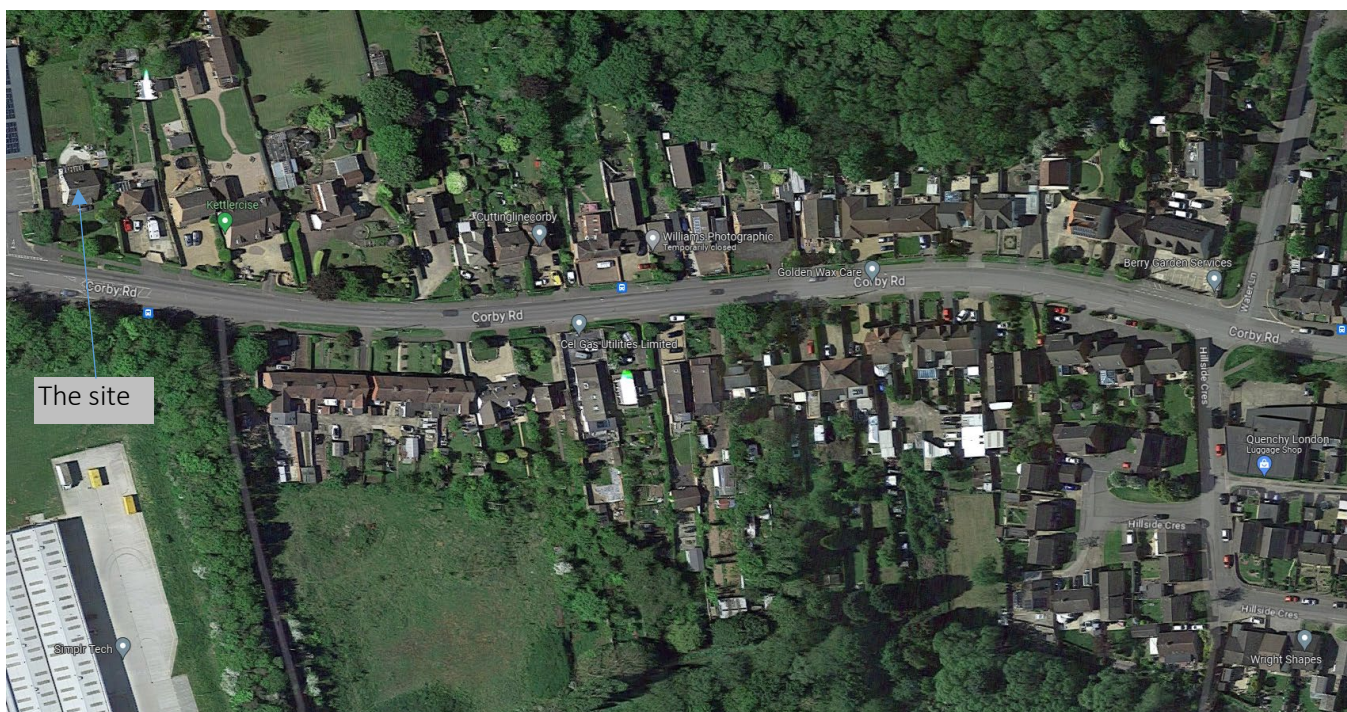


# Planning Statement

**Site address:** 143 Corby Road, Weldon, Corby, Northamptonshire NN17 3HU

**Proposal:** Demolition of existing bungalow and garage and erection of 2 no. dwellings



**1.0 Site characteristics and relevant planning history**

**1.1** The application site consists of a detached bungalow and garden on land to the north of Corby Road in the village of Weldon, Northamptonshire. It sits adjacent to a large petrol station, which consists of a convenience store located immediately adjacent to the application site, positioned to the rear of the site. Corby Road is characterised by a mix of different residential properties, with detached, semi-detached, terraces and bungalows on offer. The building line is mixed, with a number of backland developments having come forward in the last 20 years.



