

## **Planning Committee**

**Wednesday 8 November 2017 at 7pm**

**Council Chamber, Swanspool House, Doddington Road,  
Wellingborough, Northamptonshire, NN8 1BP**

1. Apologies for absence.
- I 2. Declarations of interest (completed forms to be handed to the committee clerk).
- I 3. Confirmation of the minutes of the meeting held on 4 October 2017.
- I 4. Tree Preservation Orders:
  - (a) Land between 23 and 24 Blaydon Walk, Wellingborough;
  - (b) Land adjacent to 57 Roche Way, Wellingborough.
- I 5. Applications for planning permission, listed building consent, building regulation approval and appeal information.\*
- I 6. Planning appeal decision letter:
  - (a) Former Fox and Hounds Public House car park area, 32 Gold Street, Wellingborough (and costs letter).
7. Any other items that the chairman decides are urgent.

The reports on this agenda include summaries of representations that have been received in response to consultation under the Planning Acts and in accordance with the provisions in the Town and Country Planning (Development Management Procedure) Order 2015. Full transcripts and copies of the disclosable representations can be obtained from the Council's website:  
<http://www.wellingborough.gov.uk/viewplanningapplications>.

Site viewing group for 7 November will be Councillors Morrall, Ward, Scarborough and G Lawman

**Liz Elliott**  
**Managing Director**

Date issued: 31 October 2017.

I Enclosed.



If you wish to address the committee on an agenda item you can register by:

- completing the form on the council's website at [www.wellingborough.gov.uk/speakersform](http://www.wellingborough.gov.uk/speakersform) and return to Fiona Hubbard; or
- completing the appropriate form which is available at reception desks or downloading here [http://www.wellingborough.gov.uk/downloads/file/4699/addressing\\_meetings](http://www.wellingborough.gov.uk/downloads/file/4699/addressing_meetings)
- contacting Fiona Hubbard as detailed above.

**Membership:** Councillor Morrall (Chairman), Councillor Ward (Vice Chairman), Councillors Aslam, Graves, Hallam, G Lawman, Lloyd, Maguire, Scarborough, Stevenson and York (11).

**DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

When the Chairman calls for declarations of interest in matters to be considered at the meeting you must declare orally:

- any relevant 'Registrable Interest' that is **not** in the register of interests,
- any relevant 'Other Interest'.

**Registrable interests in the register of interests do not need to be declared orally to the meeting.**

Members are reminded that if they have a registrable Interest that is a disclosable pecuniary interest in any matter to be considered at the meeting they cannot participate, or participate further, in any discussion of the matter at the meeting; or participate in any vote, or further vote, taken on the matter at the meeting unless they have first obtained a dispensation from the Monitoring Officer in advance of the meeting.

An extract from the Code of Conduct relating to declarations of interest is printed on the reverse of this form.

**Please write down your interests in the table below. If you have no registrable interests to declare, please state 'none' on the form. You are still required to declare your interest orally at the meeting.**

<b>Councillor name:</b>			
<b>Committee/date/ minute number</b>	<b>Title</b>	<b>Type of interest (please tick)</b>	<b>Reason for interest</b>
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
		<input type="checkbox"/> Registrable <input type="checkbox"/> DPI <input type="checkbox"/> Other	
<b>Please place this completed declaration form in the basket (on the table next to the exit) at the end of the meeting to ensure your declaration is recorded accurately.</b>			

## Part 2 – Interests

### 4 Registerable Interests

- 4.1 You must within 28 days of this Code being adopted by or applied to the authority; or your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your interests within the following categories, for inclusion in the authority's register of interests:
- 4.1.1 any disclosable pecuniary interests you are required to disclose. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State (see Appendix A) and either:
- (a) it is an interest of yours, or
  - (b) it is an interest of:
    - (i) your spouse or civil partner;
    - (ii) a person with whom you are living as husband and wife, or
    - (iii) a person with whom you are living as if you were civil partners
 and you are aware that that other person has the interest.
- 4.1.2 details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority
- 4.1.3 details of any body exercising functions of a public nature, any body directed to charitable purposes or any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are:
- (a) a member, or
  - (b) in a position of general control or management;
- 4.2 You are expected to ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests and other registerable interests.
- 4.3 You may inform the Monitoring Officer if you consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation. If the Monitoring Officer agrees with your view, the interest is treated as a "sensitive interest" for the purposes of the Code
- 4.4 If a sensitive interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest (but may state you have an interest the details of which are withheld).

### 5 Disclosure of Interests and Participation at Meetings

- 5.1 If you attend a meeting and
- 5.1.1 have and are or become aware, or should reasonably be aware, that you have an interest of the type described in paragraph 4.1 above in any matter to be considered, or being considered, at that meeting, and
- 5.1.2 the interest is not entered in the authority's register of members' interests,
- you should (and must if the interest is a disclosable pecuniary interest) disclose to the meeting the fact that you have an interest in that matter and the nature of that interest, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 5.2 Where your interest is a "sensitive interest" for the purposes of the Code, you need not disclose the details of the sensitive interest to the meeting, but merely the fact that you have an interest in the matter concerned.
- 5.3 If you have and are aware or become aware, or should reasonably be aware, that you have
- 5.3.1 a disclosable pecuniary interest in any matter to be considered, or being considered, at a meeting, or
- 5.3.2 any other registerable interest in any matter to be considered, or being considered, at a meeting, and
- (a) the matter to be considered, or being considered, at that meeting:
    - (i) affects your financial position or the financial position of a person or body through whom the interest arises ;or
    - (ii) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises, **and**
  - (b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest<sup>1</sup>,
- you should not, and must not if the interest is a disclosable pecuniary interest,:
- 5.3.3 participate, or participate further, in any discussion of the matter at the meeting other than to the extent permitted by the authority's Procedure Rules in respect of registerable interests other than disclosable pecuniary interests<sup>2</sup>; or
- 5.3.4 participate in any vote, or further vote, taken on the matter at the meeting
- unless you have first obtained a dispensation from the Monitoring Officer in advance of the meeting.
- In addition, if the authority's Procedure Rules require you to leave the room where the meeting is held while any discussion or voting on the matter takes place, you must do so.
- 5.4 "Meeting" means any meeting organised by or on behalf of the authority, including:
- 5.4.1 any meeting of the authority, or a committee or sub-committee of the authority (including joint committees and joint sub-committees)
  - 5.4.2 meetings of working parties
  - 5.4.3 any briefing by officers (e.g. to political groups or lead advisers); and
  - 5.4.4 any site visit to do with business of the authority
- 5.5 If you seek to discuss with an officer a matter that, if it were to be considered at a meeting of the authority, you would not be able to participate in the discussion of, or voting on, by virtue of the matter relating to a registerable interest of yours, you are expected to inform the officer of that interest in advance of any discussion and accept that the officer has discretion as to whether or not to discuss the matter with you; save that he or she cannot treat you less favourably than he or she would treat a member of the public wishing to discuss a matter of the same type.

### 6 Other Interests

- 6.1 In addition to the requirements of Paragraph 5, where you have an interest described in paragraph 6.3 below in any business of the authority, and
- 6.1.1 where you are aware or ought reasonably to be aware of the existence of that interest, and
- 6.1.2 you attend a meeting of the authority at which the business is considered,
- you are expected to disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 6.2 Where your interest is a "sensitive interest" for the purposes of this Code, you need not disclose the details of the sensitive interest to the meeting, but merely the fact that you have an interest in the matter concerned.
- 6.3 You have an interest for the purposes of paragraph 6.1 of this Code where:
- 6.3.1 a decision in relation to that matter might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person or body with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

<sup>1</sup> A registerable interest that satisfies the tests in paragraphs 5.3.2 (a) and (b) shall be known as a prejudicial interest for the purpose of declarations of interest at a meeting.

<sup>2</sup> These rules are to the effect that if the matter is one on which an ordinary member of the public would be allowed to address the meeting you are provided with the same opportunity. If an ordinary member of the public is not allowed to speak on the matter, you cannot do so.

- 6.3.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association and you are aware that that other person has the interest and that interest is not a disclosable pecuniary interest or any interest you should register in accordance with paragraph 4 of this Code.
- 6.4 If the matter to be considered, or being considered, at that meeting:
- 6.4.1 affects your financial position or the financial position of a person or body through whom the interest arises ;or
- 6.4.2 relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises, **and**
- 6.4.3 the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest<sup>3</sup>,  
you should not:
- 6.4.4 participate, or participate further, in any discussion of the matter at the meeting other than to the extent permitted by the authority's Procedure Rules for such interests<sup>4</sup>; or
- 6.4.5 participate in any vote, or further vote, taken on the matter at the meeting  
unless you have first obtained a dispensation from the Monitoring Officer in advance of the meeting.  
In addition, if the authority's Procedure Rules require you to leave the room where the meeting is held while any discussion or voting on the matter takes place, you must do so.
- 6.5 If you seek to discuss with an officer a matter that, if it were to be considered at a meeting of the authority, you would not be able to participate in the discussion of, or voting on, by virtue of the matter relating to an interest of yours of the type described in paragraph 6.3, you are expected to inform the officer of that interest in advance of any discussion and accept that the officer has discretion as to whether or not to discuss the matter with you; save that he or she cannot treat you less favourably than he or she would treat a member of the public wishing to discuss a matter of the same type.

## Appendix A

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest (DPI) are set out in Chapter 7 of the Localism Act 2011. Breaches of the rules relating to DPIs may lead to criminal sanctions being imposed.

Chapter 7 of the Localism Act 2011 provides that a pecuniary interest is a "disclosable pecuniary interest" in relation to a member (M), if it is of a description specified in regulations made by the Secretary of State and either:

- (a) it is an interest of M's, or
- (b) it is an interest of:
  - (i) M's spouse or civil partner,
  - (ii) a person with whom M is living as husband and wife, or
  - (iii) a person with whom M is living as if they were civil partners,

and M is aware that that other person has the interest.

DPIs are defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI No. 1464) as follows:

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose:

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

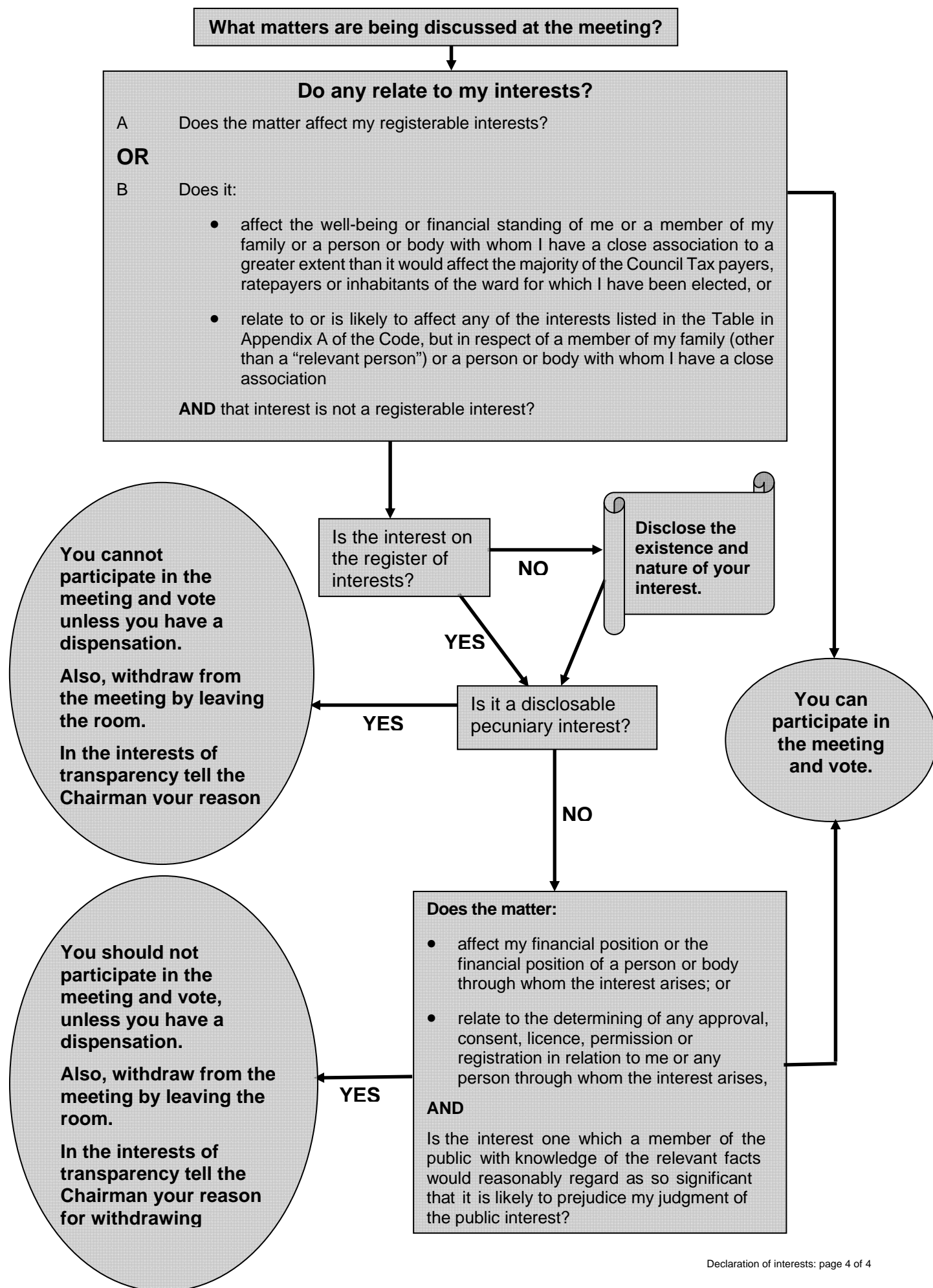
"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband and wife, or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

<sup>3</sup> An *other interest* that satisfies the tests in paragraphs 6.4.1 to 6.4.3 shall also be known as a prejudicial interest for the purpose of declarations of interest at a meeting.

<sup>4</sup> These rules are to the effect that if the matter is one on which an ordinary member of the public would be allowed to address the meeting you are provided with the same opportunity. If an ordinary member of the public is not allowed to speak on the matter, you cannot do so.

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



**BOROUGH COUNCIL OF WELLINGBOROUGH (LAND BETWEEN 23 AND 24  
BLAYDON WALK WELLINGBOROUGH) TREE PRESERVATION ORDER 2017**

**1 Purpose of report**

The purpose of the report is to consider the objections which have been made to the Borough Council of Wellingborough (Land between 23 and 24 Blaydon Walk Wellingborough) Tree Preservation Order (TPO) 2017 and to decide whether or not the TPO should be confirmed.

**2 Executive summary**

- 2.1 The maple tree was made the subject of a tree preservation order to underline the fact that it is a tree growing on highway land which is considered to be of outstanding visual amenity value

**Appendices**

Appendix 1 - Site plan  
Appendix 2 - Photograph

**3 Proposed action:**

- 3.1 **The Committee is invited to RESOLVE that the Tree Preservation Order (TPO) for one maple tree on highway land between 23 and 24 Blaydon Walk should be confirmed.**

**4 Background**

- 5.1 The resident adjacent to the green link called Blaydon Walk, where the tree is growing has objected to the fact that the tree shades the front of the property. Wellingborough Norse have the responsibility of maintaining this as one of the highway trees in the town and core area. Wellingborough Norse have crown lifted the tree which has significantly improved the situation, but not to the satisfaction of the resident who wants Northamptonshire County Council (NCC) to sanction its removal.
- 5.2 A TPO was made because of concern that NCC might bow to the pressure for it to be removed and because in common law it could be cut back to the boundary of the property.

## **6 Discussion**

- 6.1 Highway trees are by definition of high visual amenity value if they are in good condition as is the case with the maple tree in question. It is considered that the tree is an important element of Westminster Road and the greenspace associated with the right of way named Blaydon Walk.
- 6.2 Highway trees are generally not considered to be under threat because they are maintained by the local council, in this case by Wellingborough Norse on behalf of NCC, but it has been known for action to be taken by residents.
- 6.3 The tree is on the west side of the property and the canopy extends over the front garden boundary although Wellingborough Norse have fairly recently reduced it away from the building. It is over 7 metres from the front porch of the house. If there was no TPO the resident would be able to cut the tree back to the boundary to its detriment. The tree does cast shade over the front of the building especially when the sun moves over to the west but the sky is visible from the ground floor of the adjacent house beneath the raised canopy.
- 6.4 There is no evidence that the tree is affecting the structure of the property, and if there was any evidence this would be submitted to Northamptonshire County Council and dealt with in the usual way.
- 6.5 The complaint of honeydew sometimes associated with this species of tree is not considered to be a legitimate argument for removing trees and needs to be balanced with the many environmental benefits which trees provide.

## **7 Legal powers**

Section 198 of the Town and Country Planning Act 1990.

## **8 Financial and value for money implications**

None.

## **9 Risk analysis**

<b>Nature of risk</b>	<b>Consequences if realised</b>	<b>Likelihood of occurrence</b>	<b>Control measures</b>
That the tree might be damaged or removed.	There will be a loss of amenity value.	High	The TPO can be confirmed.

## **10 Implications for resources**

If the TPO is confirmed any applications for work to the tree in the future will have to be dealt with.

## **11 Implications for stronger and safer communities**



None.

**12 Implications for equalities**

This has been considered and there do not appear to be any implications.

**13 Author and contact officer**

Felicity Webber, Landscape Officer.

