposal represents ‘major’ residential development (‘major’ is defined as 10 or more dwellings in legislation), the NPPF at Paragraph 64 states that:

"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

a) provides solely for Build to Rent homes;

b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site."

7.36 None of the above exemptions apply to this proposal, so one affordable property can be secured through a Section 106 agreement. As mentioned earlier in the report, the SPA contribution can also be secured through the S106 process.

7.37 The County Council will need to identify which local projects the S106 funding will go toward, but in general terms their requests and those for affordable housing and SPA mitigation are reasonable and meet the tests set under the Community Infrastructure Levy regulations in that they would be necessary to make the development acceptable in planning terms.

7.38 The proposed Heads of Terms for the Section 106 agreement would be as follows:

- Early years education;
- Libraries;
- Affordable housing (Minimum 10%); and
- SPA mitigation.
Housing Mix

7.39 Part of the town council's objection is on the basis that the proposal would not deliver an appropriate range of sizes and types of houses, as is required by Policy R1 of the Neighbourhood Plan.

7.40 With the exception of plot 10 where the accommodation would be over two floors (the first floor and loft space), all of the other properties would be on the ground floor and single storey. The development would re-use the existing building with minimal physical alterations and would provide for a range of 1, 2 and 3 bedroom properties, all of which would meet or exceed minimum space standards. The proposal would also provide for both market and affordable properties, and would mitigate its impact upon the SPA, as required by Policy R1.

7.41 In summary, the proposal is considered to provide an appropriate mix of properties.

8 Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.2 Sustainable Construction: As this represents conversion of an existing building, the measures outlined in JCS Policy 9 (criterion 1 and 2) would not be applicable in this case. However the policy does also state that all residential development should incorporate measures to limit water use to no more than 105 litres / day / person and external water use of no more than 5 litres / person / day. These details can be secured by condition.

8.3 Waste Collection: An area adjacent to the 'out' access has been set aside for waste and recycling and is of an appropriate size. The request from ENC Waste Management to move this to the opposite side is noted, but this would require the removal of a large tree which is undesirable. The layout as proposed would allow for waste collection to take place from the roadside and details of the parking layout can include measures to prevent vehicles blocking the route between the bin area and the highway.

8.4 Construction Nuisance: There is an inevitability of some disturbance during construction works, but in the event of an approval, a series of conditions are recommended to limit nuisance in line with the advice of East Northamptonshire Council's Environmental Protection Team (save for one recommended condition regarding construction traffic which would not be enforceable – so cannot be imposed).

8.5 Crime Prevention: Measures outlined by the Police in their response at Paragraph 6.4 such as lighting and specification of window / door locks can be secured through planning conditions to ensure accordance with JCS Policy 8 e) i).

8.6 Flood Risk / Drainage: No objections have been received by consultees in this regard. The site is not in the higher risk flood zones 2 or 3 and a condition can ensure that surface water does not drain from the site onto the public highway.

8.7 Hydrants / Sprinkler Systems: The County Council has requested a condition relating to these matters in the interests of ensuring that there is adequate water infrastructure in the event of a fire. This is a reasonable request and will be conditioned.

8.8 Broadband: An informative note can be provided to the applicant on the decision notice.
9 Conclusion / Planning Balance

9.1 The proposal would result in the loss of a residential care home, which would have an impact on local supply. Planning policies generally favour the provision and retention of community facilities and services but this care home is not included on the list of protected facilities in the neighbourhood plan and it is an old-fashioned care home with operational limitations which are only likely to become more of an issue with the passage of time, regardless of financial matters.

9.2 The re-use of the building for residential purposes in largely the same form, with an improved layout and providing a range of policy compliant property sizes and tenures would be acceptable in terms of design, layout and amenity. A section 106 agreement would ensure that, in addition to securing an affordable property, the proposal would also contribute toward local infrastructure and would mitigate its impact upon the SPA.

9.3 On that basis, the recommendation, subject to the satisfactory completion of a Section 106 agreement, is for approval.

10 Recommendation

10.1 Recommendation 1: If a satisfactory legal agreement which secures obligations as set out in this report is completed by 30th April 2020 (or other agreed date): GRANT planning permission subject to conditions.

10.2 Recommendation 2: If a satisfactory legal agreement to secure obligations as set out in this report is not completed by 30th April 2020 (or other agreed date): Delegate to the Head of Planning Services to REFUSE planning permission.

11 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

2 Before any external development, or internal development which requires the storage of plant and/or materials on site commences, the tree protection measures outlined in the Arboricultural Impact Assessment and Tree Protection Method Statement – dated 26th June 2019 shall be implemented and shall remain in place until the development is completed.

Reason: In the interests of ecology, visual amenity and to ensure that protected trees are not harmed during the construction phase of development.

3 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.

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

4 There shall be no burning of any material during construction, demolition or site preparation works.
Reason: To minimise the threat of pollution and disturbance to local amenity

5 No demolition products (concrete, bricks, soil, etc) shall be processed (crushed or sorted) on-site, unless otherwise agreed in writing with the Local Planning Authority.

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

6 Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

Reason: In the interests of residential amenity, highway safety and visual amenity.

7 During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes, or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.

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

8 I. All exterior doors (including communal entrance doors fitted with access control), internal flat entrance doors and exterior windows must conform to BS PAS24:2016; and

II. Any glazing within PAS 24 certificated doorsets must incorporate one pane of laminated glass meeting the requirements of BS EN 356:2000 class P1A (this is a requirement within PAS 24). In addition it is a requirement that any windows or side lights adjacent to doors (within 400mm) and easily accessible emergency egress windows with non-lockable hardware also include one pane of laminated glass meeting the requirements of BS EN 356:2000 class P1A (minimum).

Reason: In the interests of crime prevention in accordance with Policy 8 e) iv of the North Northamptonshire Joint Core Strategy.

9 Prior to the commencement of development above slab level, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;

(b) details of any existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, any crossing points and steps; and

(d) details of boundary treatments

The agreed boundary treatments shall be in situ before each respective property is occupied and all planting shall take place no later than the first planting season following first occupation of the building(s) or on the completion of the development, whichever is the sooner.

Within the first 5 years any species which die, become damaged, diseased or are removed shall be replaced in the current/next planting season with others of similar size and species unless written consent is obtained from the Local Planning Authority to any variation.

Reason: In the interests of visual amenity, residential amenity and crime prevention.

10 All alterations to the building hereby permitted shall be carried out using facing materials, windows and doors which match those of the existing building.

Reason: To achieve a satisfactory appearance for the development.

11 No occupation of dwellings shall take place until details have been submitted to and approved in writing which demonstrate the following sustainability measures for the new dwellings

- Measures to limit use to no more than 105 litres / person / day and external water use of no more than 5 litres / person / day
- Minimum standards for gas fired boilers

Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of each respective property.

Reason: In the interests of sustainability.

12 Prior to first occupation of the first new property:

I. Full details of the cycle parking area must have been submitted to, and approved in writing by the Local Planning Authority; and

II. Full details of marking and surfacing for the shared site access and car parking and turning areas must have been submitted to, and approved in writing by the Local Planning Authority; and

III. Full details of lighting to the shared external areas of the site must have been submitted to, and approved in writing by the Local Planning Authority; and

IV. Full details of the waste / recycling collection area – incorporating measures to prevent vehicles blocking the pedestrian / bin route to the highway – must have been submitted to, and approved in writing by the Local Planning Authority;

The development shall be constructed in accordance with the approved details before first occupation of the first new property.
All lighting, footpaths, waste collection, parking and turning areas shall be retained for these purposes in perpetuity and no surface water shall drain onto the public highway.

**Reason:** In the interests of residential amenity, crime prevention and highway safety.

13 No occupation shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

**Reason:** To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

14 The development hereby permitted shall be carried out strictly in accordance with the following plans:

- TQRQM19219124054107 – Site Location Plan
- RK / TP /962 / 06 Rev B – Proposed Elevations Block C
- RK / TP /962 / 07 Rev C – Proposed Ground Floor Plan
- RK / TP /962 / 08 Rev C – Proposed First Floor Plan
- RK / TP /962 / 10 Rev C – Proposed Roof Plan
- RK / TP /962 / 11 Rev A – Proposed Elevations Block A
- RK / TP /962 / 12 Rev A – Proposed Elevations Block B
- RK / TP /962 / 13 Rev A – Proposed Elevations Block B

**Reason:** In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

12 **Informatives**

1 **Broadband Infrastructure**

The Northamptonshire vision is for the county to be at the leading edge of the global digital economy. This requires new developments (both housing and commercial) to be directly served by high quality fibre networks. Access to a next generation network (speeds of >30mbs) will bring a multitude of opportunities, savings and benefits to the county. It also adds value to the development and attract occupiers.

