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Our Ref: NWP/21/00086/PREF
Date: 20.09.2021

Dear Sir,

Application No: NWP/21/00086/PREF

Proposal: Residential redevelopment comprising the erection of 3 detached dwellings

Location: Land At 57 Mears Ashby Road, Earls Barton, Northampton

Thank you for your request for pre-application advice which was made valid on 21.07.2021.

This pre-application proposal seeks advice in relation to making a planning application for 3 new dwellings in Earls Barton.

This pre-application proposal is for a residential development of 3 dwellings within the village boundary of Earls Barton with the provision of off-road car parking and private amenity space to the rear. From the details submitted it appears the proposals include demolition of the existing property and construction of 3 dwellings on the plot. No elevational details have been provided.

The proposal has been consulted on and along with the consultee responses I have the following comments to make.

Conformity with the Development Plan

Section 38(6) of the Planning & Compulsory Purchase Act 2004 replaces section 54(A) of the Town & Country Planning Act 1990 and states that if regard is to be had to the development plan for the purpose of any determination under the Planning Act, the determination must be made in accordance with the plan, unless material considerations indicate otherwise:

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

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance (PPG)

National Design Guide (PPG) (September 2019)

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

Policies:



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

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

Policy

SS1 (villages)

Neighbourhood plans

Earls Barton Neighbourhood Plan

Policies:

EB.GD1 (residential infill sites)

EB. D1 (design, layout, building techniques)

EB. T1 (parking within 'areas of constrained access')

Supplementary planning documents/guidance:

Sustainable Design

Biodiversity

Upper Nene Valley Special Protection Area

Trees on Development Sites

Planning Out Crime in Northamptonshire

Northamptonshire Parking Standards SPD

Replies to Consultations

Landscape Officer - There is a significant oak tree just outside the front boundary hedge which appears to be in the way of the proposed access to plot 57 and it should be possible to rearrange the access points for 57 and 58 to accommodate the tree with the root protection area plotted and appropriate protection measures. The hedge is a mixture of conifer, dying elm, lilac (*Syringa*) field maple and beech.

The canopy of the broadleaved trees (beech and maple) which overhang the boundary from 63 by about seven metres would suggest that the parking area should be of no-dig construction. There are trees and cherry laurel all along this boundary.



Set in from the rear boundary there are three walnut trees and two oaks. The side garden of the property as it stands was for many years a productive vegetable garden and orchard. There are two rows of fruit trees, the first with nine to ten trees, the second of which supports a growth of mistletoe. The parallel row is of four trees with a few more near the boundary and there are other fruit trees and a few conifers scattered around the front garden.

It is possible that three houses could be fitted into the site without destroying the oak and walnut trees or damaging the neighbouring trees, and the numbering in this part of the road appears to predict this. This site has always been remarkable for the low-key character of the bungalow with its productive garden surrounded by less modest houses. do wonder if three properties could take it rather to the other extreme, also slightly out of character, but even if it was reduced to two it would be difficult to retain much of the orchard.

A comprehensive tree survey should be provided, and consideration given to how it may be possible to achieve net biodiversity gain rather than loss.

Archaeology Officer - There is some archaeological interest in this area arising from cropmarks that indicate prehistoric and later settlement and land use activity. The mature planting in and around the site, as well as the construction of the present property are likely to have led to a degree of truncation of any surviving sub-surface archaeological remains. However, the potential for such remains to exist within the application area cannot be ruled out entirely.

Should the development come forward in the present form would anticipate that a condition to secure a programme of archaeological observation, investigation and recording during the construction/groundworks phase of development may be appropriate.

Highways - Parking accommodation should be provided in accordance with the Northamptonshire Parking Standards and satisfy policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy. Four bed houses require three car parking spaces plus one secure sheltered cycle space per bedroom.

Any existing vehicular crossing must be closed, new vehicular crossings to each of the plots constructed and all highway surfaces affected by the proposals reinstated in accordance with the specification of the Local Highway Authority and subject to a suitable licence/agreement under the Highways Act 1980.

Works to remove, accommodate or protect existing street furniture or features such as street lighting columns, trees, traffic signs or the apparatus of service providers



must be agreed with the Local Highway Authority or Statutory Undertaker and carried out at the cost of the applicant.