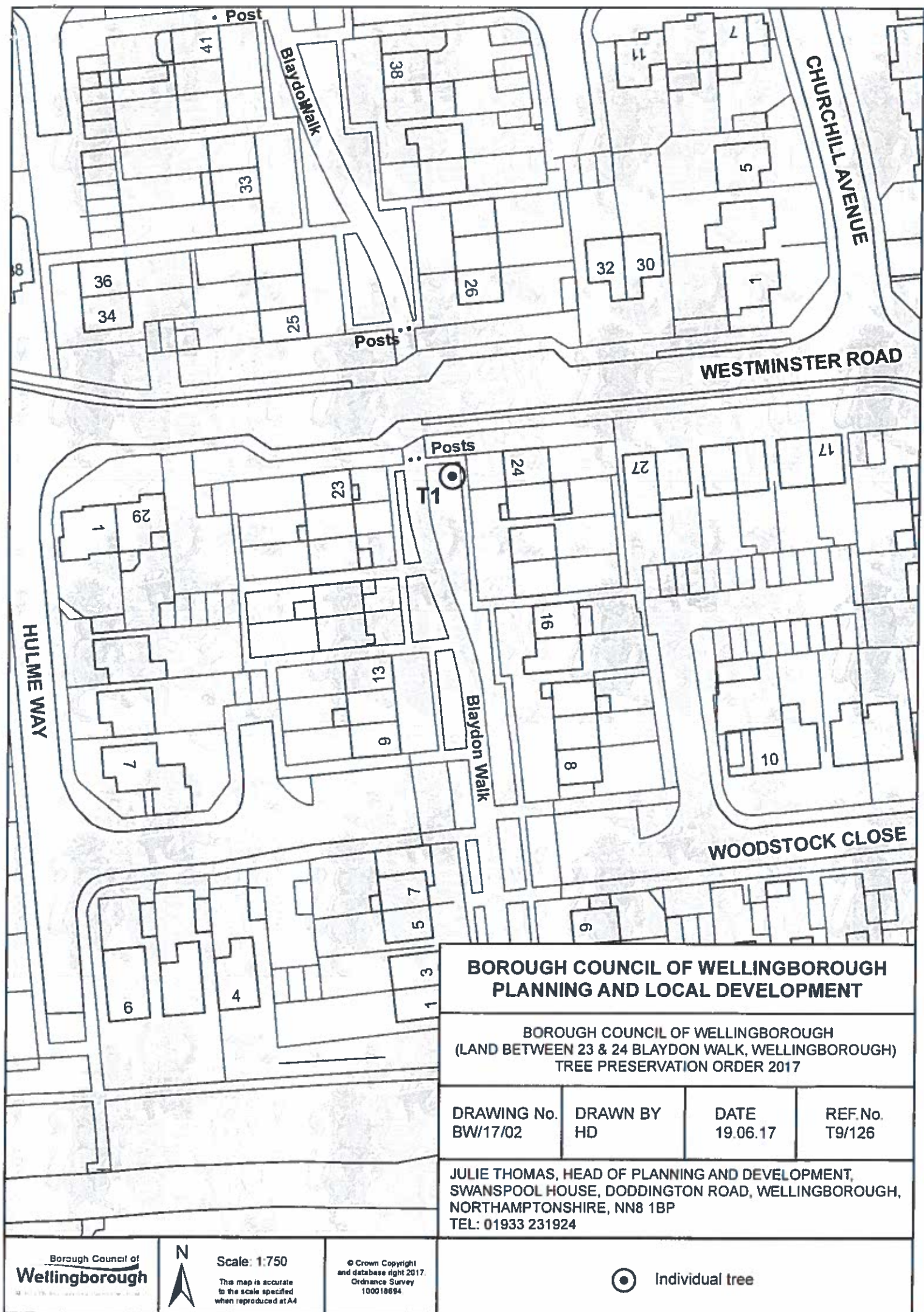
**14 Consultees**

Julie Thomas, Director  
Victoria Phillipson, Planning Policy and Regeneration Manager  
Erica Buchanan, Assistant Principal Development Manager

**15 Background papers**

Borough Council of Wellingborough (Land between 23 and 24 Blaydon Walk  
Wellingborough) Tree Preservation Order 2017.

A/2017/0138



# **BOROUGH COUNCIL OF WELLINGBOROUGH PLANNING AND LOCAL DEVELOPMENT**

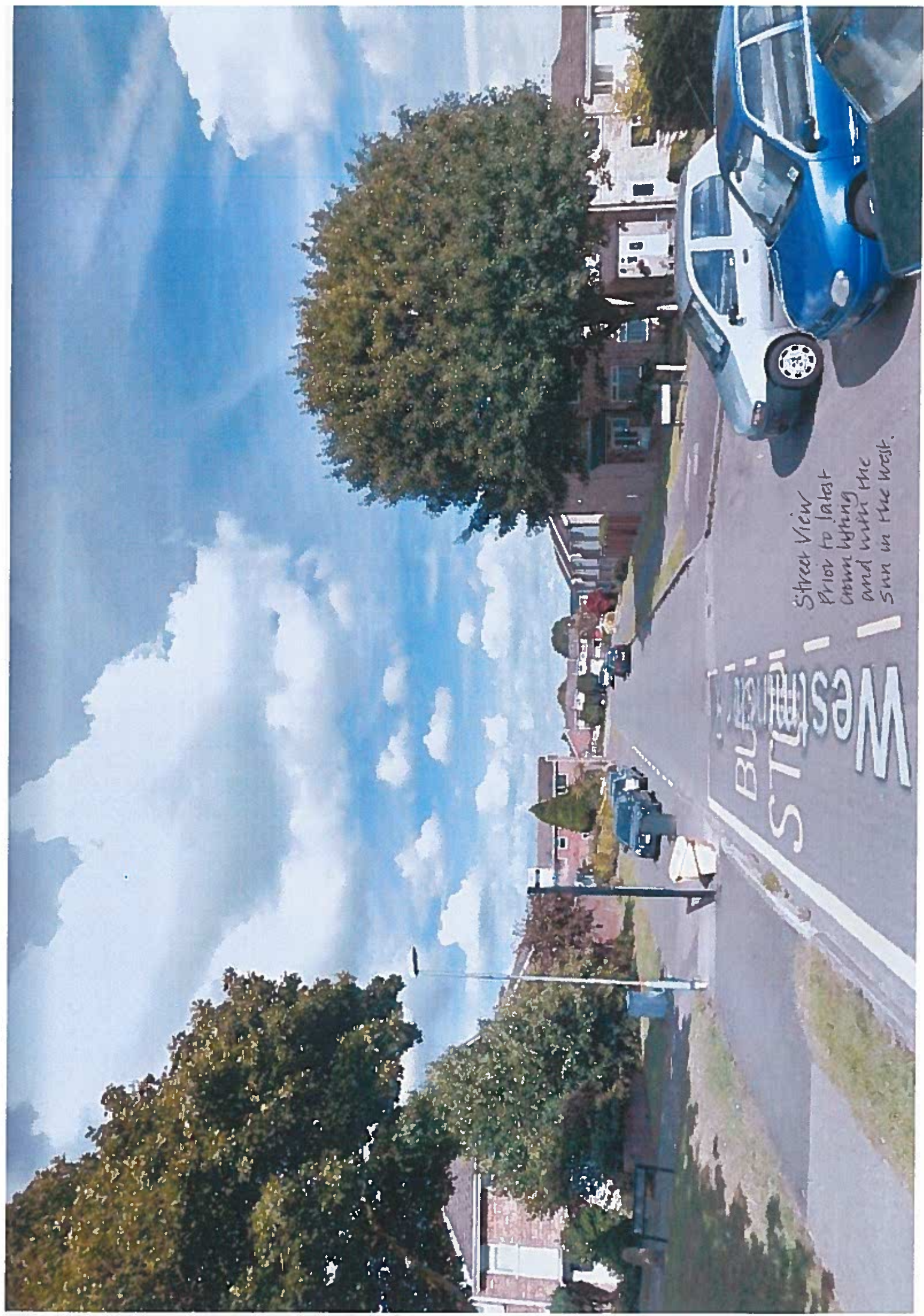
**BOROUGH COUNCIL OF WELLINGBOROUGH  
(LAND BETWEEN 23 & 24 BLAYDON WALK, WELLINGBOROUGH)  
TREE PRESERVATION ORDER 2017**

<b>DRAWING No.</b> BW/17/02	<b>DRAWN BY</b> HD	<b>DATE</b> 19.06.17	<b>REF.No.</b> T9/126
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**JULIE THOMAS, HEAD OF PLANNING AND DEVELOPMENT,  
SWANSPOOL HOUSE, DODDINGTON ROAD, WELLINGBOROUGH,  
NORTHAMPTONSHIRE, NN8 1BP  
TEL: 01933 231924**







Street View  
Prior to latest  
cannibizing  
and with the  
sun in the west.

**BOROUGH COUNCIL OF WELLINGBOROUGH (LAND ADJACENT TO 57 ROCHE WAY WELLINGBOROUGH) TREE PRESERVATION ORDER 2017**

**1 Purpose of report**

The purpose of the report is to consider the objections which have been made to the Borough Council of Wellingborough (Land adjacent to 57 Roche Way Wellingborough) Tree Preservation Order (TPO) 2017 and to decide whether or not the TPO should be confirmed.

**2 Executive summary**

- 2.1 The silver birch tree was made the subject of a TPO to underline the fact that it is a highway tree of outstanding visual amenity value and because of the strength of objection directed towards it.

**Appendices**

Appendix 1 - Site plan  
Appendix 2 - Photograph

**3 Proposed action:**

- 3.1 **The Committee is invited to RESOLVE that the Tree Preservation Order (TPO) for one birch tree adjacent to 57 Roche Way should be confirmed.**

**4 Background**

- 5.1 Wellingborough Norse have the responsibility of maintaining this as one of the highway trees in the town and core area. There appears to have been a longstanding difference of opinion on the management of this tree because there have been requests for it to be reduced which have not been acceded to. It has been alleged that this is the only tall birch tree in Roche Way but there is another of greater height further up the road which does not appear to cause any concern.
- 5.2 A TPO was made because of concern that the tree might be damaged or removed because of the strength of feeling against it.

## **6 Discussion**

- 6.1 Street trees are by definition of high visual amenity value if they are in good condition as is the case with the silver birch tree in question. They are generally not considered to be under threat because they are maintained by the local council, but it has been known for action to be taken by residents.
- 6.2 There are objections to this tree because it is considered by some that it is too big, but most of the shade is cast over the road on the north side of it. Other complaints relate to fallen leaves and honeydew causing a slip hazard and tree roots adjacent to drains and paving.
- 6.3 The front gardens slope towards the pavement and some slip hazard will be attributable to the fact that they are north facing and in some cases totally paved. Honey dew is most frequently associated with lime and maple trees. The leaves of birch are small and light. Leaf fall and honey dew are not recognised as justifying action to reduce or remove trees.
- 6.4 It is understood that there has been some work to drains and there does not appear to be clear evidence of damage to paving. Birch is a lower water demand species and there is no known allegation of damage to the main properties.

## **7 Legal powers**

Section 198 of the Town and Country Planning Act 1990.

## **8 Financial and value for money implications**

None.

## **9 Risk analysis**

<b>Nature of risk</b>	<b>Consequences if realised</b>	<b>Likelihood of occurrence</b>	<b>Control measures</b>
That the tree might be damaged or removed	There will be a loss of amenity value	possible	The TPO can be confirmed.

## **10 Implications for resources**

If the TPO is confirmed any applications for work to the tree in the future will have to be dealt with.

## **11 Implications for stronger and safer communities**

None.

**12 Implications for equalities**

This has been considered and there do not appear to be any implications.

**13 Author and contact officer**

Felicity Webber, Landscape Officer.

**14 Consultees**

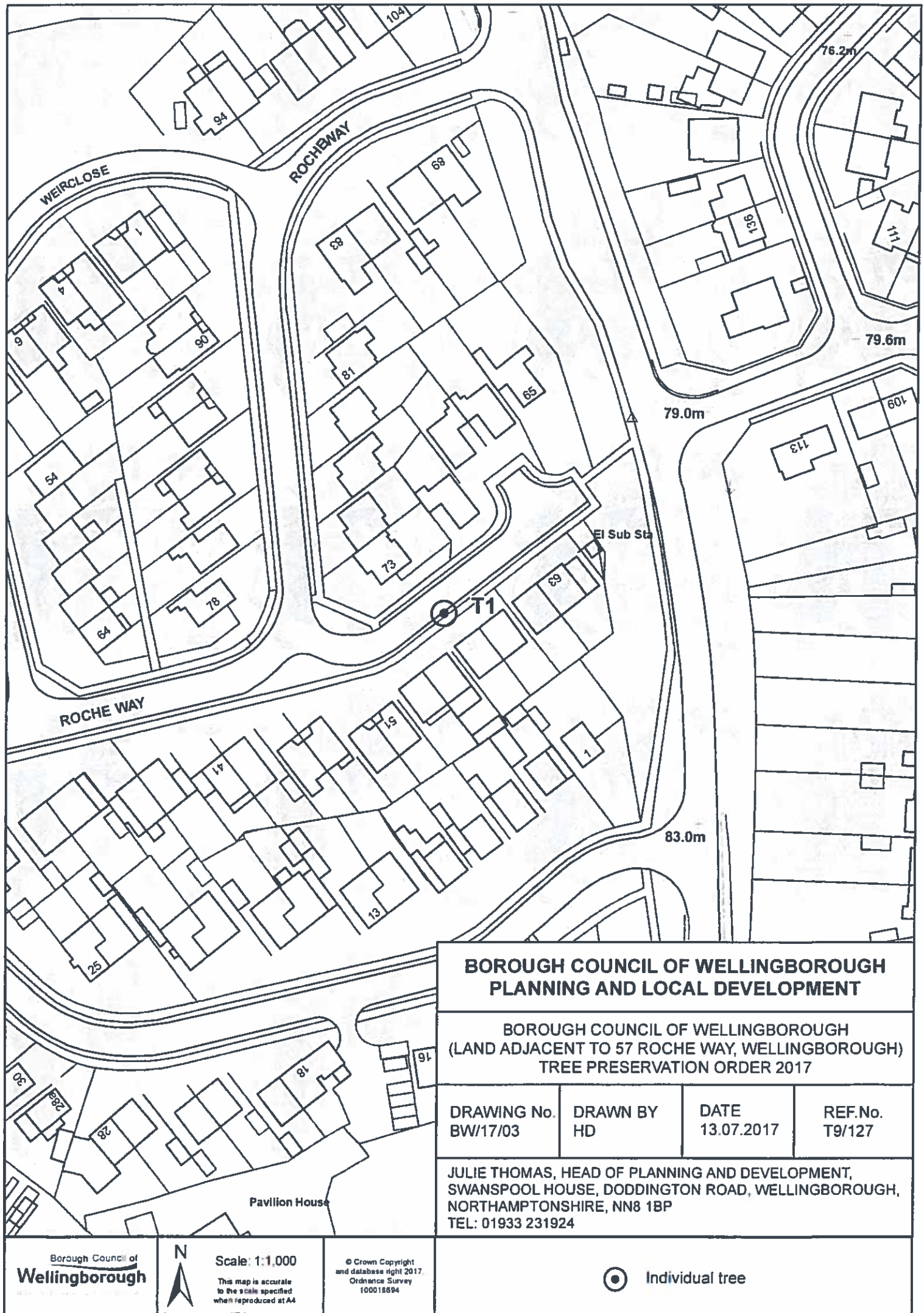
Julie Thomas, Director  
Victoria Phillipson, Planning Policy and Regeneration Manager  
Erica Buchanan, Assistant Principal Development Manager

**15 Background papers**

Borough Council of Wellingborough (Land adjacent to 57 Roche Way  
Wellingborough) Tree Preservation Order 2017.

A/2017/0139





**BOROUGH COUNCIL OF WELLINGBOROUGH  
PLANNING AND LOCAL DEVELOPMENT**

BOROUGH COUNCIL OF WELLINGBOROUGH  
(LAND ADJACENT TO 57 ROCHE WAY, WELLINGBOROUGH)  
TREE PRESERVATION ORDER 2017

DRAWING No.  
BW/17/03

DRAWN BY  
HD

DATE  
13.07.2017

REF.No.  
T9/127

JULIE THOMAS, HEAD OF PLANNING AND DEVELOPMENT,  
SWANSPOOL HOUSE, DODDINGTON ROAD, WELLINGBOROUGH,  
NORTHAMPTONSHIRE, NN8 1BP  
TEL: 01933 231924









**Borough Council of Wellingborough  
Planning Committee  
Wednesday 8 November 2017 at 7.00 pm  
Council Chamber, Swanspool House**

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# **BOROUGH COUNCIL OF WELLINGBOROUGH**

**Planning Committee**

**8 November 2017**

**Report of the Head of Planning and Local Development**

**Site Viewing Group (Date of visit Tuesday 7 November 2017 at 10.15 am)**

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**Case Officer John Udall**

**WP/17/00528/LBC**

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Date received	Date valid	Overall Expiry	Ward
<b>17 August 2017</b>	<b>17 August 2017</b>	<b>12 October 2017</b>	<b>Victoria</b>

Applicant -

Agent **Miss Frances Cunningham**

Location **Railway Station Midland Road Wellingborough Northamptonshire NN8 1NQ**

Proposal **Trial dismantling to selective elements of canopies at Wellingborough station**

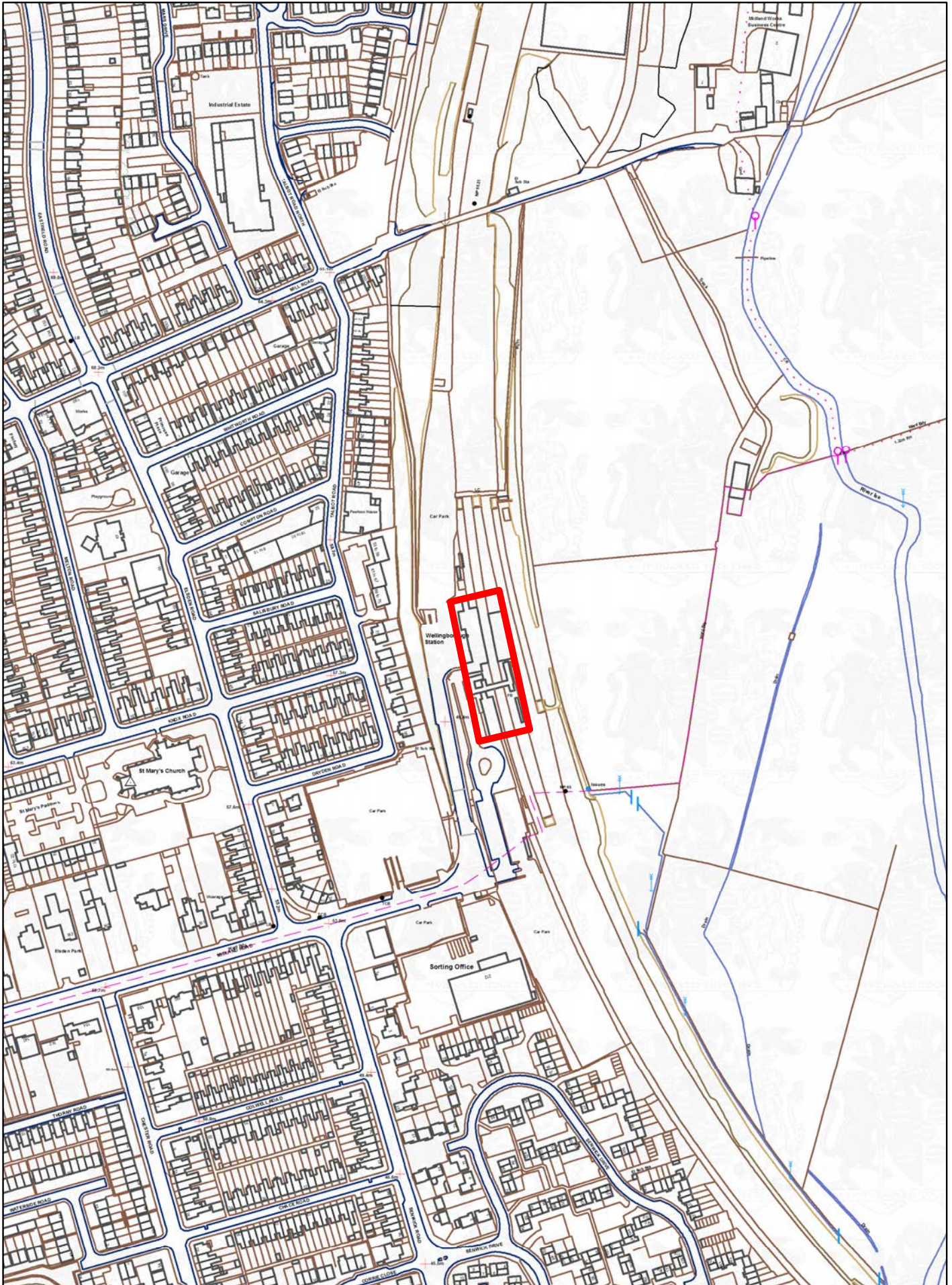
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## **PLANNING HISTORY**