In order for the commercial communications market to be able to deploy to these new build areas, measures must be introduced at the earliest opportunity. This will provide the required specification to enable fibre connectivity for all new developments in respect to receiving superfast broadband services. To help developers, some fibre based broadband network providers such as BT Openreach and Virgin Media have dedicated online portals which provide assessment tools and technical help. There are also other providers may also be able to connect your development:

http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx.

Early registration of development sites is key to making sure the people moving into
your developments get a fibre based broadband service when they move in. More information can be found in the links below:

**BT Openreach:**
https://www.ournetwork.openreach.co.uk/property-development.aspx

**Virgin Media:**

It is advised that ducting works are carried out in co-operation with the installations of standard utility works. Any works carried out should be compliant with the Manual of Contract Documents for Highway Works - specifically Volume 1 Specification Series 500 Drainage and Ducts, and Volume 3 Highway Construction Details Section 1 - I Series Underground Cable Ducts (found at http://www.dft.gov.uk/ha/standards/mchw/index.htm)

For further information on the project please visit www.superfastnorthamptonshire.net or contact: bigidea@northamptonshire.gov.uk
Appendix 1: Habitat Regulations Appropriate 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.

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<tr>
<td>Application address:</td>
<td>Kingswood House</td>
</tr>
<tr>
<td></td>
<td>Hollington Road</td>
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<td>Raunds</td>
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</tr>
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<td></td>
<td>NN9 6NH</td>
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Lead Planning Officer: Dean Wishart

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<tr>
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<td>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)?</td>
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| 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’ | YES, The HRA for the North Northamptonshire Joint Core Strategy assessed the in-combination effect of residential development within a 3km }
Effect to be assessed?

Catchment of the SPA and concluded that such development would have an adverse effect on the integrity of the SPA unless avoidance and mitigation measures are in place.

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 2km (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 Coilte 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.

(If yes, continue to Stage 3; if no, continue to Stage 4).

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 is set out in the SPA SPD to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA by securing financial contributions 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.

In this case, the applicant has agreed that they will provide the payment through a Section 106 agreement to mitigate the impact upon the SPA.
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, and the applicant is willing to do this through the Section 106 process.

Natural England Officer:

Summary of Natural England’s (NE) comments:

*Initial comments received 28.8.19 (Summary): 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).

*Final comments received 7.11.19 (Summary): The advice provided in our previous response applies equally to this amendment, although we made no objection to the original proposal.*
This application is brought before the Planning Management Committee as it has been called in by Ward Councillor Mrs Sylvia Hughes. The reasons stated relate to the question of whether Twywell is suited to new housing, the loss of the garage for no. 57 High Street, the access and loss of privacy to no. 57.

1 Summary of Recommendation

1.1 Recommendation: That planning permission be GRANTED subject to conditions.

2 Introduction

2.1 This application was on the agenda at the Planning Management Committee that was held on 20 May 2020. The recommendation from Officers was for the application to be approved subject to conditions. The committee resolution was to defer the application to enable negotiations to take place regarding improvement of the visibility splays.

2.2 Following this the applicant submitted an amended plan showing changes to the access and to the parking spaces. The amendment shows two parking spaces to be allocated to no. 57, which previously were to be unallocated. The access amendment involves:

- Movement of the access to the east by around 2.5 metres
- Removal of the wall (around 3m) to the east of the access

2.3 Accompanying the plan was a supporting letter from the applicant. The letter included comments which sought to address the reason of the committee for the deferral of the application. Within the letter, the applicant notes the following points:

- It is noted the Parish are supportive of the scheme but had concerns over parking
- The Local Highway Authority were supportive of a previous four dwelling scheme which has now been reduced
- The proposal avoids on-street parking as off-road spaces are provided
- Two dedicated off-street spaces for no. 57 are provided
- Amended plan improves visibility splays through removal of front wall and moving of access

2.4 The amended plan was sent to the Parish Council and the Local Highway Authority (LHA) for comment. A response from the LHA was received on 11 June which confirmed the amended plan improved the visibility.
2.5 A response was received from the Parish Council on 16 June in which their comments remain in objection and are included subsequently in this report.

2.6 Subsequently, the LHA provided further comments in response to those of the Parish which they had provided directly to the LHA. The comments of the LHA directly address the points made by the Parish Council.

2.7 Following the receipt of the amended plans and response from the LHA, Parish Council and representees, the recommendation of Officers remains the same as previously. The sole amendment to the recommendation is that the amended plan be cited in condition 2 rather than the previous plan.

3 Additional Consultations and Representations

3.1 Neighbours (updated since 20 May 2020)

Comments received following 20 May 2020 from two representees (both had previously commented). The comments are summarised below:

- Suggesting a site meeting with case officer, NCC Highways officer, Ward Cllr, resident and member of the Parish Council
- Querying the visibility from the site

3.2 Twywell Parish Council (update since 20 May 2020)

Comments received 16 June 2020 (following receipt of amended access plan): Objection due to highway safety. The comments are below:

I refer to your email dated 11 June 2020 asking if the revised access arrangement shown on site plan ref 1053-100-P4 is acceptable to the Parish Council.

Twywell Parish Council has consulted the Parishioners and the Council continues to object to the application due to safety.

Not being able to achieve 2metre x 43metre visibility splay at the application site in both directions is not a valid reason for modifying the accepted national standard (Manual for Streets) and sets a dangerous precedent. The decision to reconstruct the access to achieve the legislative requirement of a y=43m visibility in one direction indicates that Local Highway Authority and the Applicant recognise the need for compliance with this. Only achieving a y=23.3m visibility splay (54%) is so inadequate as to likely be the cause of a serious road traffic collision in the future. The NCC Transportation Design Guide for Residential Developments table of speeds would indicate this is appropriate for a highways speed of between 15 mph (20 metres visibility) and 20 mph (30 metres visibility). The Manual for Streets table 7.1 clearly shows that 23m visibility is only acceptable for a 19-mph approach speed. The Parish Council has access to an independent speed survey which shows the 85% P-Tile approach speed in the south easterly direction of adjusted for wet weather of 25mph. Twywell Parish Council seeks that a Road Safety Audit in line with DMRB Volume 5 Section 2 Part 2 (HD 19/15) and the SoRSA (Society of Road Safety Auditors) guidelines be carried out to address the issue of significantly reduced visibility standard.

If the application is approved, we request the Local Highway Authority to confirm they have accepted the “substandard” access and become fully accountable in the event of
any road traffic incident at the site junction.

Twywell Parish Council wish to draw your attention, to third party rights of access which exist over the current access way, permission may be required to move the access as shown on the revised plan.

In relation to the additional parking for No. 57 High Street this decision is welcomed and will improve the on-going parking issue's we have within the village.

3.3 Northamptonshire County Council – Local Highway Authority (LHA) (updated since 20 May 2020)

Comments received 11 June 2020 (in response to amended plan): I can confirm the drawing No. 1053-100-P4 demonstrates an increase in the ‘Y’ dimension from 16.8m to 23.3m and is therefore considered an improvement

Comments received 16 June 2020 (in response to comments of the Parish Council):

Whilst the applicant has not measured the y distance correctly (should be taken to the nearside channel line as MR Kelly indicates) we carried out our own desktop study to draw our views

The visibility does not conform to the guidance set out in Manual for Streets and neither did the previous revision. Speed of approaching vehicles influences visibility requirements and as previously indicated using professional judgement what is achievable when creeping out of the access (thus reducing x value to 1m) in this instance significantly increases visibility to an acceptable level on this occasion. The revised plan sets the junction further to the East and improving matters therefore the LHA has no reason to object to the betterment demonstrated.

The current Standards for an access shared by 2-5 dwellings are the same - 4.5m wide for the first 10 metres with 2m x 2m pedestrian visibility splays either side. The existing access does not conform to our current requirements therefore the proposed demonstrates significant improvement.