To prevent loose material being carried onto the public highway the driveways must be paved with a hard-bound surface for a minimum of 5 metres in rear of the highway boundary.

As appropriate a positive means of drainage must be installed to ensure that surface water from the driveways does not discharge onto the highway.

Pedestrian to vehicle visibility of 2.0 metres x 2.0 metres above a height of 0.6 metres must be provided and maintained on both sides of the points of vehicular access.

Principle

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.

JCS policy 11 (2) (a) states that development in the rural areas will be limited to that required to support a prosperous rural economy or to meet a locally arising need, which cannot be met more sustainably at a nearby larger settlement. Part (2) (b) of the policy states that within villages, small scale infill development will be permitted on suitable sites, where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services.

Table 4.1 Rural Settlement Hierarchy of the PBW (page 22) confirms that Earls Barton is a village able to accommodate some small-scale infill to meet its own need, or a level of growth identified in the JCS or Neighbourhood Plan.

The objectives of the Neighbourhood Plan include to provide for a greater range of affordable and shared ownership housing and a range of different house types across all tenures. The site is within the village boundary of Earls Barton, as defined in the Key Diagram of the Neighbourhood Plan (page 16). Policy EB.GD1 states that residential infill development within the village boundary will be permitted provided that all 7 criteria of the policy are met. The criteria relate to design/character, amenity



impacts, traffic/parking, sustainable design, meeting housing needs of Earls Barton and provision of affordable housing.

The NPPF is a material consideration. Paragraph 120 states that decisions should support development that makes efficient use of land, taking into account:

- “a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.”*

In conclusion, as the site is within the village boundary, the development of 3 dwellings on the site could be acceptable in principle, subject to all parts of policy EB.GD1 being met, the application demonstrating that proposal makes efficient use of the land as set out in the NPPF. All other policy requirements would need to be met, and all other material considerations taken into account.

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

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

In terms of the schemes design, Policy EB. D1 of the EBNP requires new development in Earls Barton to be of a high standard of design utilising where possible sustainable building techniques and local materials. It will need to be considered as to whether the proposed design of the dwellings would reflect these design standards.

The government at paragraph 130 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.



The National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

The proposals seek to replace the existing No 57 Mears Ashby Road with 3 new dwellings situated between No 55 and No 63 on a similar building line to the existing properties to either side. The street scene is of varied character with render and brick present and properties of single storey, 1.5 storey and two storeys. No details of design, elevations or scale have been presented however the proposals should consider the existing character and respond to this in a sympathetic manner.

The street is characterised by large spacious plots with dwellings set back from the highway and a strong hedgerow frontage is prevalent to the front boundaries, which also corresponds with the hedgerow on the opposing side of the highway.

The site is constrained by trees/ hedgerows which present obstacles and the density is a significant increase whereby a proposal for two dwellings may enable greater tree retention and better suit the streets character.

The layout shows 3 properties of a uniform type, similar size and shape and all appear the same which is uncommon in the street scene and as such more variation would fit in more suitably with the street scene.

The layout would achieve adequate separation and amenity. The proposals as such in terms of layout would not impact neighbouring amenity and privacy for existing and future residents. As such in terms of layout only the proposal would be considered in accordance with policy 8 (d) (i) & (ii) of the JCS. However as stated more diversity in terms of the proposals which would sit in a street scene where no two houses are identical would be considered beneficial.

Effect on landscape visual amenity

Policy 3 (a), (b) and (e) of the JCS states that development should be located and designed in a way that is sensitive to its landscape setting retaining and where possible enhancing the distinctive qualities of the landscape character area which it would affect.

Policy EB. D1 of the Neighbourhood Plan states that development proposals should minimise the loss of trees and hedgerows.

The fruit trees are part of the landscape character of the site and the development does not consider this.



Any proposals should include a detailed landscaping scheme showing which existing trees and hedgerows would be retained and the new planting of trees, hedgerows and shrubs to mitigate the loss of existing planting and enhance the landscape character.

A tree survey would also be required, and the proposals would need to demonstrate a net gain in biodiversity.

The proposals may need to be reduced in number to retain hedgerow, trees and provide a net gain.

Sustainability

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

To ensure compliance with this policy, a planning condition is recommended. Policy EB.GD1 of the Neighbourhood Plan requires that proposals demonstrate they meet the criteria in the Sustainable Design SPD.