WP/15/00384/AMD	Approved with conditions	09.07.2015
	Non-material amendment to planning permission ref: WP/2012/0116 to allow amendment to the layout of car park 3 that forms part of the Wellingborough Station development	
WP/17/00262/SCR	Determination pending.	
	Environmental Impact Assessment Screening Request in connection with railway upgrade works (including electrification) in the Borough of Wellingborough	
WP/17/00528/LBC	Determination pending.	
	Trial dismantling to selective elements of canopies at Wellingborough station	
WP/1998/0344	Approved	26.08.1998
	Addition of a transparent roof to existing footbridge	
WP/1998/0300	Approved with conditions	03.08.1998
	Provision of mobility impaired toilet facilities, parent and baby facilities and replacement bicycle shelter	
WP/2013/0665	Approved with conditions	12.02.2014
	Install/renew customer information screens, induction loops and public address system.	
BW/1984/0736	Approved with conditions	08.11.1984
	Demolition of part of station buildings, extension to form parcels facility, new entrance canopy, refurbishment and re-roofing of	

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	buildings	
BW/1984/0735	Approved with conditions Extension to main station building to provide parcels facility and new entrance canopy	08.11.1984
WU/1968/0213	Approved with conditions Steel framed asbestos storage shed	15.11.1968
BW/1978/0555	Approved with conditions Demolition of station buildings, Goods Shed and warehouse and erection of new station building including bus turning circle and improved parking facilities	23.05.1979
WP/0091/0006	Refused Three display panels (Appeal dismissed 22/8/91)	
BW/1988/0118	Approved Extension to station car park to south of existing	01.03.1988
BW/1985/0265	Approved Erection of two illuminated box signs to station facade	14.05.1985
SCR/2013/0002	EIA not required Environmental Impact Assessment Screening Request in connection with railway electrification works in the Borough of Wellingborough	13.05.2013
WP/2010/0134	Approved Provision of new internal toilets in disused building. (Application for Listed Building Consent)	14.05.2010
WP/1993/0330	Refused Demolition of goods shed	10.11.1993
WP/1996/0467	Approved Alterations and improvements to the existing station car park	29.11.1996
WP/2012/0116	Approved with conditions Reserved matters application pursuant to condition 2 of planning permission ref: WP/2004/0600/O for Wellingborough Station development - incorporating proposed modular station building, station platform extensions, new railway bridge extension, multi storey car parks 01 and 02 together with car park 3 and road layout.	08.08.2012
WP/2012/0484	Approved Replacement of existing ticket window with new fixed dual-shelf counter, compliant with current accessibility regulations and improved insulation around ticket window (Application for a Listed Building Consent).	13.12.2012
WP/2010/0254	Approved with conditions Installation of lifts and replacement footbridge/stairs. (Application for Listed Building Consent)	21.07.2010
WP/2009/0267	Permitted development Replacement communication system (prior notification)	29.07.2009

WP/2001/0703	Approved with conditions To form a doorway between two store rooms. To change two plastic air vents to victorian style and add 1 other	08.01.2002
WP/2002/0719	Approved Sign above door.	29.01.2003
WP/2000/0635	Refused Erection of 22.5 metre telecommunication monopole and associated equipment cabin.	10.10.2001
WP/2000/0469	Approved Installation of new green GRP kiosk (adjacent to the existing manhole) to house instrumentation for monitoring sewer overflows in to water courses.	11.10.2000

## NOTE

Deferred at Planning Committee on 4 October 2017 for Site Viewing Group to visit.

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## Reason(s) for committee consideration

- Historic England requested that the application be determined by planning committee and the Director agrees with this request.

## THE SITE AND SURROUNDINGS

Wellingborough railway station is Grade II listed as is the adjacent goods shed. The station is not within the conservation area.

The station was built in 1857 for the Midland Railway by Charles Henry Driver for the Leicester to Hitchin line. There were 12 stations on the line, Wellingborough and Kettering being the larger stations and other stations including Rushton and Desborough. Kettering station was rebuilt in 1907 leaving Wellingborough as the only remaining active station of the 12 originals. The canopies are noted for their ridge and furrow form and use of architectural ironwork.

## APPLICATION PROPOSAL AND BACKGROUND

The planning history above indicates that there have been modifications to the station in the past in order to improve the facilities offered, in particular an extension in 1984 to form a parcel facility. It is also the case that proposals that affect the listed buildings have been refused, in particular demolition of the goods shed.

This proposal is for the investigation of the feasibility of works to the canopies in order to allow electric powered trains to pass through the station alongside platform 1. The addition of overhead power lines above the lines and pantographs on the trains requires a safety buffer zone. As existing the canopies would encroach into this zone the canopies need to be shortened to allow for these works. It is proposed therefore to remove a single section of the iron work support to investigate the current state of the 160 year old iron and to investigate possible methods of modification. A further application for the installation of gantries, the extension of the platforms and the modification of the canopies will follow based partly on the findings of this application.

This application is in parallel with a similar application for canopy trial investigation at Kettering station Ref KET/2017/0650.

**NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE:**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

**North Northamptonshire Joint Core Strategy (JCS)**

Policies:

2 (historic environment)

**SUMMARY OF REPLIES TO CONSULTATIONS/REPRESENTATIONS RECEIVED**

**1. Response from Ben Foley "Save Our Trains"** - the Heritage Impact Assessment is inaccurate as it is based on out of date information that no current bi-mode trains have the performance that are required to run to the timetable identified. The application should be refused as it will be to the detriment of Wellingborough.

**2. Northamptonshire County Council Archaeology** - have recommended a condition for a programme of archaeological work to be agreed prior to commencement of work.

**3. Historic England** - Historic England note the significance of the station and the associated canopy stating that the iron work in particular is a rare surviving example of work by Charles Driver.

In discussions with Network rail and their heritage advisors on the electrification of the Midland Main Line it is clear that there is the potential to cause substantial harm to the significance of the listed building by the installation of OLE masts and the need for clearance around the high voltage wires.

Historic England suggested that trial works to investigate the properties and performance of the ironworks would be appropriate. These trial works would be less than substantial harm and would provide the required information for designing the least harmful method of adapting the canopies.

Historic England therefore supports the trial dismantling of part of the ironworks; however recommend a number of conditions to the consent to act as safeguards.

**4. The Victorian Society** - comment not received at the time of writing.

**5. Conservation officer -**

a. The significance of the canopies at Wellingborough station is in their rarity. The first four bays date from 1857 and the last 2 from 1870. All the canopies at Kettering station date from the 1870's or later. Charles Henry Driver was the architect for the 12 stations on the Leicester to Hitchin line and only Kettering and Wellingborough had canopies; the other smaller stations had smaller indoor waiting areas. The ornate design of the ironwork supporting structure is therefore unique and it is this part of the canopy structure that requires modification in order to allow the necessary adaptation to set back the canopy away from the safety buffer zone.

b. In terms of paragraph 134 of the NPPF the alteration should be considered as less than substantial harm to the grade II listed building; the level of less than substantial harm would be at the higher end of the scale. Paragraph 134 goes on to say that local planning authorities should refuse consent unless it can be demonstrated that the less than substantial harm is balanced by the public benefits of the proposal. The proposal is to explore the condition of the metal work and to establish the least harmful method of modification. In this case the public benefit is in finding the least harmful way to adapt the canopies. The dismantling, investigation and modification works should only be carried out by engineers experienced with the type of heritage metal in question.

## **ASSESSMENT AND REASONED JUSTIFICATION**

The proposal raises the following main issues:

- effect on a grade II listed building
- conditions.

### **Effect on a Grade II Listed Building**

The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or any of its features of special architectural or historic interest.

Policy 2 of JCS sets out the policy background for the protection, preservation and enhancement of the historic environment.

With regards the NPPF, chapter 12 sets out the government's advice on conserving and enhancing the historic environment. Paragraph 134 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. Such cases should be weighed against the public benefit of the proposal.

The conservation officer comments that the application causes less than substantial harm to the listed building, but at the higher end, and goes on to emphasise the significance of the canopies to the listed building. There is no doubt that the canopies are important rare examples of the work of Charles Henry Driver and are unique in surviving Victorian railway architecture.

In this case the understanding of the state of the ironworks and how they may respond to adaptation is an essential part of providing a solution to cutting back the canopies that would do the least harm. The case for cutting back the canopies as a whole would have to be proven in a further listed building consent application for the complete works once designed. However it would be impossible to design any further works to do the least harm without first understanding the materials in question.

The council is satisfied with the scheme and therefore it is considered that the proposal is acceptable with regards to the effects on the architectural or historic interest of the listed building. In the circumstances, it is thought the proposed scheme passes the test as set out in the NPPF paragraph 134 with regards to the need for a proposal involving a heritage asset resulting in less than substantial harm being caused to the asset and the scheme providing a balancing public benefit by way of discovering the least harmful method of adapting the canopies.

## **Conditions**

The Planning (Listed Buildings and Conservation Areas) Act 1990 at section 17 allows conditions to be imposed on a listed building consent for:

- (a) the preservation of particular features of the building, either as part of it or after severance from it;
- (b) the making good, after the works are completed, of any damage caused to the building by the works;
- (c) the reconstruction of the building or any part of it following the execution of any works, with the use of original materials so far as practicable and with such alterations of the interior of the building as may be specified in the conditions.

Paragraph (2) of the section states that a condition may also be imposed requiring specified details of the works (whether or not set out in the application) to be approved subsequently by the local planning authority.

## **CONCLUSION**

The development proposed is consistent with the provisions of the JCS and NPPF, specifically in relation to conserving the historic environment. Whilst it is noted that issues have been raised regarding the type of trains that could potentially use the line, questions about their performance, and that service changes may be to the detriment of Wellingborough, this is not considered to be an adequate reason to refuse listed building consent, as these issues are not the subject of this application. Refusal of consent should only be on the basis of whether or not the impact of the proposals being applied for would result in less than substantial harm in heritage terms. In the absence of any contrary material considerations, it is recommended that the proposal be granted listed building consent, subject to conditions.

## **RECOMMENDATION**

Grant listed building consent, subject to the following conditions.

## **CONDITIONS/REASONS**

1. The development shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason: In order to comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No trial dismantling of the canopy shall take place until the applicant, or their agents or successors in title, 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 in writing by the local planning authority.

Reason: To ensure that the historic canopy is properly examined and recorded, in accordance with National Planning Policy Framework Paragraph 141.

3. The development shall be carried out in accord with the following plan numbers: DWG-001, DWG-002, DWG-003, DWG-004, DWG-005



Reason: To ensure that the development is carried out in accordance with the approved plans.

4. The canopy supports and glazing shall be reinstated to original condition if within 3 years there has been no further works to the station.

Reason: To retain the significance and integrity of the historic fabric were the works not to proceed.

5. The contractors appointed to dismantle, investigate and modify the canopies or any part thereof shall be approved by the local planning authority prior to commencement of work.

Reason: To insure that all reasonable care is taken to preserve the materials.

6. Any modifications at all to the materials are approved by the local planning authority conservation officer prior to commencement and are informed by the full investigation.

Reason: To minimise any modifications to the fabric.

#### **INFORMATIVE/S**

1. In accordance with the provisions in the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012 and pursuant to paragraphs 186 and 187 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the Council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in The Framework.

2. The Borough Council of Wellingborough encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.

To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.

## BOROUGH COUNCIL OF WELLINGBOROUGH

Planning Committee

8 November 2017

### Report of the Head of Planning and Local Development

Site Viewing Group (Date of visit Tuesday 7 November 2017 at 10.40 am)

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Case Officer **Mrs Louise Jelley**

**WP/17/00592/FUL**

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Date received	Date valid	Overall Expiry	Ward
<b>19 September 2017</b>	<b>19 September 2017</b>	<b>14 November 2017</b>	<b>Hatton</b>

Applicant **Mr and Mrs Patel**

Agent **Mr Dipesh Surti**

Location **19A Redwell Road Wellingborough Northamptonshire NN8 5AZ**

Proposal **2-storey rear extension and new windows.**

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#### PLANNING HISTORY

WP/17/00592/FUL	Determination pending. 2-storey rear extension and new windows.	
WU/1965/0054	Approved with conditions Two dwellings	07.04.1965

#### Reason(s) for committee consideration

- the application has been called in by the ward councillor for a site viewing and committee determination.

#### THE SITE AND SURROUNDINGS

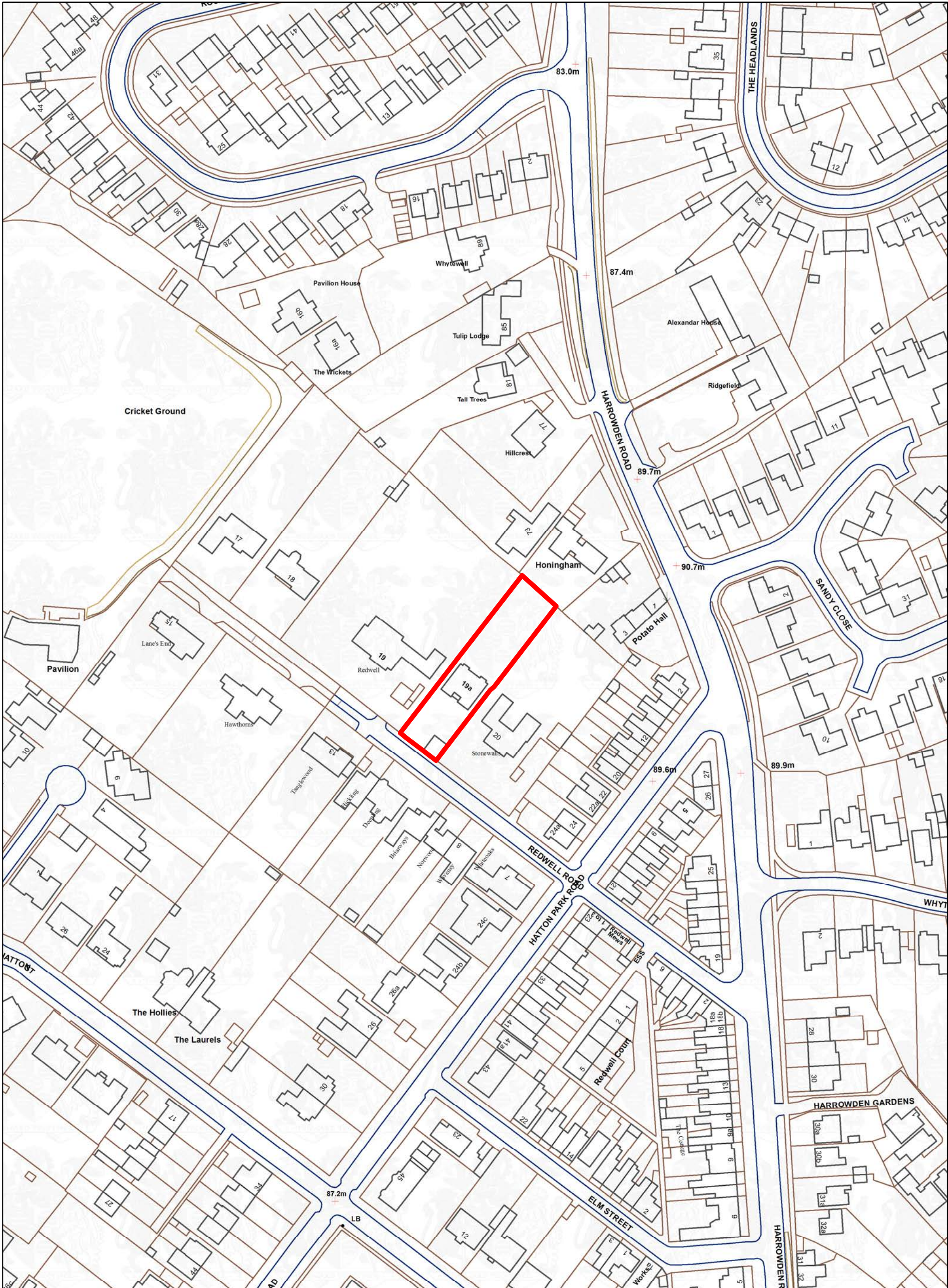
This application site lies to the north of Wellingborough town centre within a distinctive residential area. Directly west of Hatton Park Road, between Harrowden Road and Hardwick Road lies an area of low density residential development with many substantial and largely detached dwellings set in extensive and mature gardens. The area is host to a number of trees covered by a preservation order.

The property is a large, modern infill development situated along Redwell Road. These properties benefit from very large rear gardens and back onto Harrowden Road.