3.4 Ward Councillor - Sylvia Hughes

Comments received 23.06.20: Please refer this application to the committee.

It is difficult to see that an application that the LHA says does not conform to the minimum highway standard and provides an access that does not comply with the Highway Code could be agreed. I am therefore surprised if the recommendation is to grant this application knowing that it would create a dangerous situation for potentially thirteen vehicles plus any deliveries to use.

The suggested plan does not increase the access and so is not acceptable.

4 Highway Safety and Parking – updated since 20 May 2020

4.1 Following the committee resolution on May 20 which was to defer the application to enable negotiations to take place regarding improvement of the visibility splays, the applicant submitted an amended plan and accompanying letter. The amended plan alters the access through the removal of the front wall on the eastern side of the access to create the furthest possible visibility when leaving the site. The access is also ‘moved’ a around 2.5m to the east. Additionally the plan has marked two parking spaces to be for
no. 57 High Street. Providing two spaces was a discussion point of the committee on 20 May and appeared to be a preference of committee members.

4.2 The amended plan was subject of consultation with the Parish Council and the LHA. The LHA responded to confirm the amended plan improves visibility and therefore represents an improvement on the plan which had already been found to be acceptable.

4.3 The Parish Council, two representees and the Ward Cllr have commented and the key matter raised by them is the visibility to the west beyond Woodland Cottage. Reference has been made to the document 'Manual for Streets' and a visibility splay of 2m x 43m for a 30mph road. The Parish Council also refer to an independent speed survey which shows a '85% P-Tile approach speed in the south easterly direction of adjusted for wet weather of 25mph.' No details of this survey are known beyond this.

4.4 The LHA's comments confirm the access represents an improvement from the existing, which is currently below the relevant standards for a private drive which serves between one and five dwellings. The access will go from being used by two dwellings to five and the visibility to the west improves. The visibility to the west is not 2m x 43m, but the LHA have allowed for a professional judgement that vehicles may edge out 1m onto the pavement to improve visibility, in this case. The removal of wall improves visibility to the west and taking account of the comments of the LHA, the visibility to the west is considered acceptable. The amendments since 20 May 2020 have only improved the access arrangement. Therefore Officers are of the view that it would be unjustified to refuse planning permission given that the proposal improves the access to the private drive, which is currently substandard.

5 Officer response

5.1 The applicant has provided an amended plan which improves the access as far as is possible. The visibility to the south-east achieves the guidance figure of 2m x 43m for a 30mph speed limit. The committee deferral sought to seek improvements to the visibility to the north-west as the provided showed it to be 2m x 16.8m. The LHA in consideration of that access arrangement allowed in their judgement for a 1m 'x' figure to allow for the practicality of motorists 'creeping' forward. Whilst a specific 'y' figure was not specified, it significantly improved the 'y' visibility to the north-west and was found to be acceptable to the LHA.

5.2 The amended plan provided by the applicant is annotated to provide visibility of 2m x 23.3m. The comments of the LHA note that the methodology of the measurement is not to the edge of the highway, as it is 1m away from the kerb edge. Nevertheless, the LHA reiterate that '...using professional judgement what is achievable when creeping out of the access (thus reducing x value to 1m) in this instance significantly increases visibility to an acceptable level...'.

5.3 To this end, it is apparent that the amended plan has improved the visibility to the north-west. The visibility has been improved to as much as is possible.

5.4 The comments of the LHA make it clear that professional judgement allows for a measurement using 1m 'y' value. It is necessary to note that two dwellings currently utilise the access, where the current walls limit visibility to significantly less than the visibility that will be possible after the proposed works. The proposed arrangement would result in five dwellings being served off the access which would be improved from the current arrangement. A modest intensification of the use of the access and its improvement are taken into account and are considered acceptable by the LHA.
5.5 The comments of the Parish Council refer to the document ‘Manual for Streets’ and indicates their preference for further justification for the visibility to the north-west. Following their comments, the LHA provided a response and the Parish Council was given the opportunity to respond. No subsequent comments were received from the Parish Council.

5.6 In response to the comments of Ward Cllr Sylvia Hughes, it is necessary to note that the recommendation is made with the advice of the LHA who are experienced in such matters. It is also worth noting that the proposal provides off-street parking for no. 57 and improves visibility of the access which is already used by two dwellings. The LHA consider a 1m ‘x’ value to be appropriate in this instance which ensures visibility is acceptable. It is also necessary to note that it is commonplace for access proposals to be considered acceptable, whether by the Local Planning Authority or the Planning Inspectorate, where they do not fully meet the guidance where reasoned judgements indicate it to be acceptable.

5.7 In response to the representations, the comments are in line with those of the Parish Council, which are already addressed.

6 Conclusion / Planning Balance

6.1 The updates / changes that are reported do not alter the previous recommendation made to the Planning Management Committee on 20 May 2020.

7 Recommendation

7.1 Recommendation: That planning permission be GRANTED subject to conditions.

8 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan ref. Site Location Plan Rev. P2
- Proposed Site Plan Rev. P4 received 8 June 2020
- Proposed Ground Floor, First Floor & Roof Plans. House Type C Rev. P2
- Proposed Roof Plan House Type A-B Rev. P2
- Proposed Ground Floor Houses Type A-B Rev. P2
- Proposed Elevations Houses Type A-B Rev. P1
- Proposed Elevations House Type C Rev. P1
- Proposed Ground Floor, First Floor & Roof Plans House Type C Rev. P2

Reason: To assist in defining the terms of the planning permission.

3 The development hereby permitted shall be undertaken in accordance with the ‘Tree Protection during Development-Method Statement’ contained within the Tree Survey and Report dated 27 November 2019.
Reason: In the interests of ensuring an appropriate impact on trees.

4 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) fieldwork in accordance with the agreed written scheme of investigation;

(ii) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);

(iii) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

5 Prior to commencement of development, details of the means to manage surface water shall be submitted to and approved in writing by the Local Planning Authority. The details should seek to control water within the site and not discharge water onto the adjacent highway or land. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwelling hereby permitted and shall thereafter be maintained and retained in perpetuity.

Reason: In the interests of securing appropriate drainage.

6 Prior to the first occupation of any of the dwellings hereby approved, the access shall be constructed in line with the details set out on ‘Proposed Site Plan ref. P1’. Thereafter, the access shall be permanently maintained and retained in this condition.

Reason: In the interests of the dwellings having appropriate access.

7 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the ecological measures to be included in the development. The measures shall reflect the recommendations contained within the Ecological Survey which accompanies the application, dated 27 November 2019, and shall include bird/bat boxes. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwelling hereby approved. The bird / bat boxes shall thereafter be retained and maintained in perpetuity. Any boxes that become damaged or removed shall be replaced.

Reason: In the interests of securing appropriate ecological enhancements of the site.
8 Prior to the commencement of development and notwithstanding the materials shown on the Proposed Elevations Plans, details shall be submitted to and approved in writing by the Local Planning Authority of the materials to be used for the external treatment of the dwellings. These details shall include the walls and roof materials. The development shall then be undertaken in accordance with these details.

**Reason:** In the interests of the amenity of the Conservation Area.

9 Prior to the commencement of the development hereby permitted, details (including the materials and the colour/finish) of all doors and windows (which shall be of timber) 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.

**Reason:** In the interests of preserving the character and the significance of the Conservation Area.

10 Prior to the commencement of the development hereby permitted, details of the location, height, design and materials of all boundary screening shall be submitted to and approved in writing by the local planning authority, and all such works shall be erected concurrently with the erection of the development hereby permitted and retained in perpetuity.

**Reason:** To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area.

11 Prior to the commencement of development, full details of both hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Subsequently, the landscaping shall be carried out (and thereafter maintained) in accordance with the agreed details. The landscaping details to be submitted shall include:
   a) hard surfacing, other hard landscape features and materials;
   b) planting plans, including specifications of species, sizes, planting centres number and percentage mix;
   c) arrangements for maintenance of the landscaping (excluding the private gardens of the individual dwellings).

**Reason:** The landscaping of this site is required in order to protect and enhance the existing visual character of the area.

12 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.