Image 1 – Aerial Image (Google Maps – July 2023)

**1.2** The property is not listed, nor is it within a Conservation Area. It falls within the settlement boundary for the village of Weldon. It is not designated in any other manner.

**1.3** The site is wholly within low-risk Flood Zone 1, as indicated below.

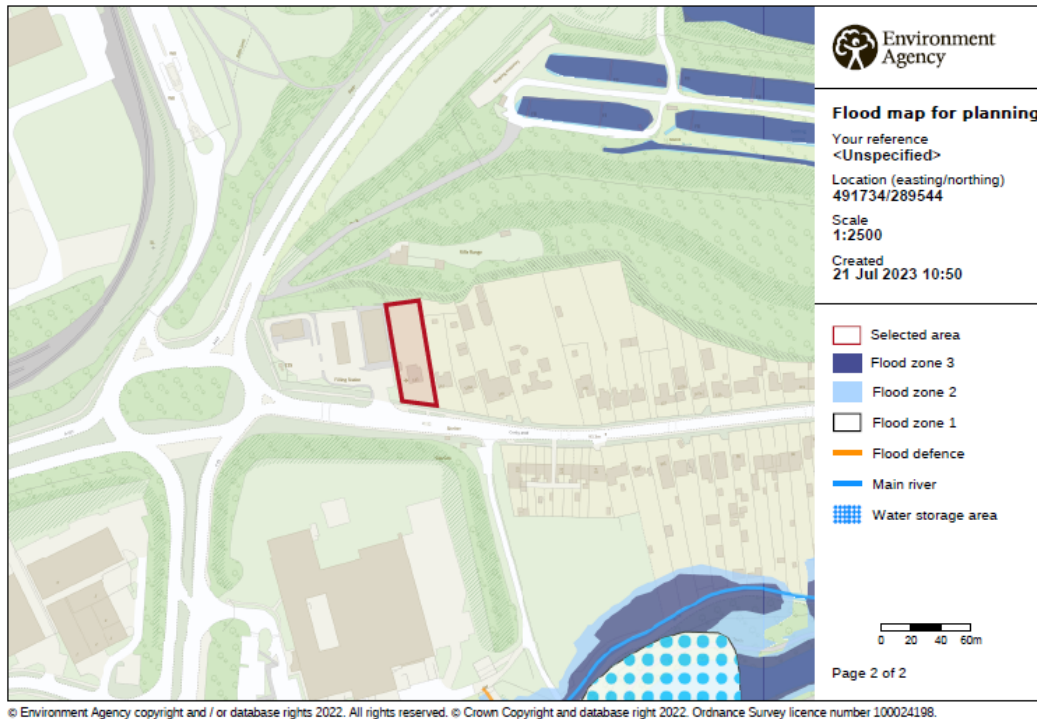


Image 2– EA Flood Map (July 2023)

1.4 The site has recently seen an application for residential development refused under planning reference NC/21/00522/DPA. The reasons for refusal were as follows:

*“1. The proposal comprises a tandem arrangement of proposed housing which is incompatible with the existing pattern of development and would adversely affect the character of the site and Weldon Village. Therefore, it is considered contrary to the aims of Policy 16 of the Part 2 Local Plan for Corby (adopted 2021) It would also fail to comply with Policy 8 of the Core Strategy which provides place shaping principles for new development such as safe and pleasant streets, a distinctive local character, and to protect amenity, and to design out crime and anti-social behaviour.*

*2. The proposed backland development for 3 dwellings (plots 3, 4 and 5) would give rise to an adverse impact upon the residential amenities of No.141 Corby Road due to the loss of outlook and privacy contrary to Policy 8 of the North Northamptonshire Joint Core Strategy (adopted 2016) and paragraph 130 (f) of the National Planning Policy Framework (2021).*

*3. The proposal has not demonstrated a net biodiversity gain on site; therefore, the proposal is considered contrary to Policies 4 and 8 of the Core North Northamptonshire Joint Core Strategy (adopted 2016).”*