#### APPLICATION PROPOSAL AND BACKGROUND

This proposal is for a two storey rear extension. The proposal will project 4 metres out from the existing rear elevation of the property. It will extend the living accommodation on the ground floor, increase the floorspace of bedrooms 2 and 4 on the first floor and it is also proposed to create a 5th bedroom within the roof space of the property. The proposal will involve an alteration to the eaves design of the rear elevation with the insertion of two pitched roof projections which mirror the existing front elevation of the







property. A large amount of glazing is also proposed within the rear elevation of the property. The first floor windows are to be enlarged and a swathe of glazing will cover the width of the ground floor elevation of the property. Three rooflights are proposed within the roof of the principal elevation of the dwelling and a cluster arrangement of 6 rooflights and two separate rooflights are proposed within the rear elevation.

## **NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE:**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

### **North Northamptonshire Joint Core Strategy (JCS)**

Policies:

1 (presumption in favour of sustainable development)

8 (North Northamptonshire place shaping principles)

### **Borough of Wellingborough Local Plan (LP)**

Policies:

U11 (Hatton Park)

### **Supplementary Planning Documents/Guidance:**

Residential Extensions

Sustainable Design

Trees on Development Sites

Planning Out Crime in Northamptonshire

## **SUMMARY OF REPLIES TO CONSULTATIONS/REPRESENTATIONS RECEIVED**

**Neighbours** - a letter of objection has been received from a neighbouring property which raises the following concerns:

- property will be severely overlooked
- loss of privacy
- loss of trees.
- around the time the property was built (1998) we objected to the close proximity of the property and the plans were changed to ensure the house was built further away from our property.
- I understand that Harrowden Park is a conservation area and believe that my property is part of that.

## **ASSESSMENT AND REASONED JUSTIFICATION**

The proposal raises the following main issues:

- conformity with the development plan and material considerations
- design, layout and the effect on the character and appearance of the surrounding area
- effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development
- effect/impact on highway safety in relation to (the proposed access arrangement and parking provision)

### **Conformity with the Development Plan and material considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *"if regard is to be had to the development plan for the purposes of any determination to be made*

*under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise".*

Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the NPPF.

Policy 8 of the JCS and the SPD on 'sustainable design' require new development to be of a high standard of design, respect and enhance the character of its surroundings, and not result in an unacceptable impact upon the amenities of neighbouring properties or wider area; by reason of noise, loss of light or overlooking.

In addition to the specific NPPF requirements set out above, paragraph 66 states that 'applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably'.

The application form at question five indicates that no pre-application advice or assistance has been sought from the council. The NPPF from paragraph 188 extols the virtues of applicants engaging in pre application discussion with the council to resolve any issues that may arise to help applicants avoid any unnecessary delays and costs.

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

JCS at policy 8 describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area.

Section 7 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

The proposal is for an extension to the rear of the property and so the main works to the property will not be readily visible from the street scene along which the property is situated. The only alterations to the principal elevation include the insertion of three rooflights within the roofspace of the dwelling and this alteration is not considered to have a detrimental effect on the character and appearance of the immediate area along Redwell Road.

The application property benefits from a substantial rear garden approximately 37 metres in length. Even with the extension in place, which adds 4 metres to the overall depth of the dwelling, the site still retains a very large garden which is very much in keeping with the size of garden plots and verdant environment prevalent within this part of Wellingborough.

The proposed extension includes a large amount of glazing which provides a contemporary and open plan living feel to the layout and design of the development. The design of the extension seeks to mirror the existing principal elevation of the property (as described in the proposal section above) and is therefore considered to be in keeping with the character and appearance of the existing property.

Although a room in the roofspace is proposed, due to the existing style and design of the roof, the proposal will not result in an increase to the height of the ridgeline. The roofspace area will comprise a number of rooflights, but these lights are not intended for direct viewing purposes. They provide light to the proposed bedroom and en-suite area.

In design terms, the proposal is considered to be a high quality form of development that relates to the architectural style of the existing dwelling and is in keeping with the character, appearance and context of the local area. It is therefore considered to comply with policy 8(d) (i) of the JCS.

### **Effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development**

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

At paragraph 17 of the NPPF, under the title of 'core planning principles' the government requires new development to provide 'a good standard of amenity for all existing and future occupants of land and buildings.'

The comments of the nearby residential occupier who lives to the rear of the application site are noted. However, it is thought that the scheme would not have such a significant effect on the standard of amenity which is currently enjoyed by the residential occupier for the following reasons:

- all properties within the immediate vicinity benefit from very large gardens which aid the separation distance between the site and existing plots to ensure that privacy and overlooking can be protected;
- the separation distance between the back of the proposed rear extension and 71 Harrowden is in excess of 45 metres. This is a significant distance with respect to a 'back to back' relationship for neighbouring properties;
- loss of light will remain unaffected due to distance and orientation between neighbouring sites and the fact that all neighbouring properties are detached with large spacing between sites;
- the neighbour (71 Harrowden Road) has a south/south west facing garden and therefore access to light will remain unaffected by this proposal due to the distance between the sites and the orientation of the application site;
- extensive and established vegetation and trees within the application site and within the neighbouring sites also helps to further aid privacy for existing and future occupiers.

In terms of adjacent neighbours (nos. 19 and 20) Redwell Road, the proposed extension does not impinge on the 45 degree angle used to ascertain adequate levels of light as contained with the supplementary planning guidance (SPG) - 'residential extensions (a guide to good design)'. The dwelling is a detached property and the spacing between the adjacent sites ensures that overshadowing and overbearing as a result of the extension will be avoided.

It is considered that the proposal satisfactorily accords with policy 8 (e) (i) specifically with respect to residential amenity considerations and there are not sufficient grounds to refuse this application with respect to loss of privacy, overlooking or loss of light in this instance.

### **Effect/Impact on highway safety in relation to (the proposed access arrangement and parking provision)**

JCS policy 8 gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters.

The proposed extension in no way affects current access provision and existing on-site parking for this application property. Although the application seeks an additional bedroom as part of the proposed works on site, the site is set well back from the road and comprises an extensive frontage area which includes a detached garage building. The site can therefore easily accommodate a significant number of cars without prejudicing highway safety, in line with the standards and requirements of the local highway authority.

In terms of highway safety and suitable access provision the application accords with policy 8 (b) (ii) of the JCS.

### **CONCLUSION**

The proposed development complies with the relevant development plan policies and is consistent with the provisions in the NPPF specifically in relation to design and residential amenity. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

### **RECOMMENDATION**

Approve subject to the following conditions.

### **CONDITIONS/REASONS**

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to S51 of the Planning and Compulsory Purchase Act 2004.

2. The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area in accordance with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

3. The development hereby permitted shall be carried out in accordance with the following details:
  - proposed elevations, floorplans and site plan reference 19aRW:PA:01/02 received 19 September 2017.

Reason: To ensure the development is carried out in accordance with the approved plans.

## **INFORMATIVE/S**

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraphs 186 and 187 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.
2. Prior to the commencement of any site works, all occupiers of potentially sensitive properties surrounding the site should be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom enquiries/complaints should be directed.



# BOROUGH COUNCIL OF WELLINGBOROUGH

Planning Committee

8 November 2017

## Report of the Head of Planning and Local Development

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Case Officer **Paul Bateman**

**WP/16/00737/FUL**

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Date received	Date valid	Overall Expiry	Ward
<b>29 November 2016</b>	<b>12 December 2016</b>	<b>13 March 2017</b>	<b>Victoria</b>

Applicant **Mr A Dada**

Agent **Mr Mizanur Rahman**

Location **9 Mill Road Wellingborough Northamptonshire NN8 1PF**

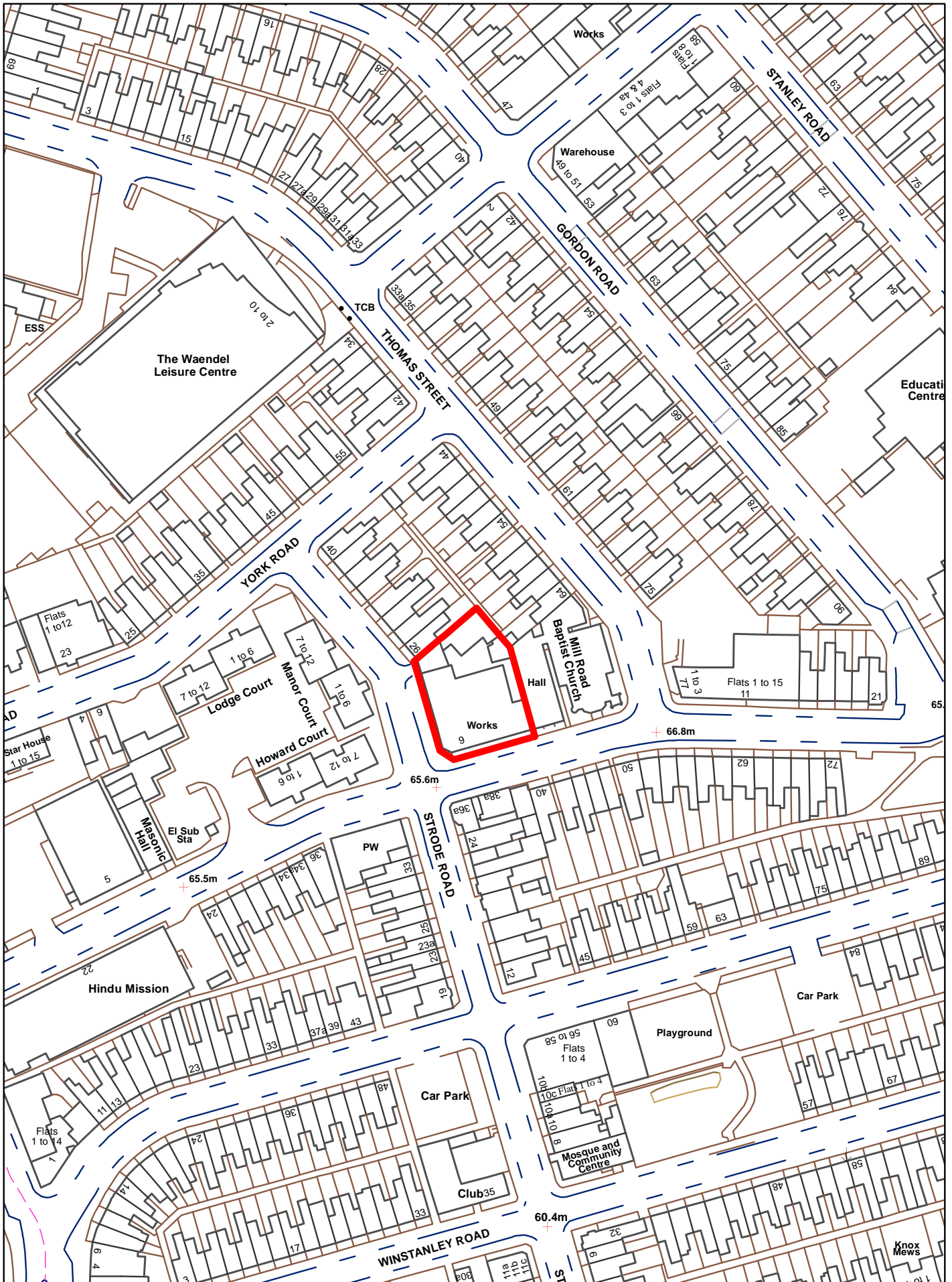
Proposal **Conversion of former factory to create 24 no. residential units with associated demolitions and works**

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### PLANNING HISTORY

WP/16/00737/FUL	Determination pending. Conversion of former factory to create 24 no. residential units with associated demolitions and works	
WP/2013/0347	Application withdrawn by authority; Conversion of former factory to create 14 no. residential units with associated demolitions and works - re-submitted as a full application - WP/2013/0571/F	25.10.2013
WP/2013/0571	Approved with conditions Conversion of former factory to create 14 no. residential units with associated partial demolitions and external alterations - AMENDED application form and design and access statement plus traffic statement.	17.03.2014
BW/1975/0013	Approved with conditions Change of use warehouse and part factory to engineering workshop	06.02.1975
WU/1969/0202	Approved with conditions Change of use (permission expired 30/04/1973)	20.04.1970
WU/1950/0034	Permitted development Addition to factory	18.10.1950
WU/1950/0009	Approved Addition to factory	15.02.1950
BW/1990/0277	Approved with conditions Demolition of outbuilding and construction of new extension for storage purposes	17.05.1990

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### **Reason for committee consideration**

A ward councillor has requested the application be referred to the planning committee for determination and the site be subject to a visit from the site viewing group.

### **THE SITE AND SURROUNDINGS**

The site is a vacant four storey factory building located on the corner of Mill Road and Strode Road.

On the opposite side of Strode Road there is a modern three storey flats development and there is a factory to flats conversion at no. 11 Mill Road. Also nearby in Mill Road is the Baptist Church. Elsewhere the development predominantly consists of terraced dwellings with, in the main, no off-road car parking provision.

In the highway nearby are lengths of double yellow lines around the road junctions and there is also a bus stop on Mill Road. There are no signs to indicate that car parking on pavements is permissible.

### **APPLICATION BACKGROUND AND PROPOSAL**

As can be seen from the planning history above, planning permission was granted for a 14 unit conversion scheme on 17 March 2014 which has now lapsed.

Pre application advice was sought for a scheme with this number of units with 12 off-road car parking spaces. In summary, the informal advice given without prejudice was that the general principle of a conversion to residential use would be acceptable, but concerns were expressed with regards to the effect on neighbour amenity and the intended car parking provision.

Amongst other issues 'flagged up' at the pre application stage, was the need for any planning application to take in to account the requirement for the development to provide affordable housing in accordance with planning policy. In addition, the advice identified the need for the applicant to pay the SPA mitigating fee of £269.44 per unit and the necessity to fully justify the intended off-road car parking provision for the number of proposed residential units.

The application was originally submitted with no accompanying information on how affordable housing would be accommodated within the development and with no car parking survey. The applicant submitted an affordable housing viability assessment and a car parking survey as required by Northamptonshire highways during the course of the application determination.

The proposal envisages the conversion of the building with rooms in the roof space to: 5 studio flats, 15 one bedroom flats and 4 two bedroomed flats with 11 off-road car parking spaces and cycle racks. In addition associated refuse and recycling bin storage is illustrated.

### **NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

North Northamptonshire Joint Core Strategy (JCS)

- 1 (presumption in favour of sustainable development)
- 2 (historic environment)
- 4 (biodiversity and geodiversity)
- 5 (water environment, resources and flood risk management)
- 6 (development on brownfield land and land affected by contamination)
- 8 (North Northamptonshire place shaping principles)
- 9 (sustainable buildings and allowable solutions)
- 10 (provision of infrastructure)
- 11 (network of urban and rural areas)
- 15 (well connected towns, villages and neighbourhoods)
- 19 (The delivery of green Infrastructure special policy areas)
- 20 (Nene and Ise valleys)
- 21 (biodiversity)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

Supplementary Planning Documents/Guidance: Sustainable Design

Biodiversity

Upper Nene Valley Special Protection Area

Planning Out Crime in Northamptonshire

Parking

## **SUMMARY OF REPLIES TO CONSULTATIONS/REPRESENTATIONS RECEIVED**

**1. Northamptonshire highways** - offers observations on the existing point of access serving the premises and the proposed development and confirms that 'sufficient on-street parking space is available locally to ensure that the parking demands of the proposed development do not prejudice highway safety or capacity'.

**2. Northamptonshire County Council archaeology** - provides a brief archaeological overview of the site and requests the imposition of its standard condition.

**3. Northamptonshire County Council surface water drainage assessment team (SWDAT)** - no comment.

**4. Northamptonshire county council principal project officer (section 106 requests)** - requests that a condition be imposed relating to the provision of a fire hydrant. The project officer goes on to set out the vision for Northamptonshire to be at the leading edge of the global digital economy and refers to the co-operation necessary and highways regulations to install the necessary infrastructure in the highway for fibre connectivity.

**5. Natural England** - identifies that the site lies within 3km of the SPA and the need for the applicant to make a contribution towards mitigating the effects the occupiers of the development would have on the SPA.

Goes on to make general comments relating to protected species and need to promote biodiversity.

**6. Environment Agency** - has no comment or section 106 request.

**7. Wellingborough Norse** - offers advice on refuse and recycling bin storage capacity and where they could be sited.

**8. Northamptonshire police** - lists a number of crime prevention measures which should be incorporated into the development.

**9. Wellingborough finance officer** - sets out the requirements for index linking the section 106 agreement etc.

**10. Conservation officer** - no conservation objections.

**11. Landscape officer** - recognizes that the site has no opportunities for landscape planting apart from climbing plants. Identifies off-site opportunities for possible compensatory landscape planting.

**12. Housing officer** - identifies the need for the development to provide seven affordable units in accordance with JCS policy 30, wheelchair accessibility and space standards.

**13. Planning policy** - states that the proposed development meets the required space standards and concludes that the proposal would have substantial benefits which would have to be weighed against the car parking issues.

**14. Environmental protection** - requests the imposition of conditions relating to:

- the need for the developer to submit a noise report and to identify any necessary measures to protect the potential residents from harmful levels of noise.
- advice for the applicant to adopt a construction management plan.

**15. Neighbours** - an objection has been received from one local resident who refers to:

- off-road car parking provision, local car parking demand and highway safety matters
- provision for refuse and recycling bins and storage
- harmful effects associated with demolition and construction
- reference to the planning history.

**16. Councillor Emerson** - objects to the application and requests a site viewing group visit and makes reference to the following issues:

- reference to the planning history
- insufficient off-road car parking provision and reference to the local demand for on-street car parking space and associated difficulties
- illegal parking.

## **ASSESSMENT AND REASONED JUSTIFICATION**

The proposal raises the following main issues:

- conformity with the development plan and material considerations
- design, layout and the effect on the character and appearance of the surrounding area

- effect on archaeology
- effect on flood risk
- effect on the Upper Nene Valley Special Protection Area
- effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development
- effect/impact on highway safety in relation to the proposed access arrangement and off-road car parking provision
- noise
- crime and disorder
- planning obligations
- planning conditions.

### **Conformity with the Development Plan and material considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise".

The development proposal envisages the re-use of an existing vacant factory building within the town for residential re-development which; upon the face of it, is considered to be in conformity with the general development plan policies and be consistent with the provisions of the NPPF with regards to this type of development on such sites. However, the proposal must also be judged against all of the other development plan policies and the NPPF guidance which are discussed below.