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

13 There shall be no burning of any material during construction, demolition or site preparation works.

**Reason:** To minimise the threat of pollution and disturbance to local amenity.
14 Prior to the occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority of the location of the storage and collection facilities for waste for the three dwellings hereby permitted. The details shall include materials of any hard surfacing and the design and materials of any structure(s). The development shall be undertaken in accordance with these details prior to the occupation of the relevant dwellings and the facilities once provided shall be retained / maintained in perpetuity.

**Reason:** In the interests of securing appropriate waste arrangements.

15 Prior to the first occupation of any of the residential units, the parking and turning areas shall be laid out as detailed on drawing Proposed Site Plan Rev. P1 and they shall thereafter be permanently retained and maintained in this condition for the purposes of parking and turning and shall not be set aside for any other purpose.

**Reason:** In the interests of Highway safety.

16 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.

**Reason:** In the interests of Highway safety.

17 Notwithstanding the details submitted and prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to, and approved in writing by the Local Planning Authority. The CMP shall include and specify the provision to be made for site procedures to be adopted during the course of construction, including:

- a. overall strategy for managing environmental impacts which arise;
- b. measures to control the emission of dust and dirt;
- c. control of noise emanating from the site;
- d. designation, layout and design of construction access and egress points;
- e. provision for all site operatives, visitors and construction vehicles loading and unloading plant and material;
- f. provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- g. details of measures to prevent mud and other such material migrating onto the highway from construction vehicles.

The provisions of the CMP shall cause minimum disturbance in the surrounding area. Construction of development shall only proceed in accordance with the CMP and the approved measures shall be retained for the duration of the construction works.

**Reason:** To maintain the amenities of the area in accordance with the NPPF paragraphs 170 and 180.??

18 The development shall include appropriate measures to limit water use at the dwellings hereby permitted to no more than 105 litres / person / day / and external water use of no more than 5 litres / person / day.

**Reason:** In the interests of sustainability and minimising the use of resources.
19 Notwithstanding the submitted details, no development shall commence until details to show the slab levels of the proposed buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the details so approved.

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

20 The two windows in the west elevation of Plot 3, serving a bathroom and an ensuite, shall be fitted with obscure glazing. These windows shall remain obscurely glazed in perpetuity.

**Reason:** In the interests of ensuring the rooms that they serve have adequate privacy and are not overlooked from the land to the west and the property called ‘The Old Masons’.

12 **Informatives**

1 Conditions 4, 5, 7, 8, 9, 10, 11, 17 and 19 require details to be submitted to the Local Planning Authority (LPA) prior to the commencement of the development, as they relate to matters which are necessary to secure ahead of building works commencing.

2 Your attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and the protection afforded to certain species of animals and birds which may be present within the application site. It is an offence to disturb such protected species or their habitats.
APPENDIX 1 – Report to PMC – 20th May 2020

Case Officer Patrick Reid 19/01901/FUL

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<td>9 December 2019</td>
<td>22 April 2020</td>
<td>Lyveden</td>
<td>Twywell</td>
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Applicant Mr Sugars - Blenheim Homes (Bucks) Ltd
Agent Ms Eleonora Rizzo - MatchBox Architects Ltd
Location Land Rear of 57 High Street, Twywell, Northamptonshire
Proposal Demolition of the existing stable and store buildings and construction of three new dwellings and associated landscaping work (resubmission of 19/01119/FUL)

This application is brought before the Planning Management Committee as it has been called in by Ward Councillor Mrs Sylvia Hughes. The reasons stated relate to the question of whether Twywell is suited to new housing, the loss of the garage for no. 57 High Street, the access and loss of privacy to no. 57.

1 Summary of Recommendation

1.1 Recommendation: That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 It is proposed to construct three dwellings on the land in the form of one detached house and a pair of semi-detached houses. The layout of the proposal is that the pair of semi-detached houses is to be located toward the rear of the site and the detached house is to be located centrally, beside the eastern boundary of the site. The houses are to be two storeys in height and will be served by the existing access, albeit altered. An access road will run from the High Street to the west of the proposed detached house, leading to the parking area for the pair of semi-detached houses at the rear.

2.2 The semi-detached houses to the rear are to be in an ‘L’ shaped footprint and will include a varied roof form including a number of ridges and gable ends. The elevations are to be treated differently using a mixture of stone, brick and timber cladding with a slate roof. The design incorporates rooflights and half dormers which add interest to the appearance of the buildings.

2.3 The detached house to the south, plot 3, is proposed to have an approximate ‘T’ shaped footprint with small side projections. The front/south façade is to be flat and to be finished with buff stone with stone quoins adding detail. A centrally located door is shown positioned between matching windows at ground and first floor level. The side elevation beside the driveway is to be mostly plain with a buff stone finish, save for two first floor windows. Internally it will include living accommodation at ground floor level with four bedrooms at first floor level.

2.4 Externally, the development will include the creation of the access drive which will utilise much of the land. Parking spaces are shown to the southern boundary to the north of no.
57, and seven spaces are shown toward plots 1 and 2. Plots 2 and 3 are to have three spaces plus one visitor space each. Plot 1 is to have two spaces plus one visitor space. The Agent has also indicated one of the visitor spaces could be available for no. 57. Aside from access, all three dwellings will be served by outside amenity/garden space. The space toward the front of the site and to the east of the access drive is to remain as grass. To create the access, an existing blockwork garage is to be removed.

3 The Site and Surroundings

3.1 The site is located on the northern side of High Street in Twywell and comprises a roughly ‘s’ shape footprint. It includes land between two detached houses named Woodland Cottage and Shrublands. The majority of the site is located to the rear of no. 57 High Street as it includes an enclosed area of land which extends to the rear/north where fencing delineates the boundary with agricultural land.

3.2 To the rear of the site is an ‘L’ shaped stable (to be demolished) set within the land which is otherwise mostly grass covered. The western boundary is defined by a combination of a stone/brickwork wall, as well as close boarded fencing which separates the site from the adjacent housing. The rear boundary is defined by post and rail fencing, whilst to the east is an area of mature trees. A tarmac driveway leads to the side with grassed land either side.

3.3 The nearby development comprises primarily housing of a mixture of ages and architectural styles. The house to the east is a two-storey detached dwelling finished with painted render. Adjacent the entrance to the site is ‘Woodlands’ which is a detached two-storey dwelling, distinctive in appearance due to its relatively narrow width, which is finished with facing brick. Beside this is a stone built property (no. 57) which sits immediately adjacent the pavement. To the west of the site is a cul-de-sac serving a small number of dwellings off The Homestead including two dwellings set back from the High Street. The site is located within the Twywell Conservation Area.

4 Policy Considerations

4.1 National Policy and Guidance  
National Planning Practice Guidance (NPPG)  

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)  
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 7 - Community Services and Facilities  
Policy 8 - North Northamptonshire Place Shaping Principles  
Policy 9 - Sustainable Buildings  
Policy 11 - The Network of Urban and Rural Areas  
Policy 19 - The Delivery of Green Infrastructure  
Policy 28 - Housing Requirements  
Policy 29 - Distribution of New Homes  
Policy 30 - Housing Mix and Tenure

4.3 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)  
Policy 2 - Windfall Development in Settlements  
Policy 4 - Green Infrastructure
Policy 5 - Transport Network
Policy 6 - Residential Parking Standards

4.4 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)

5 Relevant Planning History

5.1 19/01119/FUL - Demolition of the existing stable and store buildings and construction of four new dwellings and associated landscaping work. Withdrawn – 05.11.2019

6 Consultations and Representations

6.1 Neighbours

Seven representations have been received, all of which are in objection. The following concerns have been raised:

- It is unclear who would be responsible for the landscape areas including that bordering Shrublands
- No provision is made for the storage of large items such as bicycles, prams, garden equipment etc.
- Bin storage beside the High Street is unsightly and could lead to illegal dumping
- The Transport Report indicates that large equestrian and agricultural vehicles have used the site, which is disputed
- Potential loss of the front wall
- Insufficient visibility facing west
- Who will insist that no works take place between March and August as recommended by the Ecological Report
- Who will check that bird boxes are installed
- Lack of information on lighting
- A shared access will impact on the amenity of nearby properties
- The scale of the development is inappropriate for Twywell as it has limited facilities
- If land within the site is not maintained it would harm the amenity of nearby properties
- Timber-clad finishes are not appropriate for the site or Conservation Area
- Plots 1 and 2 are too wide
- Plot 3 would be too tall and the use of quoins would not be in keeping
- Pedestrian visibility is limited
- Land within the blue line should be protected from development in perpetuity