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- 1.5 Following this, a further submission under reference NC/23/00283/DPA, which sought to overcome those concerns, was withdrawn following advice from the case officer. Issues relating to amenity and biodiversity had been resolved – but the Council maintained their concern about the number of dwellings proposed.
- 1.6 This application represents a considerable change to the proposals – with a reduction from 5 dwellings to 2 dwellings on the site. This, it is contended, will ensure that the Council’s one remaining area of concern can now be removed – and the application approved.
- 2.0 Policy framework and design guidance**
- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with an up-to-date Development Plan unless material planning considerations outweigh it.
- 2.1 The Development Plan in this instance comprises the National Planning Policy Framework (2023) (“NPPF”), the Joint Core Strategy (2016) (“JCS”), the Part 2 Local Plan for Corby (“Local Plan”), and a number of Neighbourhood Plans and Supplementary Planning Documents.
- 2.2 The main thrust of the policy position relevant to this proposal remains, however, in the Joint Core Strategy. The relevant policies in the JCS are:
- Policy 1 (Presumption in Favour of Sustainable Development)
  - Policy 3 (Landscape Character)
  - Policy 4 (Biodiversity and Geodiversity)
  - Policy 5 (Water Environment, Resources and Flood Risk Management)
  - Policy 6 (Development on Brownfield Land and Land Affected by Contamination)
  - Policy 8 (North Northamptonshire Place Shaping Principles)
  - Policy 9 (Sustainable Buildings)
  - Policy 11 (the Network of Urban and Rural Areas)
  - Policy 28 (Housing Requirements)
  - Policy 29 (Distribution of New Homes)
  - Policy 30 (Housing Mix and Tenure)
- 2.3 In terms of the Local Plan, the relevant policies are:
- Policy 6 (Green Infrastructure Corridors)
  - Policy 11 (Delivering Housing)
  - Policy 16 (Residential Gardens)
  - Policy 17 (Settlement Boundaries)
  - Policy 18 (Restraint Villages)

- 2.4 The Government published a revised National Planning Policy Framework (NPPF) in July 2021. As per the previous iterations, this document sets out the Government’s planning policies for England and how these are expected to be applied. It provides a framework within which local people and local planning authorities can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. Given the age of the adopted Development Plan documents, where there are discrepancies between it and the new NPPF it is appropriate to consider only the NPPF.
- 2.5 At the heart of the Framework is a presumption in favour of sustainable development – Local Planning Authorities should approve proposals that accord with an up-to- date Development Plan and, alongside saved local plan policies and to which the relevant Strategic Policies will align, it too seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, as well as taking account of the character of different areas.

***Definition of Previously Developed Land***

- 2.6 The NPPF (2021) defines previously developed land as such:

*“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

- 2.7 This definition hasn’t changed materially since previous iterations of the NPPF were published and can therefore be wholly relied upon to establish what should, and what should not, be considered as previously developed land. The case law that exists around the matter, further clarifies and defines the situation.
- 2.8 In *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017] EWCA Civ 141 (14 March 2017) a Court of Appeal judge has succinctly considered the meaning of the words ‘previously development land’. The case involved development in a private residential garden in rural green belt. The Council argued that all private residential gardens are excluded from the definition of previously developed land, whether or not they are in a built-up area. Any other interpretation, so it is said, would give rise to conflicting policies within the NPPF.
- 2.9 The judge strongly disagreed: *“As a matter of ordinary English I cannot see that any other meaning can be given to this sentence. “Land in built-up areas” cannot mean land not in built-up areas”*. He held that the development was in the curtilage of land that was occupied by a permanent structure (a residential garden) and as the area was rural it should be classed as previously developed land.