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

The JCS at policy 8 (d) (i) describes the principles that the proposed development must take into account with regards to its effect on the character and appearance of an area.

The local land use has been described above and it is considered that a conversion into a flatted residential use will be consistent with the land use character of the area.

It is envisaged that the exterior works involved with converting the building into a residential use will have a positive effect on the appearance of the area.

It is considered that the proposal is in conformity with policy 8 d) i) of the JCS.

### **Effect on archaeology**

JCS policy 2 (d) requires that where proposals would result in the unavoidable and justifiable loss of archaeological remains, provision should be made for recording and the production of a suitable archive and report.

It is thought that subject to attaching the suggested condition of the county archaeologist, the proposal would be in conformity with policy 2 (d) of the JCS.

### **Effect on flood risk and drainage**

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

The NCC SWDAT has no comment to make on the application because the scheme is a conversion with no change to the impermeable area and the proposal is therefore considered to be in conformity with policy 5 of the JCS.

### **Effect on the Upper Nene Valley Special Protection Area**

The Upper Nene Valley Gravel Pits Special Protection Area/Ramsar site was formally classified by the UK government in 2011. It covers 1358 hectares in four local authorities: South Northamptonshire, Northampton, Wellingborough and East Northamptonshire. It is a composite site comprising 20 separate blocks of land and water fragmented by roads and other features and located adjacent or close to urban areas.

SPAs are the most important sites for wildlife in Europe. It is a European designation, classified under the 'Birds Directive' (council directive 79/409/EEC) to provide increased protection and management for areas which are important for breeding, feeding, wintering or migration of rare and vulnerable species of birds.

A 'Ramsar' site is a wetland of international importance designated under the convention of wetlands of international importance especially as waterfowl habitat. The SPA and Ramsar site boundaries for the Upper Nene Valley Gravel Pits are identical, although the qualifying features are slightly different. References to the SPA should therefore be interpreted as including the Ramsar site.

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

A supplementary planning document has been produced to help local planning authorities, developers and others ensure that development has no significant effect on the SPA, in accordance with the legal requirements of the habitats regulations. The SPD has been developed with Natural England and the RSPB. It is written for applicants but is also an excellent resource for development management and policy officers.

An addendum to the SPA SPD provides further guidance for development within the 3km zone of the SPA and details the specific contributions that each new dwelling will be required to pay.

A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken once a mitigation payment of £269.44 per dwelling (£6466.56) has been made under section 111 of the Local Government Act 1972 (for developments under 10).

Natural England has commented on the application and has referred to the need for the applicant to provide a mitigating payment to fund measures in the SPA. The applicant has paid the appropriate money and the development is now considered to be acceptable in respect of the issues raised by the: legislation, policy background and consultee response regarding the alleviated effects the occupiers of the development would have on the SPA.

### **Effect/Impact on the Living Conditions of the Neighbouring Occupiers and the Future Occupiers of the Development**

The JCS at policy 8 (e) (i) sets out the need to ensure quality of life and safer communities.

It is considered that the scheme would not have such a significant effect on the standard of amenity which is currently enjoyed by the adjacent residential occupiers to justify recommending the application for refusal. This view is validated by the lack of objection from nearby residential occupiers regarding amenity issues and bearing in mind the lawful use of the factory premises.

The proposal is considered to be in conformity with JCS policy 8 (e)(i).

The applicant has supplied details on how the proposed scheme complies with the national space standards, and as a result, it is considered that the proposal conforms to JCS policy 30 (b).

### **Effect/Impact on Highway Safety in Relation to the Proposed Access Arrangement and Off-Road Car Parking Provision**

JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety.

JCS policy 8 (b) (ii) gives a number of requirements that new development should achieve with regards to ensuring a satisfactory means of access, provision of parking servicing and manoeuvring.

Although the premises are currently vacant, it should be noted that it has a lawful use as a factory which could be re-instigated without reference to the planning regime. Clearly, a restarted use would result in parking demand by any persons who would work in the premises and would quite reasonably result in visits from larger vehicles at unregulated times of the day.

The applicant has supplied a transport assessments and a parking survey as requested by Northamptonshire Highways, and crucially, the consultee does not object to the application.

The comments of the objector and the ward councillor regarding parking and matters of highway safety are acknowledged; critically however, the local highway authority has not objected to the development and it is considered that without any opposition from the highway consultee there is insufficient evidence on which to base a robust reason for recommending the application for refusal on the grounds of danger to highway safety or harmful effect on highway capacity.

It is suggested that the findings of the inspector who decided the Fox and Hounds appeal on Gold Street (WP/16/00677/FUL refers) with regards to off-street car parking provision and a sustainable location are relevant to the determination of this application.

The inspector found the Gold Street appeal site to be located in a sustainable location within easy walking distance of the local services and facilities and public transport



services and as such provides viable alternatives for supporting modal shift and shift away from the use of the private car.

Therefore, based on the information which has been submitted with the application and the views expressed by Northamptonshire Highways, it is considered that the proposal is in conformity with JCS policy 8 (b) (i) and (ii).

It is perhaps worth noting that the highway code at rule 242 says that vehicles must not be left in a dangerous position or cause any unnecessary obstruction. Rule 243 sets out a number of other areas where parking is not allowed including where the kerb has been lowered to help wheelchair and powered mobility vehicles and on a bend. Rule 244 states that vehicles must not be parked on the pavement unless there is a sign to permit it. It is the responsibility of the police to enforce the highway code.

### **Noise**

To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (ii) states that new development should be prevented from contributing to or being adversely affected by unacceptable levels of noise.

The planning practice guidance offers detailed advice on noise.

The comments of the council's environmental protection service are noted. Bearing in mind the policy and government guidance, it is considered that it would be reasonable to attach a condition as suggested by the service to ensure conformity with policy 8 (e) (ii) of the JCS.

### **Crime and Disorder**

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

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

The police comments are acknowledged and it is considered that a suitable condition can be attached to any permission which would result in the development being in conformity with policy 8 (e) (iv) of the JCS.

### **Planning Obligations**

The Community Infrastructure Levy Regulations 2010 at paragraph 122 sets out limitations on the use of planning obligations under section 106 of the Town and County Planning Act 1990, as amended, to secure mitigation for a scheme. It applies where a relevant determination is made which results in planning permission being granted for development.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. A planning obligation may only constitute a reason for granting planning permission if it meets the following tests. Is the obligation:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

In developments in excess of 15 dwelling the JCS at policy 30 (d) seeks the provision of 30 per cent of the scheme to be affordable housing with the precise proportion and tenure mix of the affordable housing taking into account the identified need and the viability of the development.

Paragraph 173 of the NPPF is entitled 'ensuring viability and deliverability' and requires decision makers to pay careful attention to the viability of proposed schemes. Sites should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Paragraph 174 of the NPPF continues by saying that the adopted affordable housing policies should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.

In addition to the above NPPF guidance the government also offers advice in the Planning Practice Guidance (PPG) with regards to viability and affordable housing and it states that 'where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability.'

The PPG promotes the use of vacant building credits. This is an incentive to bring forward development on brownfield land containing vacant buildings so they can be brought back into any lawful use and where the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

The council has taken the stance that the vacant building credit will not be extended to this development.

The council's housing service has identified the need for the development to provide seven affordable units on site. Meanwhile, the applicant has submitted a viability assessment to demonstrate that the scheme would not be viable if the development is required to provide affordable housing units within the scheme. The council engaged the District Valuation Service to undertake an open book assessment of the applicant's viability assessment and it reports that the viability of the scheme if it were required to provide affordable housing would be marginal.

JCS policy 30 recognises the need for schemes to be viable. The government has also issued clear advice on the need for the council to ensure that schemes are not prevented from coming forward because of viability issues; and furthermore, the applicant will not be given any vacant building credit to assist with the delivery of affordable units. Bearing in mind the above, and the fact that the council's advisor believes the viability of the scheme as proposed will be marginal, it is recommended that no affordable housing contribution be sought from the applicant.

The comments of the council's landscape officer are acknowledged but there is no formal wider identified and approved landscape scheme to which a landscape contribution could be put; and in addition, there is no evidence of any supportive costings. From the information submitted it is considered that the request from the landscape officer does not meet the tests as set out in the CIL regulations.

### **Planning Conditions**

Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are: necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The PPG reiterates this advice and also states the following:

- specific controls outside planning legislation may provide an alternative means of managing certain matters (for example, works on public highways often require highways' consent)
- conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning; for example, the provision of a fire hydrant which is regulated by the provisions of the water industry act.

It is considered that the conditions which are recommended meet the tests set out in the NPPF and the provisions of the PPG.

### **CONCLUSION**

The proposed development complies with the relevant development plan policies and is consistent with the provisions in the NPPF specifically in relation to promoting sustainable development, raising design standards, conserving the environment etc. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

### **RECOMMENDATION**

Approve subject to the following conditions.

### **CONDITIONS/REASONS**

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to S51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accord with the following plan numbers:  
A429-P1B, A429-P2B, A429-P3

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Before conversion works commence representative samples of the intended exterior facing materials shall be submitted to the local planning authority for approval in writing. The development shall be carried out using the approved materials.

Reason: In the interests of protecting the visual amenity of the area in accord with policy 8(d) (i) of the North Northamptonshire Joint Core Strategy.

4. No development shall take place within the area indicated until the applicant, or their agents or successors in title, 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 in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with North Northamptonshire Joint Core Strategy policy 2d).

5. Before conversion works commence a scheme for the intended boundary treatment of the development shall be submitted to the local planning authority for approval in writing. The approved boundary treatment details shall be implemented before first occupation of the development.

Reason: In the interests of residential amenity, visual amenity and security in accord with policies: 13 a) b) h) and l) of the North Northamptonshire Core Spatial Strategy.

6. Before development commences details of the intended crime prevention measures to be included into the development shall be submitted to the local planning authority for approval in writing. The development shall be carried out incorporating the approved measures before the development is first occupied.

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

7. Before conversion works commence details of the intended noise prevention measures to be included into the development shall be submitted to the local planning authority for approval in writing. The development shall be carried out incorporating the approved measures and evidence that the measures have been included into the development shall be submitted to the local planning authority before the development is first occupied.

Reason: In the interests of mitigating the effects of noise on the residential occupiers of the development in accordance with policy 8 e) i) of the North Northamptonshire Joint Core Strategy.

8. Before the development is first occupied the approved access and car parking area shall be laid out and surfaced. The first 5m in the rear of the public highway shall be hard bound and provision shall be made for the prevention of surface water flowing onto the highway.

Reason: In the interests of sustainable urban drainage and highway safety in accord with policies 5 c) and 8 b) ii) of the North Northamptonshire Joint Core Strategy.

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

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

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

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

## **INFORMATIVE/S**

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraphs 186 and 187 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.
2. The Borough Council of Wellingborough encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.  
To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
3. Application must be made to the Highways Regulation Team at [regulations@kierwsp.co.uk](mailto:regulations@kierwsp.co.uk) prior to carrying out any construction/excavation works within the public highway.
4. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property. Application forms for Street Naming and Numbering are available at [www.wellingborough.gov.uk](http://www.wellingborough.gov.uk)



# BOROUGH COUNCIL OF WELLINGBOROUGH

Planning Committee

8 November 2017

## Report of the Head of Planning and Local Development

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Case Officer **Paul Bateman**

**WP/17/00498/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>3 August 2017</b>	<b>7 August 2017</b>	<b>2 October 2017</b>	<b>Earls Barton</b>	<b>Earls Barton</b>

Applicant **Mr and Mrs Stevenson**

Agent **Mr Rupesh Patel**

Location **64 Doddington Road Earls Barton Northampton Northamptonshire  
NN6 0NQ**

Proposal **Conversion of existing garage to habitable room including the removal of the garage door and infilling/rendering and new windows, on rear elevation removal of door and window and replacement with bifold doors, creation of porch, removal of rear sun room and extension of rear dining room and minor internal modifications.**

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### PLANNING HISTORY

WP/17/00498/FUL	Determination pending. Conversion of existing garage to habitable room including the removal of the garage door and infilling/rendering and new windows, on rear elevation removal of door and window and replacement with bifold doors, creation of porch, removal of rear sun room and extension of rear dining room and minor internal modifications.	
WR/1950/0049	Approved with conditions House	01.06.1950

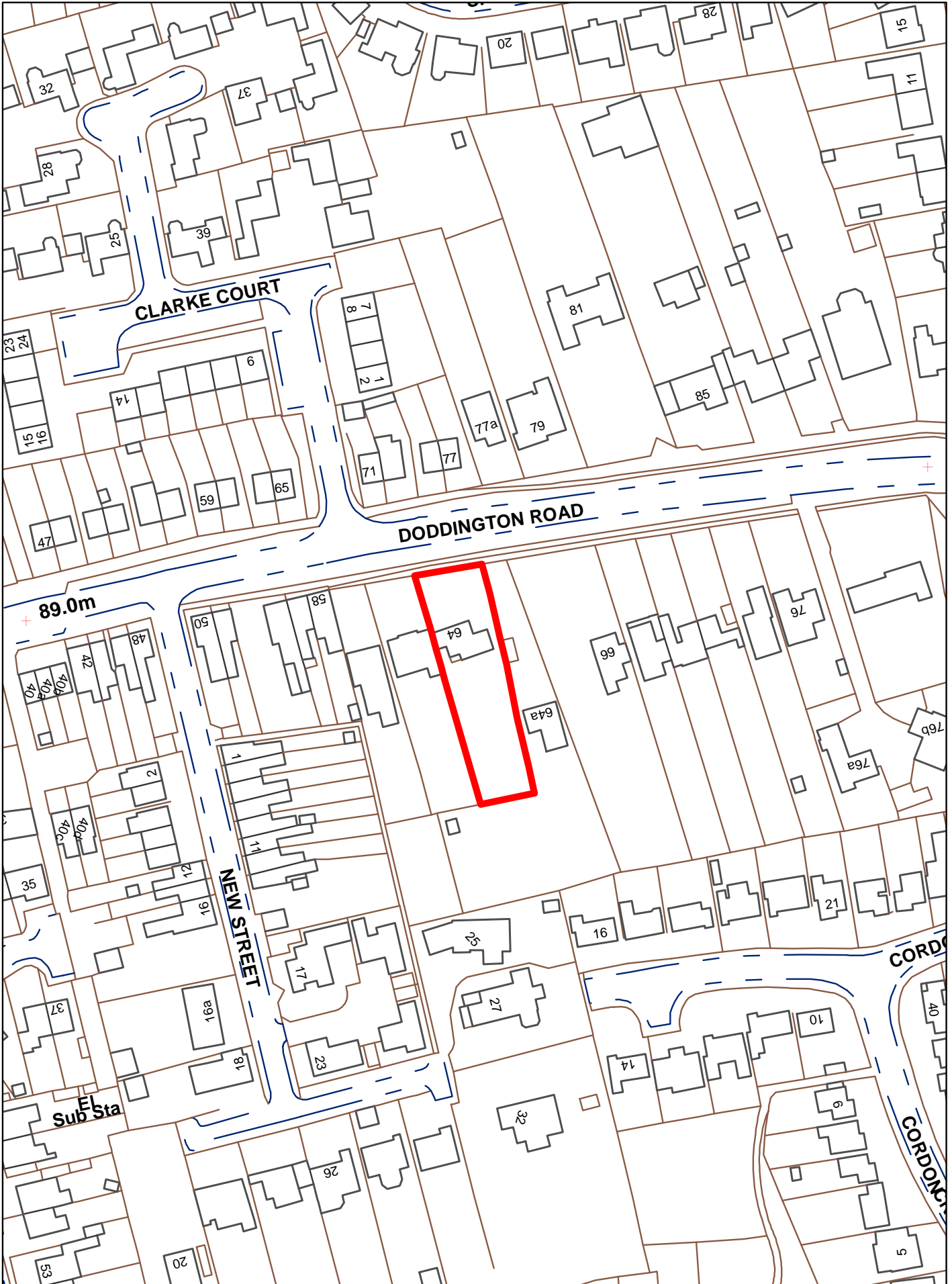
### Reason for committee consideration

One of the applicants is a borough councillor

### THE SITE AND SURROUNDINGS

The site is a detached dwellinghouse situated on the southern side of Doddington Road with a flat roofed garage to the side. The garage door is set back some 16m from the highway boundary on which is a maintained hedge.

The ground level of the site slopes down slightly from the highway to the front of the house.



## Legend



WP/17/00498/FUL - 64 Doddington Road, Earls Barton

## **APPLICATION BACKGROUND AND PROPOSAL**

There is no particular planning background or history to note except that the garage was built at the same time as the dwellinghouse.

The proposal is as described.

## **NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

### **North Northamptonshire Joint Core Strategy (JCS)**

1 (presumption in favour of sustainable development)

4 (biodiversity and geodiversity)

8 (North Northamptonshire place shaping principles)

### **Earls Barton Neighbourhood Plan (EBNP)**

EB.D1 (design, layout, building techniques)

### **Supplementary Planning Documents/Guidance**

Northamptonshire Minerals and Waste Development Framework: development and implementation principles

Sustainable Design

Biodiversity

Planning Out Crime in Northamptonshire

Residential Extensions: a guide to good design

Parking

## **SUMMARY OF REPLIES TO CONSULTATIONS/REPRESENTATIONS RECEIVED**

None received.

## **ASSESSMENT AND REASONED JUSTIFICATION**

The proposal raises the following main issues:

- design, layout and the effect on the character and appearance of the surrounding area
- effect/impact on the living conditions of the neighbouring occupiers
- effect/impact on highway safety in relation to the proposed off-road car parking provision
- planning conditions.

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

The EBNP at policy EB.D1 describes the principles that the proposed development must take into account with regards to its effect on the character and appearance of an area.

It is considered the proposal will have no material influence on the character and appearance of the area and the scheme is in conformity with policy EB.D1 of the EBNP.

**Effect/impact on the living conditions of the neighbouring occupiers**

The JCS at policy 8 (e) (i) sets out the need to ensure quality of life and safer communities.

It is considered that the scheme is relatively minor and will not materially impact on the standard of amenity that the nearby residential occupiers currently enjoy. This view is supported by the fact that there have been no comments from the nearby residential occupiers with regards to their views on how the proposed development would affect them.

The proposal is considered that the proposal conforms to policy 8 e) i) of the JCS.