6.2 Twywell Parish Council

Comments received 29.01.20: Object for the following reasons:
- Adverse effect on the local environment and existing trees
- External finishes of the development not in keeping with the village aesthetics
- Loss of privacy to the primary amenity area of neighbouring properties from first
floor windows
- The removal of an existing garage for 57 High Street will remove a parking space for that property to the detriment of highway safety and in conflict with NCC Policy DM9 and the Manual for Streets
- No design for how surface water is to be managed without affecting neighbours, referring to NPPF paragraph 163
- The applicant owns adjacent land
- Effect on nearby Elm, Ash and Birch trees subject of a TPO
- Refuse lorries would park on the road and potentially block it
- The High Street is currently congested
- Insufficient bin storage space
- Hours of works should be controlled for the amenity of neighbouring properties

6.3 **Natural England**

*Comments received 23.12.19: No comments.*

6.4 **Northamptonshire County Council – Local Highway Authority (LHA)**

*Comments received 19.12.19: Comments including that visibility splays are required and details of parking provision for no. 57 and Woodland Cottage would be required.*

*Subsequent comments received 20.01.20 (following discussions with Agent regarding initial comments): Following observations:*  
  - The LHA requires the applicant to demonstrate drainage at the access to stop any excess water from running on to the highway and vice versa;
  - Advise that the proposal should meet waste collection requirements;
  - Whilst the visibility to the West is sub-standard in terms of the requirements of 2m x 43m for an access onto a carriageway with a 30 mph speed limit, we would give due weight to the fact that the access will be improved over the existing form in terms of gradient and pedestrian visibility and in this instance would suggest that the access junction visibility is sufficient as the High Street is straight and visibility improves dramatically using an offset of 1m rather than 2m (an exercise the LHA has carried out) demonstrating edging out of a vehicle.

6.5 **East Northamptonshire Council – Environmental Protection Officer**

*Comments received 14.01.20: Comments were made on a similar application 19/01119/FUL for four dwellings. There are no obvious environmental issues, however, the amenity of existing residential development should be protected by measures controlled by condition.*

6.6 **Northamptonshire County Council – Archaeologist**

*Comments received 19.12.19: The application site is located to the north east of the High Street. It lies within the area of the medieval settlement. The applicant has provided an archaeological assessment which indicates that while there is some potential for the site to contain archaeological remains, these are likely to have been subject to some truncation by more recent activity. Nevertheless there is the potential for remains of archaeological significance to survive on the site. A programme of work is recommended.*

6.7 **East Northamptonshire Council – Waste Manager**
Comments received 08.01.20: Bins should be stored beside the properties and collected near the highway. The area shown for collection appears to be a storage area rather than a collection point. A collection point requires an area of hardstanding beside the highway.

6.8 East Northamptonshire Council – Tree Officer

Comments received 09.01.20: The submitted documents and the proposals set out within the Arboricultural Method Statement (AMS) are acceptable as they should reduce the impact on the adjacent trees to an acceptable level. A condition is required that ensures the recommendations of the AMS be followed in their entirety.

6.9 East Northamptonshire Council - Senior Conservation Officer

No comments received. (Officer comment: verbal support was received during a meeting about the application).

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:

Principle of Development

7.2 Policy 11 of the JCS categorises areas not within the ‘growth towns’ or ‘market towns’ as being in the ‘rural areas’. Part b) allows for small scale infill development provided that it would not materially harm the character of the settlement or residential amenity or that it would not exceed the capacity of local infrastructure and services. Policy 26 sets the housing requirement for the district by 2031 to be 8,400 dwellings and Policy 29 sets the broad basis for housing distribution. The policy reiterates the criteria for proposals for new housing in the villages that they either be small-scale infilling, rural exception schemes or otherwise supported by Part 2 Local Plans or Neighbourhood Plans.

7.3 Twywell is classified as a village and falls within the category of ‘rural housing’, across which Table 5 of the JCS indicates a minimum of 820 dwellings are to be provided in the district by 2031.

7.4 In addition to the JCS, the RNOTP (2011) is relevant and includes a proposal map for Twywell which defines the confines of the village. The application site is within the line that defines the confines of the settlement. Additionally, the character of the site is that it is enclosed from agricultural land beyond and includes a stable building. The context of being adjacent to housing to the west adds further weight to indicate that the site is within the village. Taking account of the physical context of the site and the inclusion of the land within the village in the Twywell Proposal Map from the RNOTP, then it is concluded that the site is within the village and as such, in terms of location, should not be considered against policy 13 of the JCS, and instead represents infilling.

7.5 In regard to JCS Policy 11 and the requirement that development does not materially harm the character of the settlement or residential amenity, these matters are considered under separate heading.

Heritage, Design, Layout and Impact on the Character and Appearance of the Area
7.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.

7.7 The application site is within the Twywell Conservation Area (CA) which covers much of the village. There is not a Conservation Area Appraisal for the area.

7.8 In considering the proposal in respect of its heritage impact, the houses proposed are to be set away from the road in a tandem/linear layout to be positioned back from no. 57. It is notable that in the surroundings, there are dwellings set away from High Street, mostly closely on the adjacent land to the west where there are two dwellings set back from the road including 'Cosy Nook' and 'Rose Cottage' off a cul-de-sac called The Homestead. These dwellings are visible from the application site and comprise two storey houses located a similar distance from the High Street. The properties off The Homestead are also set to the rear of a High Street fronting property. It is considered therefore that in considering the 'principle' in terms of houses being located back from the highway, this is part of the character of the area. The 'sporadic' layout of the development in the area is part and parcel of this part of the village. The proposed layout does not conflict with this.

7.9 The detached house, shown as 'House 03', proposed in the 'middle' of the site will be most visible from the High Street and the most prominent, by virtue of its location. The design incorporates an uncomplicated façade and building form with a flat façade. The appearance of the house shows a buff stone finish to the elevations with stone quoins. Both of these uses of materials are evident nearby as no. 57 is stone built and stone quoins are evident at no. 7.

7.10 The scale of the proposed detached dwelling is considered to be in character with the area which includes a range of property sizes.

7.11 Whilst the addition of the 'House 03 would introduce built form where currently there is none, it is considered that it would be sympathetic to the CA and character of the immediate area. The inclusion of uncomplicated side elevations is evident nearby and the proposal includes this feature.

7.12 Plots 1 and 2 proposed at the rear of the site are of a scale and form that is not dissimilar to those nearby. The incorporation of gable ends and the manner in which the roof is designed is considered to respect the character of design in the surroundings, especially this part of the CA. The use of placing the entrance doors on alternate elevations assists in creating the positive overall character of the building. The lack of a uniform design across the building helps the building assimilate into its edge of village setting.

7.13 The proposed drawings show a variation in materials used for the elevations for plots 1 and 2. The use of a mixture of materials is supported by officers in principle, but it is considered that it would be appropriate for samples of materials to be supplied for consideration, by condition, should the application be permitted. Overall, the design, scale and form of plots 1 and 2 are considered an appropriate response to the site and this part of the CA.
7.14 In other aspects of the proposal, bin storage is shown on the layout plan to the front of the site but it is assumed this means a collection point. Bin storage would need to be nearer the respective dwellings and given the layout, this can be accommodated. A suitable collection point can be made for collection days. Details of these matters can be controlled by condition.

Queries Raised by Representation on Design

7.15 Representations have raised a number of queries (as summarised at paragraph 6.1 of this report), which are addressed as follows:

- Landscaping - The application does not specify who would be responsible for the landscape areas, however recommended condition 11 (landscaping) addresses this satisfactorily.

- Bike/large item storage - Each dwelling is considered to have ample external space where such items could be stored.

- Wall to site frontage - Part of the wall on the right hand side facing the entrance is shown to be removed to improve the visibility splay. The extent of the proposed works is considered by officers to be acceptable.

- Lighting - The proposal does not include external illumination.

Archaeology

7.16 In respect of archaeological considerations, the County Archaeologist has been consulted and recommends that there should be a condition which secures a scheme of investigation. It is considered appropriate that such a condition be applied.