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- 2.10 The appeal by the Council was dismissed. (Source: <https://plainview.co.uk/news/is-your-garden-now-considered-previously-developed-land/#:~:text=If%20you%20have%20a%20garden%20and%20live%20in,%26%20Ors%20EWCA%20Civ%20141%20%2814%20March%202017%29>).
- 2.11 There is additional commentary available here: <https://www.localgovernmentlawyer.co.uk/planning/401-planning-news/33748-borough-council-loses-court-of-appeal-case-amid-fears-of-garden-grabbing>.
- 2.12 This is key to the consideration of this application, as it frames any analysis of the merits of the scheme proposed. The proposals come forward on previously developed land within the village of Weldon and would involve the demolition of an existing dwelling so as to release space within the site. Weldon's settlement boundary lies to the west of the site, and thus the site should not be considered as part of the urban area of Corby. It should be considered as part of the rural area of Weldon – indeed the demarcation between Corby and Weldon is maintained despite their obvious proximity. The result of this is that the site should not be considered as part of a 'built-up' urban landscape, but as part of the rural village setting that it would fall within.
- 2.13 The proposals should therefore be given full weight as delivering new housing on previously developed land.
- 3.0 Proposal**
- 3.1 The proposal relates to the demolition of the existing dwelling and the redevelopment of the site to deliver 2 new residential dwellings. The form of the layout has taken its cue from the conversations had with the case officer of the previous application, and the Planning Manager within the Corby Team. The delivery of two new dwellings on the site will accord with their views expressed about the character of the area, the layout and number of dwellings previously proposed.
- 3.2 As can be seen in Image 3 below, and in the accompanying plans, the dwellings would sit comfortably within the plot. They have been designed to reflect a number of similar properties in the immediate vicinity, whilst ensuring that a better use of the land is made from a density perspective.
- 3.3 The proposed materials are similar to a number of properties on Corby Road, and design of the roofscape, windows and driveway areas are entirely suitable.
- 3.4 The existing access will be used, ensuring that the site as a whole retains an almost identical relationship with the highway network to the existing property.