**Effect/impact on highway safety in relation to the proposed off-road car parking provision**

JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety.

JCS policy 8 (b) (ii) gives a number of requirements that new development should achieve with regards to ensuring a satisfactory means of access, provision of parking servicing and manoeuvring.

The proposal envisages the conversion of the existing garage to habitable accommodation. Given the amount of space that is available at the front of the site for the off-road parking off vehicles it is thought that the loss of the garage space is not a detracting factor with regards to highway safety.

It is considered that the proposal is in conformity with policy 8 (b) (i) and (ii) of the JCS.

**Planning conditions**

Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are: necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

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

**CONCLUSION**

The proposed development conforms to the relevant development plan policies and is consistent with the provisions in the NPPF. In the absence of any material considerations it is recommended that the proposal be approved subject to conditions.

**RECOMMENDATION**

Approve subject to the following conditions.

**CONDITIONS/REASONS**

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to S51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accord with the following plan numbers:  
STE-PA-50 and STE-PA-200

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The development shall be carried out using exterior facing materials which match the existing exterior facing materials.

Reason: In the interests of protecting the visual amenity of the area in accord with policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

### **INFORMATIVE/S**

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraphs 186 and 187 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.

2. The Borough Council of Wellingborough encourages all contractors to be 'considerate contractors' when working in our district by being aware of the needs of neighbours and the environment. Prior to the commencement of any site works, it is good practice to notify neighbouring occupiers of the nature and duration of works to be undertaken.

To limit the potential detriment of construction works on residential amenity, it is recommended that all works and ancillary operations which are audible at the site boundary during construction should be carried out only between the following hours: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays.



# **BOROUGH COUNCIL OF WELLINGBOROUGH**

**Planning Committee**

**8 November 2017**

## **Report of the Head of Planning and Local Development**

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Case Officer **Paul Bateman**

**WP/17/00504/FUL**

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Date received	Date valid	Overall Expiry	Ward	Parish
<b>4 August 2017</b>	<b>15 August 2017</b>	<b>10 October 2017</b>	<b>Harrowden and Sywell</b>	<b>Isham</b>

Applicant **Mr John Harmon**

Agent **Mr David Calder**

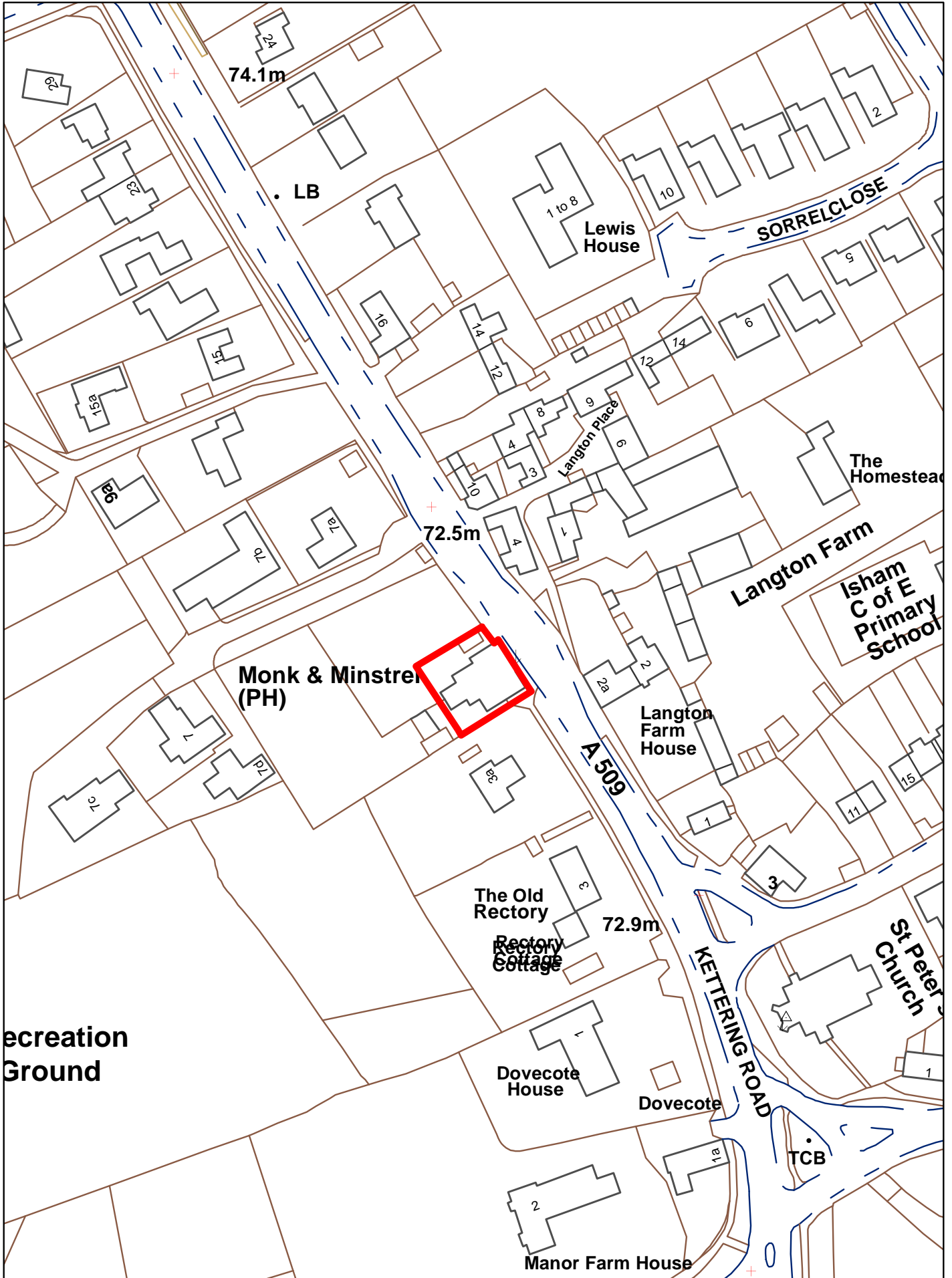
Location **5 Kettering Road Isham Kettering Northamptonshire NN14 1HQ**

Proposal **Demolition of existing redundant public house and erection of three two bedroom apartments with off road parking - re-submission.**

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### **PLANNING HISTORY**

WP/15/00304/FUL	Approved with conditions Conversion of the existing public house to 3 self-contained flats involving partial demolition of the rear additions; Erection of 5 detached dwellinghouses with garages; and alterations to access - amended description, revised plans and additional reports	04.12.2015
WP/16/00274/FUL	Refused Retrospective application for change of use of part of car park to car wash (6 spaces) including barn for storage	16.11.2016
WP/16/00422/CND	Approved Details submitted pursuant to conditions 1, 2, 3 (external materials), 4 (details of parts of site not covered by buildings), 4, 5 (tree protection), 6, 7 (visibility splays) and 8 (programme of archaeological work/WSI) of planning permission ref: WP15/00304/FUL. AMENDED PLANS. AMENDED MATERIALS.	18.08.2017
WP/16/00620/TCA	Approved Works to T1 copper beech, T2 lime and T4 walnut	22.11.2016
WP/17/00371/FUL	Application withdrawn/undetermined Demolition of redundant public house and erection of a detached 4 bedroom dwelling with a detached garage	20.07.2017
WP/17/00504/FUL	Determination pending. Demolition of existing redundant public house and erection of three two bedroom apartments with off road parking - re-submission.	



WP/1996/0175	Non determination Pub Signs	
WP/1995/0401	Approved with conditions Internal refurbishment and rear and side extensions	27.09.1995
WP/1996/0478	Non determination Demolition of existing outbuildings and construction of new extension	25.11.1996
WP/1996/0412	Non determination Rear extension to form family room and associated fencing and car parking	29.11.1996
WP/1996/0126	Approved with conditions Extension to public house car park	15.05.1996
BW/1979/0238	Approved with conditions Extension and alterations to form new toilets, bar accommodation and extension to existing car park area	23.05.1979
WR/1956/0080	Approved with conditions Car park	24.08.1956

### **Reasons for committee consideration**

The parish council has lodged an objection; and in addition, the application has attracted written objections from four or more households local to the application site.

### **THE SITE AND SURROUNDINGS**

The application building at the time of officer inspection was vacant. It was last used as the Bear and Beignet café and previously as a public house operating under the names of the 'Monk and Minstrel' and the 'Red Lion'.

The land to the rear of the site is currently being developed for housing.

The site is located within the Isham conservation area and there are grade II listed buildings on the opposite side of Kettering Road, namely: 1 Langton Place and Langton Farmhouse 2 Kettering Road.

### **APPLICATION BACKGROUND AND PROPOSAL**

As can be seen from the history above planning permission WP/15/00304/FUL granted permission for a comprehensive residential re-development of the site which included conversion of the building into three flats together with the erection of five detached dwellinghouses.

The application is as described and the plans which illustrate the scheme depict a two storey detached building on the footprint of the existing building which would provide three flats. The plans depict a scheme with a front elevation that would closely resemble the existing building with more extensive remodelling/rationalising works at the rear.

The applicant has submitted a level 2 building record which concludes:

'This former 18th-century single-cell building has been successively extended to form a pub which was planned for the first time in any detail when by 1910 it had reached its apogee. Modern catering, hygiene and welfare requirements, combined with modern tastes in décor and finishes, have resulted in the interiors being sterilised of anything with any age and character. Many of the loadbearing walls have been removed, leaving virtually just an outer shell. Modern extensions for catering etc have smothered the historic plan further.

There is little on the ground which can be related to the history of this long-lived former pub, other than the basic plan, which still preserves some simple phasing. Nothing is closely datable.'

The applicant has also submitted a structural investigation and report which concludes:

'The works required to convert this building are in the end extensive and its replacement should be considered.'

## **NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

### **North Northamptonshire Joint Core Strategy (JCS)**

- 1 (presumption in favour of sustainable development)
- 2 (historic environment)
- 4 (biodiversity and geodiversity)
- 5 (water environment, resources and flood risk management)
- 6 (development on brownfield land and land affected by contamination)
- 7 (community services and facilities)
- 8 (North Northamptonshire place shaping principles)
- 9 (sustainable buildings and allowable solutions)
- 11 (network of urban and rural areas)
- 15 (well connected towns, villages and neighbourhoods)
- 28 (housing requirements and strategic opportunities)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

### **Plan for the Borough of Wellingborough - Emerging Plan (PBW)**

SS1 (villages)

### **Supplementary Planning Documents/Guidance**

Northamptonshire Minerals and Waste Development Framework: development and implementation principles

Sustainable Design

Biodiversity

Planning Out Crime in Northamptonshire

Parking

## **SUMMARY OF REPLIES TO CONSULTATIONS/REPRESENTATIONS RECEIVED**

- 1. Isham Parish Council** - has registered its strongest objection and refers to:
  - the historical connections of the building and its conservation area location

- contravention of JCS policy 2
- belief that the demolition and rebuild of a historic building would not be permitted elsewhere
- problems with the building would have been reflected in the purchase price paid by the applicant and should therefore not be taken into consideration.

**2. Northamptonshire Highways** - notes that the application is a substitution of a new building in place of the previously permitted conversion and that the proposed vehicular access will be by way of the approved shared private drive.

Makes reference to the need of the parking accommodation to be provided in accordance with its own parking standards and satisfy JCS policy 8.

**3. Northamptonshire County Council Archaeology** - informs that the building has been already been recorded and no further archaeological work is required. However, comments that retention of the building would be preferable where possible and suggests that the council should be considering whether the loss of the building is justified in this case.

**4. Northamptonshire County Council Principal Project Officer** - is satisfied that the submitted bat survey demonstrates that a protected species licence or mitigation is not required for the works to proceed.

**5. Northamptonshire Police** - offers a number of crime prevention recommendations.

**6. Conservation officer** - provides a detailed heritage assessment of the proposal together with an appraisal of the NPPF guidance and the submitted structural survey, concludes by recommending that the application be refused.

**7. Neighbours** - objections have been received from four objectors 'local' to the application site and from four objectors from further afield. The objectors cite the following reasons for opposing the application:

- no need to demolish the building, not in a state of disrepair and would be contrary to policy 2 of the JCS
- reference to planning history
- historical and heritage importance of the building and conservation area location. New build would not be in keeping with its surroundings
- landmark importance to the character of the village
- the 10 O'clock development in Little Harrowden is lacking in character
- suggestion of an alternative scheme for conversion into a single residence
- even contemplating demolition should be a criminal offence

A non-local resident repeats many of the objections set out above.

One local resident suggests that the only part of the building with any architectural or aesthetic value is the front elevation and concludes by saying that if the building is replicated to the same standard as the Little Harrowden scheme, and subject to controls, has no objection.



Another local resident would prefer for as much of the original building to be retained, but if the only way three apartments can be created is to demolish the building and rebuild, has no objection.

## **ASSESSMENT AND REASONED JUSTIFICATION**

The proposal raises the following main issues:

- conformity with the development plan and material considerations
- effect on the Isham conservation area
- effect and on the setting of nearby listed building
- archaeology
- effect/impact on the living conditions of the neighbouring occupiers and the future occupiers of the development
- effect/impact on highway safety in relation to the proposed access arrangement and off-road car parking provision
- contamination
- crime and disorder

### **Conformity with the development plan and material considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *"if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise"*.

Planning permission has previously been granted for the conversion of the existing building to three residential units and the specific areas of policy and NPPF guidance which relate to the now proposed demolition and re-build of the building are examined below.

### **Effect on the Isham Conservation Area**

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve and enhance the character or appearance of a conservation area.

The courts have held (*South Lakeland DC v Secretary of State for the Environment*, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve.

Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

Policy 2 of the JCS sets out the policy background for the protection, preservation and enhancement of the historic environment and the relevant elements of the policies are set out below:

- a) proposals should conserve and, where possible, enhance the heritage significance and setting of an asset or group of heritage assets in a manner commensurate to its significance

- b) proposals should complement their surrounding historic environment through the form, scale, design and materials
- c) proposals should protect and, where possible, enhance key views and vistas of heritage assets
- d) proposals should demonstrate an appreciation and understanding of the impact of development on heritage assets and their setting in order to minimise harm to these assets and their setting.
- e) where appropriate, flexible solutions to the re-use of buildings and conservation of other types of heritage assets at risk will be encouraged.

Chapter 12 of the NPPF sets out the government's advice on conserving and enhancing the historic environment. Paragraph 133 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 134 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The NPPF goes on to say that when weighing up an application a balanced judgment will be required having regard to the loss and significance of the heritage asset.

The council's conservation officer sets out in detail the considerable positive contribution the existing building makes to the conservation area and is not supportive of the proposed scheme which envisages the demolition of the building. The conservation officer points out that the applicant's building survey shows it is structurally sound and that some repairs are required and continues by saying it is not possible to argue that demolition provides any public benefit.

The conservation officer does, however, suggest that demolition would only be appropriate where it has been demonstrated that the structural integrity of the existing building is beyond saving, but this has not been adequately argued by the applicant. He comments on the inappropriate layout mentioned in the applicant's report and advocates that an open plan layout would offer some flexibility.

It is officer opinion that it has not been satisfactorily demonstrated by the applicant that the existing building cannot be viably converted as per the extant planning permission. It is acknowledged that the current proposal would provide three new build residential units, but it is considered that the building makes an important contribution to the historic context of the Isham Conservation Area and it is further considered that the proposal would not provide any meaningful public benefit to justify its demolition over and above the benefit associated with the permitted proposal for the conversion of the building. As such, the proposal is not in conformity with JCS policy 2 and is also inconstant with the provisions of paragraphs 133 and 134 of the NPPF.

### **Effect on the setting of a listed building**

Allied to the section above, the council is also required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building.

Policy 2 of the JCS sets out the policy background for the protection, preservation and enhancement of the historic environment and the provisions of NPPF paragraphs 133 and 134 are also relevant.

It is thought that the proposed development will have a less than substantial effect on the setting of the listed building on the other side of the Kettering Road due to the intervening distance and the physical separation of the highway.

### **Effect on archaeology**

JCS policy 2 (d) requires that where proposals would result in the unavoidable and justifiable loss of archaeological remains, provision should be made for recording and the production of a suitable archive and report.

The county archaeologist has informed that there is no need for any further archaeological work to be undertaken and the other comments are noted.

It is considered that the proposal is in conformity with JCS policy 2 (d).

### **Effect/Impact on the living conditions of the neighbouring occupiers and the future occupiers of the development**

The JCS at policy 8 (e) (i) sets out the need to ensure quality of life and safer communities.

It is considered that the development now proposed would not have any significant effect on the standard of amenity currently enjoyed by the nearby residential occupiers over and above how they would be influenced by the already permitted scheme. In addition it is considered that the future occupiers of the development would also enjoy a reasonable standard of residential amenity and the proposal is therefore in conformity with JCS policy 8 (e) (i).

The applicant has provided a schedule to confirm that the scheme complies with the nationally adopted space standards as required by JCS policy 30 (b).

### **Effect/Impact on highway safety in relation to the proposed access arrangement and off- road car parking provision**

JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety.

JCS policy 8 (b) (ii) gives a number of requirements that new development should achieve with regards to ensuring a satisfactory means of access, provision of parking servicing and manoeuvring.

Northamptonshire Highways has not objected to the application and in the circumstances it is considered that the proposal is in conformity with JCS policy 8 (b) (i) and (ii).

### **Crime and disorder**

The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime. The adopted designing out crime supplementary planning guidance gives detailed advice this issue.

The comments of the police are noted and it is thought that should the application be permitted the suggested crime prevention measures could be required to be incorporated into the development by way of an appropriate condition.

## CONCLUSION

The proposed development does not conform to development plan policy and is inconsistent with the provisions in the NPPF, specifically in relation to how it would affect the historic environment. To complete the planning balancing exercise it should be remarked that the scheme as proposed would result in a development which would provide a boost to the borough's housing supply of smaller units in a village, as would the previous permission. However, it is considered that there are insufficient public benefits that would accrue as a result of the development to outweigh the harm that would be caused to the Isham Conservation Area. In the absence of any other material considerations of sufficient weight, it is recommended that the proposal be refused.

## RECOMMENDATION

Refuse for the following reason.

## REASONS

1. The proposed demolition of the building has not been satisfactorily justified and the resulting harm that would be caused by the proposal to the historical significance to the Isham Conservation Area is contrary to policy 2 of the North Northamptonshire Joint Core Strategy and is also inconsistent with paragraphs 133 and 134 of the National Planning Policy Framework.