Highway Safety and Parking

7.17 The proposal uses an existing access from the High Street which will be adjusted to serve the three dwellings. The Local Highway Authority (LHA) do not object to the application and note that visibility from the access onto the High Street is acceptable when using a 1m ‘Y’ value, taking account of the nature of the junction.

7.18 The development includes a total of eleven parking spaces. This more than accommodates for three spaces for each dwelling. As plot 1 has three bedrooms, its parking requirement is only two spaces. The proposal therefore provides the required number of parking spaces for each dwelling, in addition to one visitor space for each.

7.19 Concern has been raised in representations that the proposal will result in the loss of the garage for no. 57. This is a small/single garage and the County Council Parking Standards (2016) specify that single garages do not count as parking spaces as they ‘...are often too small and/or are perceived as too inconvenient to make them attractive places for regular day-to-day parking’, and instead they are usually used for storage. Additionally, concern was raised in representations that refuse lorries will park on the road, blocking it.

7.20 The garage to be removed does not have the appearance of regular use and for the reasons set out in the LHA advice, it is not counted as a parking space. Additionally, the proposed development provides eleven parking spaces overall and it may be possible for
occupants of no. 57 to park within the site. The agent has indicated this would be acceptable, if deemed necessary.

7.21 In regard to refuse lorries stopping on the road, this currently occurs and the time taken to collect bins for three additional properties would be minimal and does not present a reasonable basis to resist the development. A further point raised in representations (as summarised at paragraph 6.1) is whether the applicant’s Transport Assessment is correct about previous access of the site by equestrian related vehicles. The application is considered in good faith on the information submitted, however it is not considered that this matter would alter the conclusion that the proposed access is acceptable to serve the development.

7.22 For the reasons set out above and that travel speeds are likely to be low, the proposal will be acceptable in highways safety terms, subject to the use of the recommended conditions set out below.

Residential Amenity

7.23 Plots 1 and 2 are designed so they will not adversely affect each others privacy. Additionally they will not affect the privacy or outlook of the properties to the west off The Homestead.

7.24 Concern has been raised that Plot 3 (the detached house) would adversely affect the privacy of no. 57. The distance from wall to wall between the houses is around 23m. There is a change in levels across the site meaning Plot 3 will be on higher land. In considering the relationship, it is necessary to note that no. 57 does not have first floor windows. Its garden is at a relatively low level and the boundary treatment between the site and no. 57 would provide some screening of this area. Considering the separation distance of over 23m and that there will be a boundary treatment to be agreed, this relationship is considered acceptable.

7.25 The separation to Woodlands Cottage from Plot 3 is 17.5m and the properties are offset from each other. The centre of the bedroom window of Plot 3 is around 1.45m from the of the edge the house, meaning the windows would be offset by around 5m at a diagonal distance of around 18.5m. The closest window of Woodlands Cottage is obscured and likely to serve a bathroom. The relationship between the two properties is considered acceptable.

7.26 In respect of traffic accessing the three properties and its impact on the nearby properties, the number of movements would be few and the slow speeds would help ensure there would be no significant adverse impacts on the amenities of the properties.

7.27 In regard to The Old Masons, the western elevation of Plot 3 would only contain two bathroom windows. As such there are no concerns in respect of privacy between the two properties. Overall, the houses are considered to have an acceptable relationship in respect of outlook and other private amenity due to their design and scale. To ensure the bathroom and en-suite that the windows serve, it is considered appropriate that the windows be obscurely glazed which can be controlled by condition.

Flood Risk and Drainage

7.28 In respect of drainage, the site lies within Flood Zone 1 which is the category least likely to flood. It is on raised land and it can be conditioned to ensure that any surface water is controlled within the site. This will also satisfy any concerns that the development would adversely affect water run-off onto the highway.
Ecology

7.29 An ecological survey was submitted with the application which assessed the site's ecological significance and the impact of the development. The survey found no evidence of badgers, bats or amphibians on the site. The removal of the garage and stables presents no tangible loss of species habitat.

7.30 The report includes recommendations for bird/bat boxes to be included in the development, along with soft landscaping of native species. It is considered an appropriate condition to this effect would be acceptable. Whilst concern has been raised that it is unclear who would check bird boxes are installed, this situation would be the same as for all relevant developments approved under planning permission. If the development were to be approved and not undertaken in line with the permission then there is the potential for enforcement action.

7.31 Representations have queried who will ensure that no works take place between March and August as recommended by the Ecological Report. The developer will need to ensure compliance with legislation which protects wildlife. This is separate to planning legislation and an informative note is recommended to draw the applicant's attention to this matter.

Trees

7.32 The application is accompanied by a Tree Survey, as to the east of the site, are a number of trees located within the village CA. The works proposed only result in the loss of one small pear tree. The report specifies recommendations for undertaking the works to ensure the health of the adjacent trees is unaffected. It is considered appropriate that the application be conditioned to ensure the works comply with the recommendations. The comments from the Council’s Tree Officer confirm this position.

7.33 Whilst the Parish Council have commented referring to TPO trees, none of the trees adjacent the site are subject of a TPO. They are however within the CA and therefore benefit from protection through this designation.

National Space Standards and Housing Mix

7.34 Policy 30 of the JCS requires that new dwellings meet the required National Space Standards. The space proposed in the houses overall, and the space for the individual bedrooms exceeds the minimum requirements. The dwelling also contains a three bedroom dwelling which is classified as a 'smaller household'. Part a) of Policy 30 supports the provision of smaller households. As a small scale development such as this, it would be unreasonable to exert further control on the number of bedrooms contained within the houses.

Sustainable Buildings

7.35 Policy 9 of the JCS seeks to ensure that new developments incorporate measures for resource and energy efficiency. For new dwellings, this should include measures to limit water use to no more than 105 litres per person per day. It is considered appropriate that a condition be applied to secure this.
8 Other Matters

8.1 **Equality Act 2010:** It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9 Conclusion / Planning Balance

9.1 The development of three houses is acceptable in principle as the site is within Twywell as confirmed in the RNOTP plan for the village. The design and layout of the site is considered to be a logical treatment which respects the character of the Conservation Area and reflects the layout in The Homestead. The scheme is acceptable in heritage terms and will contribute to the vitality of the village, reflecting the social benefits set out in the NPPF. It is also considered acceptable in terms of highways, tree and ecological considerations. The design of the scheme allows for the proposed dwellings to benefit from appropriate levels of private amenity whilst not having an unacceptable impact of that of existing properties.

9.2 The development will provide the benefits of providing three houses whilst ensuring no unacceptable adverse impacts. The proposal accords with the development plan and as such is supported.

10 Recommendation

10.1 **Recommendation:** That planning permission be GRANTED subject to conditions.

11 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan ref. Site Location Plan Rev. P2
- Proposed Site Plan Rev. P1
- Proposed Ground Floor, First Floor & Roof Plans. House Type C Rev. P2
- Proposed Roof Plan House Type A-B Rev. P2
- Proposed Ground Floor Houses Type A-B Rev. P2
- Proposed Elevations Houses Type A-B Rev. P1
- Proposed Elevations House Type C Rev. P1
- Proposed Ground Floor, First Floor & Roof Plans House Type C Rev. P2

**Reason:** To assist in defining the terms of the planning permission.

3 The development hereby permitted shall be undertaken in accordance with the ‘Tree Protection during Development-Method Statement’ contained within the Tree Survey and Report dated 27 November 2019.

**Reason:** In the interests of ensuring an appropriate impact on trees.

4 No development shall take place until the applicant has secured the implementation
of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(iv) fieldwork in accordance with the agreed written scheme of investigation;

(v) post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);

(vi) completion of post-excavation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

5 Prior to commencement of development, details of the means to manage surface water shall be submitted to and approved in writing by the Local Planning Authority. The details should seek to control water within the site and not discharge water onto the adjacent highway or land. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwelling hereby permitted and shall thereafter be maintained and retained in perpetuity.

**Reason:** In the interests of securing appropriate drainage.

6 Prior to the first occupation of any of the dwellings hereby approved, the access shall be constructed in line with the details set out on ‘Proposed Site Plan ref. P1’. Thereafter, the access shall be permanently maintained and retained in this condition.