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.

With regards the revised NPPF, section 16 sets out government advice on conserving and enhancing the historic environment and in particular paragraph 189 advises that, where appropriate, when determining an application which could affect a heritage asset with archaeological interest the council should, where appropriate, require developers to submit a field evaluation.

NNC Archaeologist advises that a programme of archaeological works may be appropriate should the proposed development come forward to a full application. Such a programme would be secured by condition. The site is in an area of archaeological potential in which a number of archaeological measures have been enacted on developments of varying scales.

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

The flood risk at the site is low (see www.floodtoolkit.com/risk). New development is encouraged to use Sustainable Urban Drainage in order to reduce flood risk, improve water quality and present options for biodiversity and public amenity. Development should be steered away from areas at risk of surface water flooding by applying the sequential approach to site layout to ensure no properties are located in areas at risk of flooding.

Effect on foul sewage

JCS policy 6 requires new development to be supported by the timely delivery of infrastructure.

JCS Policy 10 (b) requires new development to minimise increases in the demand for additional/expanded water infrastructure. Whilst policy 10 (c) states that planning permission will only be granted if it can be demonstrated that there will be sufficient infrastructure capacity provided within an agreed timescale to support and meet all the requirements which arise from the proposed development. Policy 10 (d) continues by saying that the council and developers should work with infrastructure providers to identify viable solutions to deliver infrastructure where appropriate by phasing conditions, the use of interim measures and the provision of co-located facilities.

A future application should demonstrate that adequate wastewater infrastructure is available for the development.

Effect on biodiversity

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

The JCS at policy 4 states that a net gain in biodiversity will be sought and features of geological interest will be protected and enhanced.

Paragraph 170(d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and



providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The Northamptonshire Biodiversity Action Plan and Habitat Action Plans are available at

<https://www.northamptonshire.gov.uk/councilservices/environment-and-planning/planning/planning-policy/archaeology-biodiversity-and-landscape/Pages/biodiversity.aspx>

NNC ecologist has previously advised that a site with five or more fruit trees constitutes an orchard, and a traditional orchard is Biodiversity Action Plan (BAP) priority habitat under s.41 of the Natural Environment and Rural Communities (NERC) Act 2006. A phase 1 habitat survey will be needed, and the fruits might need to be identified to determine whether any are important varieties. It could be very difficult to deliver a net biodiversity gain on this site, so a net gain assessment using the latest Defra metric (currently 2.0) is recommended.

There is also a clear need to remove trees to facilitate the development and as such a bat survey would be required to ensure that no protected species are present.

As such there are several constraints which may be difficult to overcome at the density proposed and a reduction in dwelling number is likely to be needed.

Effect on the Upper Nene Valley Special Protection Area

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').

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

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



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

A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA would be undertaken at the application stage. It would be considered whether a planning decision on the merits of the proposed development could be taken if the applicant were to make an SPA mitigation payment of **£299.95** per dwelling, (**3 x 299.95 = £899.85**) made under section 111 of the Local Government Act 1972 and the development meets the criteria set out in the SPA SPD for this approach to be taken.

The contribution provided would be used for measures to reduce the impacts of the proposed development and allows a conclusion of no adverse effect on the integrity on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site.

National space standards, national accessibility standards

The JCS at Policy 30 (b) requires the internal floor area and built in storage areas of new dwellings to meet the National Space Standards as a minimum and the technical standards for single and double bedrooms.

Any future application should demonstrate on the submitted floor plans that the minimum internal floor areas and built in storage areas national space standards are met. The width and internal floor areas of single and double bedrooms should be indicated.

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

Any future application should demonstrate on the submitted floor and site plans that the national accessibility standards are met.

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

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



JCS policy 8 (b) (ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Policy EB.GD1 of the Neighbourhood Plan states that traffic generation and parking impact should not result in an unacceptable direct or cumulative impact upon congestion or road and pedestrian safety.

Policy EB. T1 of the Neighbourhood Plan identifies Station Road as an area of constrained access. Development within these areas should demonstrate that adequate provision has been made for off-street parking.

The comments from highways are referenced above. However, a key point is the requirement for 2 parking spaces for a 3-bedroom dwelling and 3 spaces for a 4 bedroom dwelling. The plans show that sufficient parking can easily be accommodated as well as manoeuvring for vehicles to enter and exit in a forward gear.