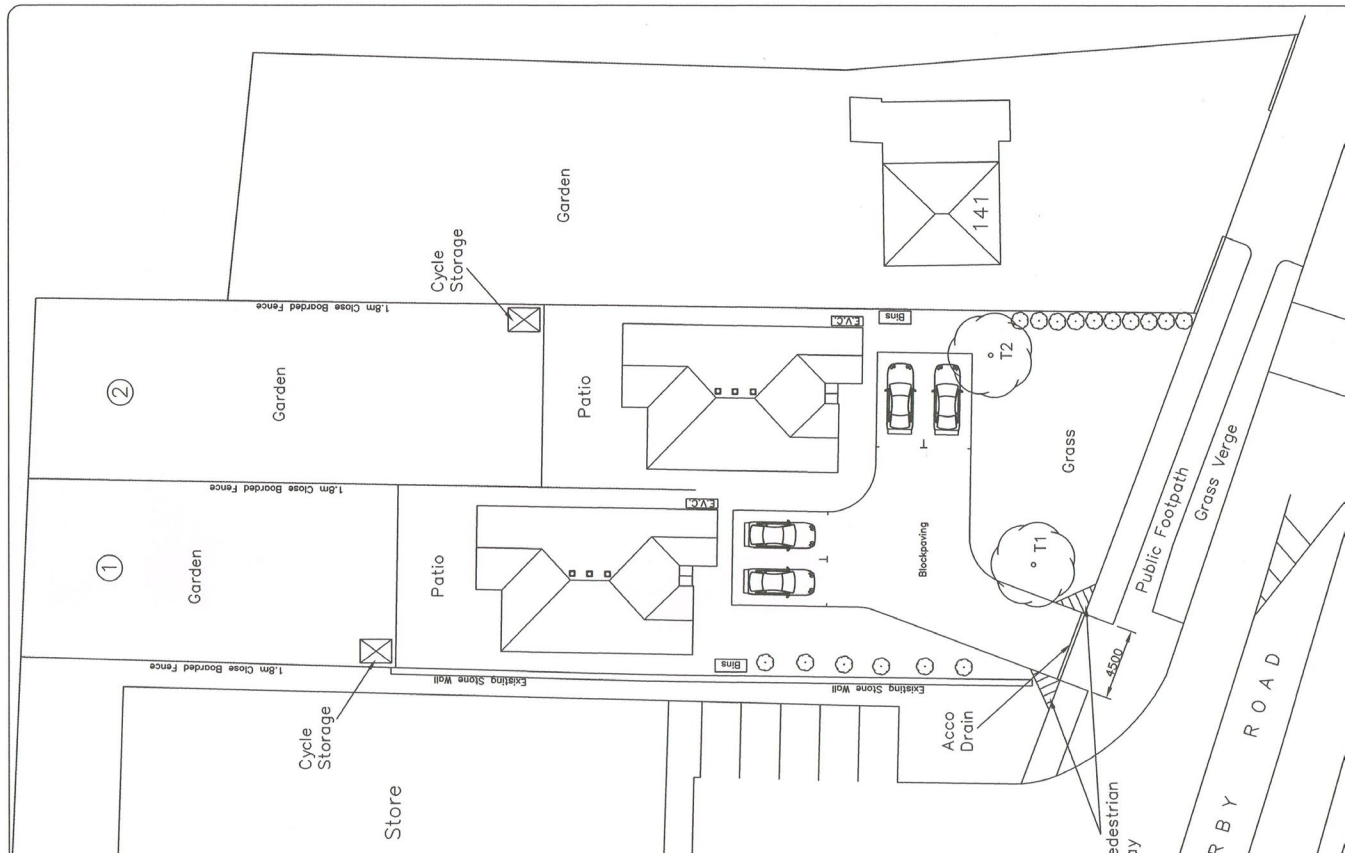


Image 3 – Proposed Block Plan

3.5 The proposals deliver NDSS compliant dwellings, with sensible sized gardens and sufficient off-street parking to meet the needs of the development. Bin collection points are provided to the front of the scheme, and bin storage points are identified within each garden area.

3.6 The dwellings would all meet the requirements of building regulations in terms of sustainable construction, and the applicant is going beyond this in terms of the provision of photovoltaic cells and grey water harvesting.

3.7 Finally, the scheme will meet its requirements in terms of delivering a net gain in biodiversity across the site.

#### 4.0 Considerations

4.1 The key issues to consider for this application are:

- Principle of Development

- Design and Character
- Sustainability
- Residential Amenity
- Transport Impact
- Air Quality
- Impact on Biodiversity and Trees

***Principle of Development***

4.2 The proposals relate to the demolition of an existing dwelling, and the replacement of it with 5 new dwellings.

4.3 As set out in the Policy response to the previous application on the site:

*“The site is within the settlement boundary for Weldon village as defined within policy 17 of the adopted Part 2 Local Plan for Corby (P2LP, 2021) and shown on the supporting interactive Policies Map. Policy 11 of the adopted North Northamptonshire joint Core Strategy (JCS, 2016) outlines the network of urban and rural areas, with villages included within the rural areas. JCS Policy 11 seeks to limit development in the rural areas to that required to support a prosperous rural economy or meet a locally arising need that cannot be met more sustainably at a nearby larger settlement. Policy 11 supports small scale infill development on suitable sites within villages where this would not materially harm the character of the settlement and residential amenity or exceed the capacity of local infrastructure and services.”*

4.4 Policy 16 of the Part 2 Local Plan allows for the development of residential gardens in built-up areas provided they meet criteria relating to design/character, amenity, access and parking. Paragraph 7.50 of the supporting texts suggested that *“the uncontrolled loss of residential gardens can lead to piecemeal and inappropriate pattern or style of development being delivered. This can individually or cumulatively erode openness, disrupt wildlife corridors and give rise to problems with access, disturbance and loss of privacy.”* This justification therefore suggests that any proposed development of residential garden that does not negatively impact on the pattern or style of development in an area, does not erode the openness of the area, disrupt wildlife corridors, or give rise to problems with access, disturbance and loss of privacy would be considered to be acceptable.