**Reason:** In the interests of the dwellings having appropriate access.

7 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the ecological measures to be included in the development. The measures shall reflect the recommendations contained within the Ecological Survey which accompanies the application, dated 27 November 2019, and shall include bird/bat boxes. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwelling hereby approved. The bird / bat boxes shall thereafter be retained and maintained in perpetuity. Any boxes that become damaged or removed shall be replaced.

**Reason:** In the interests of securing appropriate ecological enhancements of the site.

8 Prior to the commencement of development and notwithstanding the materials shown on the Proposed Elevations Plans, details shall be submitted to and
approved in writing by the Local Planning Authority of the materials to be used for the external treatment of the dwellings. These details shall include the walls and roof materials. The development shall then be undertaken in accordance with these details.

**Reason:** In the interests of the amenity of the Conservation Area.

9 Prior to the commencement of the development hereby permitted, details (including the materials and the colour/finish) of all doors and windows (which shall be of timber) 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.

**Reason:** In the interests of preserving the character and the significance of the Conservation Area.

10 Prior to the commencement of the development hereby permitted, details of the location, height, design and materials of all boundary screening shall be submitted to and approved in writing by the local planning authority, and all such works shall be erected concurrently with the erection of the development hereby permitted and retained in perpetuity.

**Reason:** To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area.

11 Prior to the commencement of development, full details of both hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Subsequently, the landscaping shall be carried out (and thereafter maintained) in accordance with the agreed details. The landscaping details to be submitted shall include:
   a) hard surfacing, other hard landscape features and materials;
   b) planting plans, including specifications of species, sizes, planting centres number and percentage mix;
   c) arrangements for maintenance of the landscaping (excluding the private gardens of the individual dwellings).

**Reason:** The landscaping of this site is required in order to protect and enhance the existing visual character of the area.

12 All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

**Reason:** To ensure a reasonably satisfactory standard of development, which is not detrimental to the visual amenity of the area.

13 No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary 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.
Reason: To ensure the protection of the local amenity throughout construction works.

14 There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

15 Prior to the occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority of the location of the storage and collection of waste for the three dwellings hereby permitted. The details shall include materials of any hard surfacing and the design and materials of any structure(s). The development shall be undertaken in accordance with these details prior to the occupation of the relevant dwellings and the facilities once provided shall be retained/maintained in perpetuity.

Reason: In the interests of securing appropriate waste arrangements.

16 Prior to the first occupation of any of the residential units, the parking and turning areas shall be laid out as detailed on drawing Proposed Site Plan Rev. P1 and they shall thereafter be permanently retained and maintained in this condition for the purposes of parking and turning and shall not be set aside for any other purpose.

Reason: In the interests of Highway safety.

17 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.

Reason: In the interests of Highway safety.

18 Notwithstanding the details submitted and prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to, and approved in writing by the Local Planning Authority. The CMP shall include and specify the provision to be made for site procedures to be adopted during the course of construction, including:

h. overall strategy for managing environmental impacts which arise;

i. measures to control the emission of dust and dirt;

j. control of noise emanating from the site;

k. designation, layout and design of construction access and egress points;

l. provision for all site operatives, visitors and construction vehicles loading and unloading plant and material;

m. provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;

n. details of measures to prevent mud and other such material migrating onto the highway from construction vehicles.

The provisions of the CMP shall cause minimum disturbance in the surrounding area. Construction of development shall only proceed in accordance with the CMP and the approved measures shall be retained for the duration of the construction works.

Reason: To maintain the amenities of the area in accordance with the NPPF.
19 The development shall include appropriate measures to limit water use at the dwellings hereby permitted to no more than 105 litres / person / day / and external water use of no more than 5 litres / person / day.

Reason: In the interests of sustainability and minimising the use of resources.

20 Notwithstanding the submitted details, no development shall commence until details to show the slab levels of the proposed buildings in relation to the existing and proposed levels of the site and the surrounding land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the details so approved.

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

21 The two windows in the west elevation of Plot 3, serving a bathroom and an en-suite, shall be fitted with obscure glazing. These windows shall remain obscurely glazed in perpetuity.

Reason: In the interests of ensuring the rooms that they serve have adequate privacy and are not overlooked from the land to the west and the property called 'The Old Masons'.

12 Informatives

1 Conditions 4, 5, 7, 8, 9, 10, 11, 18 and 20 require details to be submitted to the Local Planning Authority (LPA) prior to the commencement of the development, as they relate to matters which are necessary to secure ahead of building works commencing.

2 Your attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and the protection afforded to certain species of animals and birds which may be present within the application site. It is an offence to disturb such protected species or their habitats.
All plans and documents can be viewed using the link [here](#) using the Case Ref. No.

<table>
<thead>
<tr>
<th>Case Ref. No. and Page No.</th>
<th>Location</th>
<th>Updates</th>
<th>Officers Rec.</th>
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</thead>
<tbody>
<tr>
<td>19/01569/FUL Page 2</td>
<td>105 High Street, Rushden, Northamptonshire</td>
<td><em>Additional comments received from Agent on 03.07.20, summarised:</em></td>
<td>GRANT</td>
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<td></td>
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<td>‘Although this is in private ownership other than the applicant, the applicant still has right of way over it as a frontager, like all the other frontagers - and indeed all members of the public, in the absence of:</td>
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<td>(a) any evidence the road has been closed (or access charged for) ever, let alone at least one day per year, and</td>
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<td>(b) any 'Rights of Way Act' signs or notices anywhere along it stating that there is no intention to allow public right of way.</td>
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<td>It would be very surprising if the owner, whoever that is, had the right to install a lockable barrier without providing keys to all frontagers, including the applicant. In the absence of any expert legal opinion to the contrary, it seems clear that West Street has been freely used for access by all concerned 'since time immemorial' as the legally significant phrase goes, without apparently any action or attempt ever to restrict access, so there can be no lawful means to restrict or deny access including the right for vehicles to pass along West Street between this application site and the public highway at the High Street.’</td>
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<td>Consultation response received:</td>
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<td><em>Northamptonshire Fire Protection Officer (comments received 07.07.20):</em></td>
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</tbody>
</table>
There should be vehicle access for a pump appliance to small buildings (those of up to 2000m2 with a top storey up to 11m above ground level) to either:
- 15% of the perimeter; or
- Within 45m of every point on the projected plan area of the building; whichever is the less onerous.

*East Northamptonshire Council Waste Management Officer (comments received 06.07.20):*

- The plan shows no waste storage area – either for the household waste or for the restaurant. To provide an alternating refuse/recycling collection would require up to four eurobin sized waste containers plus containment for the restaurant. How would these be kept separate?
- If the waste is to be collected from the side of the premises where would it be presented? It would not be practicable for the waste from eight flats to be presented on the high street.
- The domestic bins must also be stored in a secure/locked compound to prevent abuse by non-residents.
- Given the number of flats I would envisage this as being a communal eurobin collection rather than individual pairs of standard refuse/recycling bins. Could you clarify the actual space they have allocated as it looks inadequate to me.

I am concerned about the distance the domestic bins will need to be dragged to the kerbside for collection by our contractor. These may need to be presented at kerbside for collection. It does not look as is if a vehicle will be able to access the bin storage location shown. Could the developer provide a swept path analysis for this please.

The previous commercial occupiers (Fate nightclub) of the premises had eurobin(s) for the commercial waste. ENC did not provide a household waste collection (to the occupier of the managers flat) as this was placed in the commercial bin.

*Late representation received from Cllr Dorothy Maxwell (Spencer Ward) (comments received 06.07.20):*

A copy of the representation is appended. The Officer response to the letter is below:
- The living space for each flat meets or exceeds the minimum space set out in the National Space Standards
- Parking spaces are provided to the rear and this matter is addressed in the report
- It is unclear why it is suggested that people would not be able to use nearby shops. The development would not affect the use of nearby shops
- The access proposes a one-way system and the letter appears to have not noted this
- The application site has been visited on several occasions by the Officer since the application was submitted in December 2019. The letter is incorrect to suggest it has only been ‘virtually visited’
• Residential development is supported by the Neighbourhood Plan at first and upper floor levels in the Town Centre by Policy R3. This matter is addressed in the report.