Policy: <http://www.nnjpu.org.uk/docs/Joint%20Core%20Strategy%202011-2031%20High%20Res%20version%20for%20website.pdf>

## INFORMATIVE/S

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraphs 186 and 187 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the proposed development is consistent with the relevant provisions in the framework.
2. The decision is based on the following plan numbers: MM-2017 PLNG 1.0, MM-2017 PLNG 2.0

## PLANNING COMMITTEE - 8 November 2017

The following applications dealt with under the terms of the Head of Planning and Local Developments delegated powers.

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### WP/17/00350/FUL

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**Applicant** Mr Tom Loasby

**Location** Unit Fitness, Unit 2, 35A Irthlingborough Road, Finedon

**Proposal** Change of use from warehouse to D2 (private training gym) - no structural changes - retrospective application

**Decision** Application Refused

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### WP/17/00404/FUL

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**Applicant** Mr Richard Greenhalf

**Location** 31 Lower Street, Great Doddington, Wellingborough, Northamptonshire

**Proposal** Two storey side extension and rear decking, extend existing porch, retention of existing decking - re-submission

**Decision** Application Permitted

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### WP/17/00405/LBC

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**Applicant** Mrs Stevie Douglass

**Location** Nelson House, 42 High Street, Bozeat, Wellingborough

**Proposal** Replacement side and rear windows

**Decision** Application Permitted

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### WP/17/00427/FUL

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**Applicant** Mrs Jenny Piazza

**Location** 15 Thrapston Road, Finedon, Wellingborough, Northamptonshire

**Proposal** Single storey front extension and two storey side and rear extensions

**Decision** Application Permitted

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### WP/17/00429/FUL

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**Applicant** Mr James Petrie Wellingborough School

**Location** Wellingborough School, Irthlingborough Road, Wellingborough, Northamptonshire

**Proposal** New 2m high security mesh fencing positioned behind existing metal rail fencing on London Road boundary along with the replacement of approximately 15 metres of existing fencing

**Decision** Application Permitted



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**WP/17/00449/FUL**

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**Applicant** Mr Scott Franklin    Suffolk Life Annuities Limited

**Location** 1A Central Hall Buildings, High Street, Wellingborough,  
Northamptonshire

**Proposal** Change of use of existing shop unit from Class A1 Shop to Class A3  
Food & Drink

**Decision** Application Permitted

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**WP/17/00499/FUL**

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**Applicant** Mr Paul Goodyear    BGBet

**Location** 48 Market Street, Wellingborough, Northamptonshire, NN8 1AG

**Proposal** Relocation of two Air Con Units to rear of adjacent property (no. 49)

**Decision** Application Permitted

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**WP/17/00500/LBC**

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**Applicant** Mr Paul Goodyear    BGBet

**Location** 48 Market Street, Wellingborough, Northamptonshire, NN8 1AG

**Proposal** Relocation of two Air Con Units to rear of adjacent property (no. 49)

**Decision** Application Permitted

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**WP/17/00502/FUL**

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**Applicant** Mrs S Jurek-George

**Location** 5 - 7 Stanwell Way, Wellingborough, Northamptonshire, NN8 3DQ

**Proposal** Connecting link door to be bricked up to convert the one property back  
into two separate dwellings.

**Decision** Application Permitted

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**WP/17/00503/FUL**

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**Applicant** Mr W Smith

**Location** 40 Mill Road, Bozeat, Wellingborough, Northamptonshire

**Proposal** 2 storey front extension

**Decision** Application Permitted

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**WP/17/00506/FUL**

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**Applicant** Marks and Spencer

**Location** 22 London Road, Wellingborough, Northamptonshire, NN8 2DP

**Proposal** Installation of 1 Temporary refrigerated (40ft) container (between 1st  
November and 31st January annually)

**Decision** Application Permitted

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**WP/17/00507/FUL**

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**Applicant** Mr Mark Tucker The Congregational Federation Limited

**Location** Congregational Hall, 24-25 Milton Road, Little Irchester, Wellingborough

**Proposal** Conversion of existing building to create a single detached house with associated works - re-submission

**Decision** Application Refused

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**WP/17/00511/FUL**

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**Applicant** Mrs Underwood

**Location** 9 Osborn Close, Wellingborough, Northamptonshire, NN8 2AW

**Proposal** Single storey rear conservatory

**Decision** Application Permitted

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**WP/17/00512/FUL**

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**Applicant** Mr and Mrs Taylor

**Location** 62A Hardwick Road, Wellingborough, Northamptonshire, NN8 5AG

**Proposal** To erect a 2.5m fence at the rear of the property for a length of approx 17m, between 62a Hardwick Road and 1 Torrington Road

**Decision** Application Permitted

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**WP/17/00513/FUL**

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**Applicant** Mr and Mrs B Hynes

**Location** 14 The Ridge, Great Doddington, Wellingborough, Northamptonshire

**Proposal** Two storey rear extension

**Decision** Application Permitted

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**WP/17/00517/FUL**

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**Applicant** Mr and Mrs Greenbank

**Location** Church Farm Yard, 2 Harrowden Road, Orlingbury

**Proposal** Flat roof single storey side/rear extension

**Decision** Application Permitted

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**WP/17/00519/FUL**

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**Applicant** Mr Robert Marks

**Location** Former Pump House, London Road, Little Irchester, Wellingborough

**Proposal** Conversion of the existing redundant pump house into a facilities building for use by the associated fishing syndicate - re-submission following the refusal of WP/17/00058/FUL

**Decision** Application Permitted

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**WP/17/00523/LBC**

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**Applicant** Mr Richard Armstrong

**Location** Burford House, 98B Gold Street, Wellingborough, Northamptonshire

**Proposal** Internal alterations to existing bathroom and shower room to include repositioning existing stud wall, creating a new doorway to ensuite and blocking existing doorway to shower room and installation of extractor fans

**Decision** Application Permitted

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**WP/17/00526/TCA**

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**Applicant** Mr Rob Bramhall    Morrisons PLC

**Location** 2 - 5 Oxford Street, Wellingborough, Northamptonshire, NN8 4LL.

**Proposal** Removal of all vegetation from the rear/side areas of the store excluding all deciduous Trees which are to be retained but Crown-lifted to a height of approx. 3m again giving a clearance of 5m from the store. See illustrated areas on attached map in brown - 338m2 in area. Removal of all ground cover scrub and smaller root content from these areas using a hired in 3 tonne excavator with fully licensed CPCS operative, eco plug larger Shrubs which have been reduced to just above ground level

**Decision** Application Permitted

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**WP/17/00533/PAMB**

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**Applicant** Mr Tom Willmott

**Location** Agricultural barn rear of 130 High Street, Irchester, Wellingborough

**Proposal** Notification for prior approval for a proposed change of use of agricultural building to a dwelling house (Class C3) and for associated operational development

**Decision** Prior Approval/Notification Declined

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**WP/17/00535/STUN**

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**Applicant** Diane Cragg    Network Rail

**Location** A45 Higham Rail Overbridge, Higham Road, Irchester, Wellingborough

**Proposal** Prior approval application under Part 18: Reconstruction of the central east span of A45 Higham Rail Overbridge (Knuston Lodge South Bridge) Irchester

**Decision** Agreed BCW

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**WP/17/00536/VAR**

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**Applicant** Mr John Mitchell Town & Country Properties (GB) Limited

**Location** 2 Kings Street, Wellingborough, Northamptonshire, NN8 4RF

**Proposal** Variation of condition 4 of appeal Ref: APP/H2835/W/16/3148247 to amend the requirements of the submission of the programme of archaeological work to the refurbishment of the existing single storey building (1b George Street)

**Decision** Application Permitted

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**WP/17/00538/TPO**

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**Applicant** Mrs Carol Mann

**Location** 18 Mackworth Drive (trees Belong To 20), Finedon, Wellingborough, Northamptonshire

**Proposal** T1 Yew (neighbours tree); Crown lift to a height of 2.4 metres. Reduce laterally by 2.0 metres over clients side only  
T2 Oak (neighbours tree); Crown lift to a height of 2.4 metres. Reduce laterally by 2.0 metres over clients side only.  
T7 Chestnut (neighbours tree); Crown reduce by approximately 1.0 - 1.5 metres laterally on clients side only pruning to suitable growth points to retain the flowing lines of the canopy. Works to be carried out to reduce excessive overhang of neighbours trees.

**Decision** Application Permitted

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**WP/17/00539/FUL**

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**Applicant** Mr Carl Stairs

**Location** 102 Orlingbury Road, Isham, Kettering, Northamptonshire

**Proposal** Retrospective planning application for detached covered kitchen area to rear of existing dwelling

**Decision** Application Permitted

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**WP/17/00540/OUT**

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**Applicant** Mr Mel Jacquest

**Location** 13 Hall Drive, Finedon, Wellingborough, Northamptonshire

**Proposal** Outline application for a one and a half storey dwelling with access off Hall Drive with all matters reserved

**Decision** Application Refused

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**WP/17/00541/FUL**

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**Applicant** Mr C Neal

**Location** 68 Station Road, Irchester, Wellingborough, Northamptonshire

**Proposal** Vehicular access

**Decision** Application Refused

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**WP/17/00542/FUL**

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**Applicant** Mr and Mrs Davis

**Location** 57 Arkwright Road, Irchester, Wellingborough, Northamptonshire

**Proposal** Demolition of an existing rear utility and conservatory and construction of a single storey rear extension to the existing dwelling house and garage.  
AMENDED DESCRIPTION

**Decision** Application Permitted

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**WP/17/00543/TCA**

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**Applicant** Ms Jenny Cookman

**Location** 78 High Street, Ecton, Northampton, Northamptonshire

**Proposal** T1 variegated Acer; Crown reduce by approximately 1.0 - 1.5 metres in height and laterally to balance pruning to suitable growth points to retain the flowing lines of the canopy

**Decision** Application Permitted

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**WP/17/00544/FUL**

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**Applicant** Dr Graham Alner

**Location** 4 White Delves, Wellingborough, Northamptonshire, NN8 5XW

**Proposal** Proposed new single storey rear extension to form sun room and side extension to form garage and store (amended plans)

**Decision** Application Permitted

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**WP/17/00546/FUL**

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**Applicant** Dr Paul Castle

**Location** 5 Palmer Close, Wellingborough, Northamptonshire, NN8 5NX

**Proposal** Two storey rear extension and conversion of part of the existing garage along with associated ground floor extension - amended plans

**Decision** Application Permitted



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**WP/17/00547/TCA**

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**Applicant** Mr Gerald Bristow

**Location** Castle Lodge, 1 Castle Lane, Wellingborough, Northamptonshire

**Proposal** 2 no. Ailanthus - T1 to be removed and T2 crown reduced

**Decision** Application Permitted

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**WP/17/00549/FUL**

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**Applicant** Mr David Robson A-Lift Crane Hire Ltd

**Location** 70 Sywell Road, Wellingborough, Northamptonshire, NN8 6BS

**Proposal** Change of use from warehouse to training on part of land

**Decision** Application Permitted

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**WP/17/00553/FUL**

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**Applicant** Mr Shelton

**Location** 96 London Road, Wollaston, Wellingborough, Northamptonshire

**Proposal** Demolition of existing garage, construction of a two-storey front extension and relocation of the site access - re-submission

**Decision** Application Permitted

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**WP/17/00557/FUL**

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**Applicant** Mr and Mrs Croxen

**Location** 29 The Pyghtle, Wellingborough, Northamptonshire, NN8 4RP

**Proposal** Single storey rear extension plus new garage/store

**Decision** Application Permitted

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**WP/17/00559/ADV**

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**Applicant** Mr Meekel Patel

**Location** 440 Kettering Road, Orlingbury, Kettering, Northamptonshire

**Proposal** Illuminated pole/price sign

**Decision** Application Refused

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**WP/17/00560/VAR**

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**Applicant** Mr Ian Forth

**Location** Building to rear of 90 Main Road, Earls Barton, Northampton

**Proposal** Removal of condition 2 of planning permission WP/17/00187/FUL - removal of filtration requirement due to installation of rising duct with high velocity discharge cowl

**Decision** Application Permitted

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**WP/17/00562/TCA**

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**Applicant** Rachel Rowley

**Location** Hall Cottage, 12 Wellingborough Road, Sywell, Northampton

**Proposal** T1 Ash; Crown reduce all branches overhanging property as much as possible to viable growth points

**Decision** Application Permitted

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**WP/17/00563/FUL**

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**Applicant** Mr William Groome

**Location** 31 Edward Road, Irchester, Wellingborough, Northamptonshire

**Proposal** Erection of 1 no. detached house

**Decision** Application Refused

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**WP/17/00564/STUN**

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**Applicant** Tony Rivero    Network Rail

**Location** Railway Bridge, Irthlingborough Road, Wellingborough, Northamptonshire

**Proposal** Prior approval for a replacement road bridge under Part 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015

**Decision** Agreed BCW

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**WP/17/00565/PNX**

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**Applicant** Ms Gavin

**Location** 81 Baker Crescent, Irchester, Wellingborough, Northamptonshire

**Proposal** Notification for prior approval for a proposed larger home extension for a single storey flat-roofed rear extension

**Decision** Prior Approval/Notification Granted

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**WP/17/00569/PAD**

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**Applicant** Northern Trust Company Limited

**Location** 9 to 16 Leyland Trading Estate, Irthlingborough Road, Wellingborough, Northamptonshire

**Proposal** Demolition of units 9 to 16 Leyland Trading Estate

**Decision** Prior Approval/Notification Required

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**WP/17/00570/LDP**

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**Applicant** Mr and Mrs C J and A V Odom

**Location** 52 Fairfield Road, Isham, Kettering, Northamptonshire

**Proposal** Application for a lawful development certificate to re-roof existing property. No changes to size or use of property proposed. Roof of attached garage and outbuildings is currently "flat" felt on timber - this will be changed to pitched. Tiled roof to match rest of property on same pitch and height

**Decision** Application Permitted

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**WP/17/00571/VAR**

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**Applicant** Mr Jarek Zolnacz Anglian Water Services Limited

**Location** Land adjacent 199 Northampton Road, Wellingborough, Northamptonshire

**Proposal** Variation of Condition 3 of planning permission WP/2013/0633 - to retain the access point and gate onto Northampton Road to be retained and the temporary access road to be removed and the land reinstated to its former condition following the completion of the temporary works

**Decision** Application Permitted

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**WP/17/00573/TCA**

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**Applicant** Mrs Angela Parker

**Location** 19 North Street, Mears Ashby, Northampton, Northamptonshire

**Proposal** T1 Removal of Blue Cedar  
T2 Hazel - coppice to a height of approximately 30cm

**Decision** Application Permitted

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**WP/17/00574/FUL**

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**Applicant** Mr J PAL

**Location** 147 Northampton Road, Wellingborough, Northamptonshire, NN8 3PN

**Proposal** Proposed side extension, internal changes, loft conversion and proposed new part roof - re-submission

**Decision** Application Refused

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**WP/17/00579/PNX**

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**Applicant** Miss Edelle Keating

**Location** 31 Ewenfield Road, Finedon, Wellingborough, Northamptonshire

**Proposal** Notification for prior approval for a proposed larger home extension for replacement single storey pitched roof rear extension

**Decision** Prior Approval/Notification Not Required

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**WP/17/00580/PNX**

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**Applicant** Mr Will Kilpin

**Location** 25 Clarke Court, Earls Barton, Northampton, Northamptonshire

**Proposal** Notification for prior approval for a proposed larger home extension for a single storey rear extension

**Decision** Prior Approval/Notification Not Required

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**WP/17/00581/FUL**

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**Applicant** Mr Dicks C Dicks & Sons Limited

**Location** Northfield Lodge, 62 Orlingbury Road, Isham, Kettering

**Proposal** Erection of a new general purpose agricultural building

**Decision** Application Permitted

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**WP/17/00591/FUL**

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**Applicant** Mr and Mrs Shane Knight

**Location** 32 Butts Road, Wellingborough, Northamptonshire, NN8 2PU

**Proposal** 2 Storey side extension to existing dwelling house

**Decision** Application Permitted

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**WP/17/00594/TCA**

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**Applicant** Mrs Annabelle Tilley-Castle

**Location** 1 Church Lane, Wollaston, Wellingborough, Northamptonshire

**Proposal** Holly tree - fell

**Decision** Application Permitted

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**WP/17/00595/PNX**

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**Applicant** Mr M Gearty

**Location** 7 Abbey Road, Wellingborough, Northamptonshire, NN8 2JW

**Proposal** Notification for prior approval for a proposed larger home extension for a 3.83m single storey rear extension

**Decision** Prior Approval/Notification Granted

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**WP/17/00596/LDP**

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**Applicant** Miss Judith Glashen

**Location** 18 Sywell Way, Wellingborough, Northamptonshire, NN8 5ER

**Proposal** Application for a lawful development certificate for proposed rebuilding of garage and boundary walls

**Decision** Application Refused

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**WP/17/00599/FUL**

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**Applicant** Mr Malcolm Wheatman

**Location** 28 West Street, Ecton, Northampton, Northamptonshire

**Proposal** Addition of Dining Room and Bedroom/En Suite to rear of property above existing study

**Decision** Application Refused

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**WP/17/00600/CRA**

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**Applicant** Mrs Sue Greenhough    Proactive Asbestos Control Limited

**Location** 1 Bradfield Road, Wellingborough, Northamptonshire, NN8 4HB

**Proposal** Certificate of Proposed Lawful Use for the storage and transfer of Asbestos waste

**Decision** No Objection (Consultation Response)

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**WP/17/00601/PNX**

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**Applicant** Mr Lorenzo Bonura    Furnital

**Location** 20 Stanwell Way, Wellingborough, Northamptonshire, NN8 3DG

**Proposal** Notification for prior approval for a proposed larger home extension for 3.2m deep and 5.1m wide single storey rear extension to form kitchen

**Decision** Prior Approval/Notification Not Required

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**WP/17/00603/FUL**

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**Applicant** Mr Matthew Davis

**Location** 63 York Road, Wollaston, Wellingborough, Northamptonshire

**Proposal** Proposed first floor side extension to form bedroom, dressing room and en-suite

**Decision** Application Permitted



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**WP/17/00604/TPO**

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**Applicant** Mr Chivers

**Location** 30 The Promenade, Wellingborough, Northamptonshire, NN8 5AL

**Proposal** Beech tree in front garden, pollard to 7m as it is in a dangerous condition and will fail

**Decision** Application Permitted

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**WP/17/00605/TPO**

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**Applicant** Mr Craig Smith

**Location** 18 Park Close, Sywell, Northampton, Northamptonshire

**Proposal** Silver birch - Remove to ground level

**Decision** Application Permitted

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**WP/17/00615/FUL**

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**Applicant** Mr Trevor Riley

**Location** 124 Overstone Road, Sywell, Northampton, Northamptonshire

**Proposal** Demolition of a wooden shed and a single storey extension to the rear of existing dwelling

**Decision** Application Permitted

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**WP/17/00625/AMD**

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**Applicant** Mr Craig Benham

**Location** Torvaig, 6 Northampton Road, Orlingbury, Kettering

**Proposal** Application for Non-material amendment to planning permission ref: WP/16/00363/FUL to allow addition of 2 velux windows in front elevation, removal of chimney feature, removal of one dormer window to rear, replacement of one rear dormer with 4 velux windows, change to the size of one rear dormer window, addition of 2 velux windows in side elevation, alterations to kitchen windows, cedar cladding and insertion of escape window to gable end side elevation

**Decision** Application Permitted

## **BACKGROUND PAPERS**

The background papers for the planning and building applications contained in this report form part of the relevant files appertaining to individual applications as referenced.