4.5 The proposals accord with the requirements of Policy 16 of the Local Plan in full. As such, and in full accordance with the guidance contained within the Development Plan, the proposals are considered to be sustainable development with respect to the NPPF.



### *Design and character*

- 4.6 The scale, design and detail of the new development have been developed so as to ensure that the development would not look out of place within the surrounding area. The architect has examined the local vernacular and arrived at a style that takes much from existing dwellings within Weldon itself. As evidenced on the accompanying plans, the new properties would follow a simple traditional form, with bricks, stone and slate tiles complementing each other and resulting in a form of development that will add quality and interest to this part of the village.

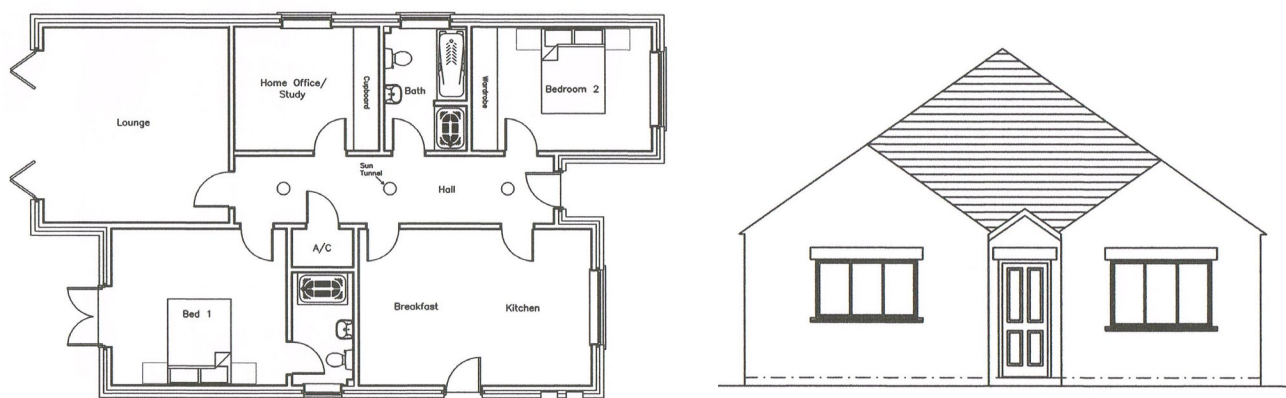


Image 4 – Proposed Floor Plans and Front Elevation

- 4.7 The layout of the scheme is commensurate with developments along the north side of Weldon Road – with the two dwellings side by side. One is set slightly further back, only to enable the proper functioning of the access arrangements and parking areas of each of the new dwellings designed.
- 4.8 Therefore, in accordance with Policy 8 of the Joint Core Strategy and Section 16 of the NPPF the proposals are acceptable in terms of their design, character and impact on the surrounding area.

### *Sustainability*

- 4.9 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.
- 4.10 The proposed layout provides a high standard of accommodation and will be acceptable in allowing adequate natural lighting and ventilation and in full compliance with the required Building Regulations. But the architect has created a scheme that goes far beyond this minimum requirement.