Consideration should be had to landscaping to soften the frontage parking area and facilitate planting which is a characteristic of the street scene.

The proposals would comply with the Northamptonshire Parking Standards and satisfy Policy 8 of the North Northamptonshire Joint Core Strategy.

Contamination

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

The NPPF at chapter 11 sets out policies on development involving contaminated land. The planning practice guidance also offers detailed government advice on this topic.

NNC environmental protection officer (contamination) has no objections to make on this application for land contamination. It is recommended that the following wording is included in any planning condition in the event that any unexpected contamination is discovered during the works:



“In the event that any unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the local planning authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the local planning authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence”.

Crime Prevention

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.

Consideration should be given as part of any planning submission as to how the objectives of this policy can be satisfied. It is recommended that any application that is forthcoming, provides details of crime prevention methods and security to be employed.

Noise, Air Quality and External Lighting

Any future planning application should demonstrate that it complies with policy 8 (e), (i) & (ii) of the North Northamptonshire Joint Core Strategy 2011-2031 and relevant parts of the NPPF and Planning Practice Guidance.

With the location of the site it is not anticipated by NNC environmental health officer that there is likely to be a significant adverse impact on health or quality of life due to noise.

The design should demonstrate how the proposal will minimise adverse impacts on air quality particularly from vehicle and space heating emissions. The application should include proposals for the provision of electric vehicle charging facilities and the provision of low NOx heating systems as per the Air Quality Supplementary Planning Guidance.

External lighting systems should be designed to avoid causing a nuisance and to minimise any off-site impacts. The impacts of the construction phase on adjacent premises should be considered.

A construction environmental management plan would be required in relation to potential adverse, off-site, noise and / or dust impacts.

The following guidance should be taken into consideration:



Noise

Professional Practice Guidance, ProPG: Planning & Noise – New Residential Development.

Institute of Acoustics, Chartered Institute of Environmental Health, Association of Noise Consultants. <https://www.ioa.org.uk/publications/propg>

- Planning Practice Guidance – Noise

- Acoustics Ventilation and Overheating - Residential Design Guide. January 2020 Version 1.1. –

Association of Noise Consultants & Institute of Acoustics. <https://www.association-of-noiseconsultants.co.uk/avo-guide>

Air Quality

- Supplementary Planning Guidance: Air Quality and Emissions Mitigation; Guidance for Developers.

East Midlands Air Quality Network.

https://www.wellingborough.gov.uk/downloads/download/3181/air_quality_and_emissions_mitigation_spd

- Planning Practice Guidance – Air Quality

Construction Environmental Management

- Supplementary Planning Guidance: Air Quality and Emissions Mitigation; Guidance for Developers. East Midlands Air -Quality Network.

- British Standard BS5228, Code of Practice for noise and vibration control on construction and open sites, Parts 1 & 2,

- Guidance on the assessment of dust from demolition and construction.

Institute of Air Quality Management. 2014. <https://iaqm.co.uk/guidance>

External Lighting

- Guidance Notes for the Reduction of Obtrusive Light. Guidance Note 01/20.

Institute of Lighting Professionals. <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020>

Conclusion

The proposed development of three large dwellings on the site of the orchard and amenity space is contrary to the Development Plan and the NPPF. The development would require the loss of BAP priority habitat and a phase 1 habitat survey has not been submitted. It is considered that a net biodiversity gain would be difficult to achieve and habitat loss significant. The development of 3 large detached homes resulting in loss of trees/ hedgerows would be out of character with the locality and it is not demonstrated that the homes would meet the identified needs of the village or represent an efficient use of land.

The proposal has not demonstrated compliance with the National Space Standards and category 2 of the National Accessibility Standards as a minimum.



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As such it is considered that in the present form the proposals would not be supported.

The advice given above is the informal opinion of an officer only and it will not fetter or bind other officers or councillors if they are called upon to make a recommendation or take a decision on any formal planning application. In addition, the council cannot accept responsibility for any action you or your client may take as a result of receiving this advice.

Furthermore, this advice has been formulated without the benefit of receiving comment from some other statutory and non-statutory consultees or responses from members of the public which could result in a different recommendation to the advice given.

I hope the above advice is of assistance.

Yours faithfully,

George Candler
Executive Director Place and Economy