Borough Council of Wellingborough, Planning and Local Development, Swanspool House, Doddington Road, Wellingborough.

# BUILDING REGULATIONS FULL PLANS DECISIONS ISSUED

25 Sep 2017 To 30 Oct 2017

App No	Location	Description	Decision	Rec'd Date	2 Month Date	Decision Date	Within 2 months
FP/2016/3616/E	6 Northampton Road Orlingbury Kettering Northamptonshire NN14 1JF	Extension to create roofspace including raising plate height	Plans Rejected	28/07/2017	Yes	25/09/2017	Yes
FP/2017/3918	9 - 28 Leyland Trading Estate Irthlingborough Road Wellingborough Northamptonshire NN8 1RA	Construction of 3no. Industrial units - steel frame, cladding, brickwork and ancillary external works	Approve conditions BCW	20/09/2017	Yes	03/10/2017	Yes
FP/2017/3414	12 Silver Street Wellingborough Northamptonshire NN8 1BQ	Maintenance works to ground floor retail unit	Withdrawn	11/08/2017	Yes	10/10/2017	Yes
FP/2017/3496	31 Ewenfield Road Finedon Wellingborough Northamptonshire NN9 5LR	Rear single storey extension	Approve conditions BCW	23/08/2017	Yes	17/10/2017	Yes
FP/2017/3917	145 & Rear Of 145 Doddington Road Earls Barton Northampton Northamptonshire NN6 0NW	14 no. New detached dwellings including garages and amenity spaces	Approve conditions BCW	20/09/2017	Yes	17/10/2017	Yes
FP/2017/2352/A	26 Wilkie Road Wellingborough Northamptonshire NN8 4SZ	New two storey side extension	Approve conditions BCW	11/10/2017	Yes	18/10/2017	Yes
FP/2017/3616	Locomotive Inn 111 Finedon Road Wellingborough Northamptonshire NN8 4AL	Internal structural alterations to remove existing chimney breast and provide structural support to remaining floor and associated walling	Approve conditions BCW	31/08/2017	Yes	19/10/2017	Yes

App No	Location	Description	Decision	Rec'd Date	2 Month Date	Decision Date	Within 2 months
FP/2017/4055	57 Oakley Drive Wellingborough Northamptonshire NN8 3JY	Internal alterations to form WC.	Approved	28/09/2017	Yes	20/10/2017	Yes
PS/2017/3164/A	16 Boswell Court Buckingham MK18 1UU	Rear extension and internal alterations	Approve conditions BCW	25/09/2017	Yes	20/10/2017	Yes
FP/2017/3835	Zion Christian Church Great Park Street Wellingborough Northamptonshire NN8 4PH	Internal works to create bedsit accommodation, comprising bedroom, kitchen and shower room	Approve conditions BCW	14/09/2017	Yes	24/10/2017	Yes
FP/2017/4054	9 Pytchley Road Orlingbury Kettering Northamptonshire NN14 1JQ	Proposed first floor extension over garage	Approve conditions BCW	02/10/2017	Yes	24/10/2017	Yes
FP/2017/4182	2 Lytham Court Wellingborough Northamptonshire NN8 5PB	Replace conservatory with a two story extension. Ground floor will have two windows on either side and bi folding doors located at the end. On the first floor an existing bedroom will be knocked through to make a large master bedroom with en-suite and walk in wardrobe. On the first floor there will be two windows, one facing the garden and the other facing the garage.	Approve conditions BCW	10/10/2017	Yes	26/10/2017	Yes

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# Appeal Decision

Site visit made on 19 September 2017

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 13 October 2017**

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**Appeal Ref: APP/H2835/W/17/3176881**

**Former Fox & Hounds Public House car Park area, 32 Gold Street, Wellingborough NN8 4QY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Barker & Smart Estate Agents Ltd against the decision of Borough Council of Wellingborough.
  - The application Ref WP/16/00677/FUL, dated 1 November 2016, was refused by notice dated 11 May 2017.
  - The development proposed is demolition of an existing house and the construction of a new 6-unit apartment building.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Barker & Smart Estate Agents Ltd against the decision of Borough Council of Wellingborough. This application is the subject of a separate Decision.

## Procedural Matter

3. **I have used the Council's description of the development** in reaching my decision as it more fully describes the details of the development than that **given on the original planning application form. The appellant's appeal form** also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

## Main Issues

4. The main issues are the effect of the proposed development on
  - (i) the character and appearance of the area;
  - (ii) whether the proposal makes appropriate provision for off-street parking in the interest of highway safety.
  - (iii) the living conditions of the future occupants of the proposed apartments with particular regard to the private amenity space; and
  - (iv) the existing trees on the site and adjacent public open space.

## Reasons

### *Character and appearance of the area*

5. The appeal site comprises of a detached two storey dwelling and an open parcel of land that previously formed part of the car parking area for the former Fox & Hounds Grade II listed Public House at No. 32 Gold Street (No. 32) immediately to the north-east of the site.
6. The surrounding area is predominantly residential in character with some retail and commercial uses along Gold Street to the north-east of the site. The surrounding properties comprise mainly traditional two storey terraced properties although there are a number of modern three storey residential developments in the immediate vicinity of the site along Gold Street and on the lower ground at Knights Court to the rear of the site. The appeal site is situated adjacent to a small area of public open space at the junction of Gold Street and Knights Court, which adds to the open and verdant character and appearance of the street scene, which is further enhanced by the presence of mature established trees within the surrounding public open space and the open roadside verge on the opposite side of the road.
7. The proposal would involve the demolition of the existing dwelling and the redevelopment of the site with 6 no. residential apartments within a three storey contemporary style building with associated car parking, private amenity space, landscaping and vehicular access off Gold Street. The proposed three storey building with a hipped pitched tiled roof would be set back from the road and would be stepped down to a two storey building adjacent to No. 32. The external finish of the building would be predominantly built in buff brick and stone with Cedral board cladding and render at higher levels.
8. Whilst visually the design of the proposed apartment building would be acceptable, the scale and overall massing of the proposed building extending across the front and to the rear of the site would nevertheless be substantial in this location. As such, although it would be set back from the front of the site and stepped down, the proposed apartment building, by virtue of its scale and visual bulk would appear visually cramped and compromise the sense of space and openness in the area. These shortcomings would be exacerbated by the close proximity of the three storey building to the adjacent public open space and the proposal's prominent position, which would be visible from a number of public vantage points along Gold Street and Knights Court. As such, I consider the proposed development would adversely harm rather than positively contribute to the open character and appearance of the area.
9. **I have considered the appellant's argument that the scale and design of the proposed development would be in keeping with the other buildings in the area.** Whilst the use of matching materials, fenestrations, boundary treatment and the hipped roof design would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above. I have noted the other developments in the area drawn to my attention by the appellant. However, the three storey apartment buildings at 10-14 Gold Street and at Knights Court relate to different scale and form of development and are set back from the adjacent public open space. In any event, I am required to deal with this proposal on its own merits and such I accord them limited weight as precedents in this case.



10. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would be contrary to the overall aims of Policy 8 (d) (i) in the North Northamptonshire Joint Core Strategy 2016 (CS). This policy, amongst other things, seeks to ensure that **new development responds to the site's immediate and wider context and local character.**

### *Parking arrangements*

11. CS Policy 8 (b) requires development to satisfy a range of place shaping principles, including ensuring satisfactory means of parking, locating development where services and facilities can be easily accessed by public transport, walking and cycling and supporting modal shift and shift away from the use of the private car. This approach is consistent with the National Planning Policy Framework (the Framework) which encourages solutions which reduce congestion and facilitate use of sustainable transport and specifies that local parking standards should take into account the accessibility of a development, type, mix and use of the development, the availability of and opportunities for public transport, local car ownership and an overall need to reduce the use of high-emission vehicles<sup>1</sup>. This is underpinned by the core principle set out in paragraph 17 of the Framework to make the fullest use possible use of public transport, walking and cycling.
12. The proposal would involve the provision of three on-site car parking spaces thus resulting in a need for nine spaces to be available on the surrounding roads based on a requirement for two spaces per flat. In view of the shortfall, a parking survey was requested by the Local Highway Authority (LHA) Northamptonshire County Council. The parking survey submitted by the appellant on the roads within 50m of the site demonstrated that there is spare on-street capacity in the area to accommodate the residual parking from the proposed development. I am mindful that the LHA have not objected to the development subject to appropriate conditions. I have not been provided with any substantive evidence by the Council to **contradict the appellant's claims** and show how the local parking standards seek to be more flexible for a small scale development in such an accessible location as advocated in the Framework.
13. I acknowledge that some of the properties on both Gold Street and the nearby roads rely on on-street parking and there is likely to be competition for parking spaces at peak periods. However, whilst there are some parking restrictions at the junction of Gold Street and Knights Court, there are no parking restrictions outside the appeal site and at the time of my site visit, there were parking spaces available along Gold Street and on the nearby roads. In any event, the appeal site is located in a sustainable location within easy walking distance of the local services and facilities and public transport services and as such provides viable alternatives for supporting modal shift and shift away from the use of the private car.
14. In view of the scale of development and the evidence before me, I consider that the extra demand for on-street parking generated by the development would be relatively small in the context of the overall supply and availability of parking in the area. Therefore, I consider that the effect is likely to be only

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<sup>1</sup> Paragraphs 30 and 39 of the Framework

marginal and certainly not severe, the test set by the Framework<sup>2</sup> for preventing development on highway grounds.

15. Consequently, I conclude that the development would make appropriate provision for off-street parking and would not have an adverse effect on highway safety in the area and as such would not conflict with CS Policy 8 (b) (i) and (ii). In addition, it accords with the aims of paragraphs 17 and 35 of the Framework that seek to ensure that developments should be located and designed where practical to make the fullest possible use of public transport, walking and cycling and that a safe and secure layout can be achieved which minimises the conflicts between traffic and cyclists or pedestrians.

### *Living conditions of the future occupants*

16. The proposal would provide 6 no. four bedroomed residential apartments within the three storey building. Private amenity space in the form of Juliette balconies would be provided for 3 no. apartments (A, C and E) and a small private communal amenity space at the rear of the building.
17. **Whilst I note the Council's arguments** regarding the inadequate private amenity space and use of the apartments as family accommodation, the Council has not referred me to any specific requirements or standards for the amount of amenity space required with this type of development. I also note the **Council's comments regarding the access to the nearest publicly accessible** parks and public open spaces. Whilst these would not be seen as a viable alternative option, nonetheless, the combination of both the private amenity space provided within the flats and the communal space at the rear, would, in my view, be adequate for the apartments proposed in this particular case.
18. Consequently, I conclude that the proposal would not cause significant harm to the living conditions of the future occupants of the proposed apartments with particular regard to private amenity space. It would, therefore, accord with CS Policy 8 (e) (i) that seeks to protect amenity and ensure that new development would not result in an unacceptable impact on the amenities of future occupiers.

### *Trees*

19. A mature tree is located in the north-west corner of the site and a number of silver birch trees are situated in the adjacent public open space. These established trees make an important contribution to the open and verdant character and appearance of the area.
20. I note the **appellant's statement that** the appeal scheme would look to retain the established trees adjacent to the site and that they can be satisfactorily protected through the imposition of a planning condition requiring the submission and written approval of tree protection proposals based on the Trees in Relation to Construction British Standard. However, no tree survey or substantive evidence has been submitted by the appellant to assess the impact of the proposed development on the trees and justify the removal of the existing mature tree on the site in this case.
21. In the absence of any convincing evidence to the contrary, given the importance of the trees to the visual amenity of the area, I conclude that the

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<sup>2</sup> Paragraphs 32 of the Framework

proposal would be contrary to the overall aims of CS Policy 8 (d) (i) and (ii) that seek, amongst other things, to ensure that new development responds to **the site's immediate and wider context and** its landscape setting.

### Other Matters

22. Given the location of the appeal site adjacent to the two storey Grade II listed building, special attention has to be paid to the desirability of preserving or enhancing the setting of the listed building. Although it would be set back from the front of the site, stepped down and separated from the adjacent listed building by the vehicular access, I consider that the appeal scheme, due to its scale and visual bulk, would introduce a dominant structure in close proximity to the adjacent listed building that would have negative material impact on the open setting of the building. The setting would therefore not be preserved.
23. Given the modest scale of the development the harm to the setting of the listed building would be less than substantial but in accordance with paragraph 134 of the Framework, that harm should be weighed against any public benefits to the proposal. **I note the appellant's desire is to provide 6 no. residential apartments to meet the local housing demand and make efficient use of a previously developed site in an accessible location.** However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.
24. The appellant considers that the proposal would form a sustainable form of development. The appellant states that the proposal would be well connected to existing services and facilities in an accessible location and provide social and economic benefits through contributing to the supply and mix of housing in the area and supporting the local economy and local town centre. However, whilst I note the appellant's **view that the scheme's design would amount to environmental benefits**, I have found above that taken overall the development **would harm the area's character and appearance and the existing trees.** This harm would conflict with the environmental dimension of sustainable **development and, in my view, would be sufficient to outweigh the scheme's** benefits when assessed against the policies in the development plan and the Framework as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework.
25. I have noted the objections raised by residents, the ward Councillor and the Wellingborough Civic Society to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

### Conclusion

26. Notwithstanding my findings on the lack of harm to highway safety and the living conditions of the future occupants of the proposed apartments this is significantly outweighed by the harm found to the character and appearance of the area and the existing trees. The proposal would conflict with the development plan and the Framework taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR

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## Costs Decision

Site visit made on 19 September 2017

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 13 October 2017**

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### **Costs application in relation to Appeal Ref: APP/H2835/W/17/3176881 Former Fox & Hounds Public House car park area, 32 Gold Street, Wellingborough NN8 4QY**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Barker & Smart Estate Agents Ltd for a full award of costs against Borough Council of Wellingborough.
  - The appeal was against the refusal of planning permission for demolition of an existing house and the construction of a new 6-unit apartment building.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The application for costs seeks a full award on substantive grounds<sup>1</sup>.
3. The appellant states that the Council was unreasonable and the refusal was unnecessary **as the Council's Committee Members failed to take into account the technical and professional assessment by the Council's officers of the proposal's compliance** with the development plan, national policy and other material considerations. The appellant states **that the Council's reasons for refusal are vague, generalised and make inaccurate assertions about the proposal's impact which are unsupported by any objective analysis.**
4. The appellant contends that the **Planning Committee's** refusal of the application contrary to the recommendations for approval by the officers was unreasonable. However, this is a matter of planning judgement and the Council Members are not bound by the officers recommendations and professional advice, in making their final decision.
5. In this instance, a case was made by the Planning Committee that the proposal was unacceptable and the reasons for refusal set out in the decision are complete, precise, specific and relevant to the application and have been adequately substantiated by the Council using the evidence submitted by the **appellant, third party representations, Council's observations and the** assessment of the area during the Members Group site visit. The reasons for

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<sup>1</sup> Planning Practice Guidance: Paragraph 049 Reference ID 16-049-20140306

- refusal clearly state the policies of the North Northamptonshire Joint Core Strategy 2016 that the proposal would be in conflict with.
6. The appellant contends that the Planning Committee gave little material weight **to the appellant's parking survey** and the professional advice given by the Local Highway Authority and Council officers on this matter in reaching a decision. Whilst the Council could be judged to have failed in this respect, I consider the **Council's appeal statement** and supporting documentation including the notes from the Members Group site visit on 9<sup>th</sup> May 2017 and the Planning Committee minutes on 10<sup>th</sup> May 2017, provides sufficient clarity to substantiate the details of the development that were considered unacceptable from a parking and highway safety perspective.
  7. The appellant also states that Refusal Reason 4 (RR4) relating to the existing trees could have been reasonably dealt with by a planning condition. However, **the Council's appeal submission demonstrates** that the impact of the proposed development on the existing trees was not satisfactorily addressed during the application process. In light of my own assessment and in the absence of any convincing evidence to the contrary, I do not consider that RR4 is unreasonable in this case.
  8. The **Council's** submission and supporting evidence clearly shows that the Council actively engaged with the appellant during the application process and carried out their duty to assess the development proposal as submitted.
  9. It will be seen for the reasons set out in my appeal decision, that whilst I do not agree with the Council in respect of the impacts on parking and highway safety and the living conditions of the future occupants of the proposed apartments, I do concur with them that there were sufficient grounds relating to the harm caused by the proposal to the **area's character and appearance** and the existing trees on the site and adjacent public open space. I came to that decision based on my consideration of the details and merits of the development, having regard to all the evidence and other matters raised.
  10. However, these are matters of planning judgement based on an assessment of fact and degree of the effects on the main issues relating to the development. The Council were entitled to form their own views about the impacts of the development even though, for the reasons set out in my appeal decision, I have reached a different conclusion on the planning merits of the case in respect of the impacts on parking and highway safety and the living conditions of the future occupants of the proposed apartments. Nonetheless for the reasons that I have given, I cannot agree that the Council has acted unreasonably in this case.
  11. I therefore find that unreasonable behaviour by the LPA resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*David Troy*

INSPECTOR

## Received Appeals

No appeals have been received.