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- 4.11** The new dwellings have been specifically positioned within the plot so as to maximise the solar gain, enabling the internal spaces to be lit by natural light during the day, storing heat for the evening to assist with keeping energy bills as low as possible.
- 4.12** The design and modern construction techniques also offer a plethora of benefits relating to both sustainability and resource efficiency which accord with guidance within the NPPF, and the goals and aspirations contained in the Development Plan. The materials used are those associated with a modern form of the development and may include solar PV panels on the roof, and possibly air source heat pumps if these prove to be a viable and cost-effective addition.
- 4.13** The design also incorporates the use of cutting-edge LED lighting, which is considerably more efficient than the use of traditional lighting methods. As such the whole development has been designed and will be constructed with resource efficiency in mind where energy use is minimized and opportunity to harness renewable energy is optimized.
- 4.14** With regards to access requirements, it is certain that the new development will provide a very high category 'A' EPC rating and will be in accordance with building regulations requirements and also in compliance with the latest part M building regulations.
- 4.15** The proposals will incorporate measures to limit use to no more than 105 litres/person/day – this will be achieved through the provision of suitably designed faucets, etc within the property, but also through grey water harvesting to enable the use of the rainwater within the house and in the gardens. If further information is required, we respectfully suggest that this might be via a suitably worded condition.
- 4.16** As such, it is considered that the proposals are well in advance of the requirements of national and local policy in relation to sustainability considerations. This was considered to be acceptable as part of the previous application.

***Residential amenity***

- 4.17** The architect has also given careful consideration to the nature of the proposed dwellings in relation to their potential impact on adjoining properties and each other. There would be no loss of light, loss of privacy or overbearing impact as a result of the proposed dwelling.
- 4.18** The windows will either look out over the gardens associated with each dwelling to the rear, or over the private drive to the front. All of them are on the ground floor in any case – meaning that with existing and proposed boundary treatment there will be no overlooking.

- 4.19 There will also be no loss of sunlight, no overbearance, and the new dwellings will benefit from large rear gardens as well as their location in close proximity to a number of open spaces and other amenities close by in Weldon and Corby.
- 4.20 Matters relating to noise associated with the adjacent petrol filling station were addressed through the previous application with an amended noise report. This has been resubmitted here, and it is expected that the same approach will therefore be adopted by Environmental Health – i.e. that the scheme is acceptable subject to a condition relating to noise.
- 4.21 Each of the properties will meet the requirements of the NDSS in terms of internal spaces, whilst they will also be Category C properties (wheelchair accessible).
- 4.22 As such, it is contended that the proposals are therefore in full accordance with the requirements of the NPPF and Development Plan in so far as they have regard to residential amenity and the importance of protecting it. This was considered to be acceptable in consideration of the previous application.

*Transport Impact*

- 4.23 The proposed dwellings will each benefit from car parking commensurate with their size, and with due regard to the Northamptonshire Parking Standards guidance document. Secure cycle storage and secure bin storage will also be provided for each property in the rear gardens.
- 4.24 The existing access is made use of, and the internal arrangements enable vehicles to both enter and exit the site in a forward gear. Visibility splays for vehicles remains as per the status quo – with very good lines of sight in both directions. The fact that the site is reasonably close to the junction with the A43 means that vehicles travelling in both directions are either slowing down or accelerating from a low speed. IN either case this will ensure that vehicles can enter and exit the site safely.
- 4.25 As such, it is contended that the proposals are therefore in full accordance with the requirements of the NPPF and Development Plan in so far as they have regard to the development’s impact on the highway network. This was not considered to be a concern by the officer in considering the previous application.

*Air Quality*

- 4.26 To ensure quality of life and safer and healthier communities the JCS at policy 8 (e) (i) requires development not to have an unacceptable impact on amenities by reason of pollution, whilst 8 (e) (ii) goes further by

stating that both new and existing development should be prevented from contributing to or being adversely affected by unacceptable levels of air pollution.

- 4.27** Chapter 15 of the revised NPPF offers broad advice on how local planning authorities should prevent both existing and new development from being adversely affected by unacceptable levels of air pollution.
- 4.28** The PPG at paragraph 001 of the air quality section dated 6 March 2014 states that *“It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit”*. The PPG at paragraph 009 demonstrates how considerations about air quality fit into the development management process.
- 4.29** As the proposed development includes provision for vehicle parking it is possible to include EV charging points. This matter can form a condition should the LPA require it. Policy 15 (c) of the JCS seeks for the design of development to give priority to sustainable means of transport including measures to contribute towards meeting the modal shift targets in the Northamptonshire Transportation Plan – in this regard the proposals adhere entirely, in that they are located within a very sustainable location and will provide secure bicycle storage for the residents, as well close proximity to a variety of bus routes. Any gas fired boilers installed will meet a minimum standard of 40 mgNO<sub>x</sub>/Kwh.
- 4.30** The result of which is that the proposals are deemed to be in accordance with the requirements of both local and national policies with respect to air quality. This was considered acceptable by the case officer on the previous application.