• The proposal is considered to provide valuable economic benefits to the High Street, reusing an unused building which is in need of developing for it to contribute to the High Street. The comments appear to misunderstand the effects of the proposal in this respect.

Following comments being received relating to potential intended development of adjacent site, email correspondence was received from Greg Macdonald, Head of Economic and Commercial Development at East Northamptonshire Council. The comments received are summarised below:

• The current plan is to demolish the current building (no. 103) Street and create a thoroughfare and public space to link through to Eaton Walk – no detailed plan yet. Expected that any potential plans may progress under the future unitary authority.

• There are no plans or resources to pursue this this year beyond the demolition of no. 103

• Cllr Jenney had been in contact about whether a crash barrier would need to be attached to the wall running alongside the exit route

Officer Comments:

• The comments from the ENC Waste Manager indicate the requirements for separate waste storage for the commercial and residential aspects of the development. Space in the rear yard would need to be used and a satisfactory plan has not been received. However, it is reasonable to consider that there is insufficient space available. If space is required to be created through the loss of one parking space for staff then this would be possible.

• The comments of the Head of Economic and Commercial Development indicate plans are at an early stage and as such do not affect the consideration of this application.

• Matters of the structural integrity of the wall to the rear of the site are not a material planning consideration.

• Land ownership is not a material planning consideration

• The comments from the County Fire Service do not affect the recommendation.

Comments received from Crime Prevention Design Advisor - Northamptonshire Police on 22.07.20:

I make the following observations with regards the rear exit road leading to West Street. If as my initial response recommends the external areas are illuminated, ‘A Lighting scheme is required for all external/car parking areas. Illumination can be low in terms of lux but it is important to make sure that uniformity is around 40% avoiding any dark areas where persons could conceal themselves or increase the fear of crime’, I am of the opinion that the access road will be a safe area for vehicular movements into West street. The clearing/cleaning up of shrubbery along the route to West Street together with adequate
lighting will open up the area and make the existing rear of properties less vulnerable to crime by making the area more visible to the adjacent car park to the west of the proposed development and also increase the chance of detection of any offenders with the increase of passive surveillance from the residents/visitors of the proposed development as they exit the site.

Officer comment:

The comments confirm the increase in activity to the rear of the site will be an improvement to the security of the site. Lighting of the car park and access can be furtherly beneficial. Additional recommended condition:

‘Prior to occupation of the development hereby permitted, details of external lighting of the car park and access shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position of light fittings, illumination level and whether they are time controlled or motion sensor controlled.

Reason: In the interests of providing improved visibility for the access and additional security of the car park.’

Three late representation received 22.07.20 from representee (one of whom has previously commented). Comments summarised below:

- Concern that owners of businesses on West Street were not consulted (Officer comment: statutory consultations do not require this)
- Question of whether the applicant has the right to use West Street. (Officer comment: this has been requested and the applicant has provided confirmation they have right of access)
- Delivery vehicles would not be able to use the access (Officer comment: deliveries would not use this route)
- Question of what would happen to the exit route and who owns it (Officer comment: land ownership not a material planning consideration, but nevertheless the applicant has confirmed the site is in their ownership)
- Deliveries to the front of a nearby shop occur at the front (High Street) and could potentially take place at the rear (Officer comment: the proposed works to do affect deliveries to the front. If adjacent properties were to use the land to the rear, that would require the laying of a tarmac access track would improve this.)

Late representation received 23.07.20: Comments summarised below:
The development is welcomed as currently there are rough sleepers and anti-social behaviour within the damaged building.

Question of the ownership of the rear access being ‘no-man’s land’ (Officer comment: land ownership is not a material planning consideration).

West Street is a private un-adopted road and barriers could be installed (Officer comment: addressed in the report).

Fire exits of adjacent properties rely on the proposed access.

**Officer response:**

Matters of land ownership are not material planning considerations. Additionally, the applicant has provided details and confirmation that the site is in their ownership and the correct certificate was completed.

In respect of fire exits of property abutting the proposed exit, it is considered the proposal does not hinder this. Exiting onto a tarmac track would be preferable to an overgrown area which is difficult to walk along.

The matter of West Street is already addressed in the report. In regard to a possible barrier, then motorists exiting would have to use the same method to open the barrier as the existing users of West Street. The applicant has confirmed as an adjoining property to West Street, they have right of access, the same as other properties located off it. Any potential barrier that would open, for instance by electronic control by button, would apply to all users of the street.

19/01935/FUL

Page 20

28 College Street, Irthlingborough, Northamptonshire

**Updates**

Late representation letter received 08.07.20 from Cllr Dorothy Maxwell (Spencer Ward) included separately. Officer response to the comments contained within the letter:

- The majority of the comments made are addressed within the Committee Report
- Queries in relation to another site are not relevant to this application. Nevertheless, the three bungalows off Nursery Gardens have planning permission which is cited in the Committee Report
- The letter incorrectly comments that the Town Council raised concern about overlooking, which their comments do not indicate
- The site has been visited by Officers on several occasions

**Late representation received 21.07.20:** Comments in objection, and matters not previously listed are
summarised below:

- Concern the proposed house will appear to small and not suited to the area
- The bay window appears too small
- A replication of the existing dwelling frontage would be preferable

Officer Response:

The design and scale of the dwelling is considered in the report and is considered acceptable by the Council’s Senior Conservation Officer.

Additional Officer comment on bin collection:

Bin collection for the three properties that share the access is off Nursery Gardens currently. The proposal is to also have bin collection in the same location.

19/00709/FUL

Kingswood House, Hollington Road, Raunds, Wellingborough, Northamptonshire

Updates

Occupancy / Refuse queries

During the virtual site visit, queries were raised about occupancy levels in the care home, and proposed refuse collection arrangement. These have been queried with the applicant who advises that:

On occupancy, total capacity is 26 residents, but:

- 3 of these are double rooms but are used as singles (as no one likes sharing); and
- 3 single rooms are upstairs and it has been at least 3 years since anyone used them with the exception of occasional ambulant respite residents.

Occupancy fluctuates throughout the year but usually averages 18 (69.2%) to 19 (73.1%) residents.

On refuse collection the applicant expresses a preference for communal bins near the entrance.

Officer comment:

On occupancy, only being able to operate at ¾ of capacity adds further weight to the recommendation to approve.
On refuse collection, communal bins is considered to be preferable and condition 12 can be reworded as follows (new wording bold and underlined for emphasis):

Prior to first occupation of the first new property:

I. Full details of the cycle parking area must have been submitted to, and approved in writing by the Local Planning Authority; and
II. Full details of marking and surfacing for the shared site access and car parking and turning areas must have been submitted to, and approved in writing by the Local Planning Authority; and
III. Full details of lighting to the shared external areas of the site must have been submitted to, and approved in writing by the Local Planning Authority; and
IV. Full details of the communal waste / recycling collection area – incorporating measures to prevent vehicles blocking the pedestrian / bin route to the highway – must have been submitted to, and approved in writing by the Local Planning Authority;

The development shall be constructed in accordance with the approved details before first occupation of the first new property. Waste / recycling collection is to be communal.

All lighting, footpaths, waste collection, parking and turning areas shall be retained for these purposes in perpetuity and no surface water shall drain onto the public highway.

Reason: In the interests of residential amenity, crime prevention and highway safety.

Section 106 – Affordable Housing

As it may prove difficult to convince an affordable housing provider to take on just one property (given their general preference is to have a cluster of properties to manage), it is recommended that flexibility is included on this matter in the S106, with a fallback position of providing an off-site contribution in lieu of on-site provision if an affordable housing provider cannot be found.

19/01901/FUL

Land Rear Of 57 High Street, Twywell, Northamptonshire

No updates.

Late comments from Twywell Parish Council received on 23.07.20:
Comments made raising concern at the access proposed reiterating the previous concern.

**Response from the Local Highway Authority received 23.07.20:**

“I can confirm from the LHA’s perspective there isn't an unacceptable impact on highway safety and the comments do not change our previous responses on this application.”

**Officer response:**

Very late comments were received from the Parish Council. Clarification was sought on the LHA’s consideration of the NPPF paragraph 109 and their response is included. The comments received from the LHA confirm that the proposal will not have an unacceptable impact on highway safety. The amended access is shown to represent a significant improvement to that considered at the previous committee and the recommendation remains unaffected.