#### ***Impact on Biodiversity and Trees***

- 4.31** 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.”* This is enshrined within the Development Plan at JCS policy 4, which sets out policy requirements for the protection and where possible, a net gain in biodiversity.
- 4.32** The revised NPPF at chapter 15 ‘conserving and enhancing the natural environment’ sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.

- 4.33 The applicant had previously commissioned a Preliminary Ecological Appraisal by Eco-Check Ltd, which included recommendations for mitigation measures that will ensure the scheme is able to meet the requirement for a net gain in biodiversity across the site.
- 4.34 The previous application did not include an arboricultural report, though applications before that had done so, and the site has since been cleared. It is noted that the Tree Officer did request some additional information – but given the case officer previously did not include this as a reason for refusal one can only assume that it was not considered to represent a reason for refusal.
- 4.35 Notwithstanding this, however, the applicant has been clear that T1 and T2 at the front of the property will be retained, and the intention is to include sufficient additional planting to the rear to ensure that the scheme would deliver an improvement in terms of trees and hedgerows, whilst also delivering a net gain in biodiversity.
- 4.36 We are confident that this will meet the needs of the Tree Officer in full and ensure that the scheme meets the requirements of the development plan with respect to the impact of the proposals on trees and hedgerows.

#### *Designing Out Crime*

- 4.37 Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area. 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.
- 4.38 The revised NPPF at paragraph 127 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.
- 4.39 The architect has worked closely with the applicant to ensure that the principles of ‘Secured by Design’ are embedded within the proposals from the start, and include the following (not exhaustive):
- Vehicular and pedestrian access is open, direct and will be appropriately lit.
  - Each property benefits from a sensible designed area of defensible space
  - Enhanced hedgerow planting will ensure that no gaps existing in boundaries, whilst hedges and shrubs close to pathways will be limited in height to ensure visibility.
  - The parking areas will be well over-looked by both properties.

- Bin storage is provided appropriately for each property and is secured.
- Cycle storage, likewise, is lockable and suitably located.
- Access points to rear gardens are lockable and of sturdy design.
- Rear boundary fencing, where proposed, is 1.8m in height.

**4.40** This was considered to be acceptable in the previous application.

## **5.0 Summary**

**5.1** This application provides a clear and logical assessment of the site's constraints such that the scale, design and layout of the new dwelling and remodelled existing property, as described in the sections above, and illustrated within the accompanying plans, provides an appropriate response to the site's status. As such appropriate consideration has been given to the planning history, relevant current Development Plan policy requirements and to the important guidelines within the NPPF as also identified in the sections above.

**5.2** The proposals take account of the reasons for refusal of the previous application, and the scheme is materially different so as to overcome those concerns.

**5.3** The site consists of previously developed land within the village of Weldon.

**5.4** The scheme will deliver a form of development that is wholly in keeping with the character of the site and its surroundings.

**5.5** The scheme would not have a detrimental impact on the amenity enjoyed by existing or future occupiers of adjoining properties.

**5.6** The proposals would have a neutral impact on the highway network.

**5.7** The proposals will result in a net gain of biodiversity commensurate with the requirements for small sites such as this. The method for achieving this net gain is set out within the accompanying plans and BNG Report attached to this submission.

**5.8** The development can therefore be considered to accord with the relevant planning policies as detailed above and to be consistent with the aims and objectives of the NPPF that provides overarching guidance. In line with Paragraph 11 of the NPPF, the application accords with the Development Plan and should be approved without delay.