



## **Planning Statement**

*Proposed two-storey detached dwelling house and garage with new vehicular access and 2-metre high entrance gates, and hardstanding for parking.*

*Site at 39 Debdale Road, Wellingborough, NN8 5AJ.*

*Prepared for: Evergreen Management Ltd.*

*March 2024.*

**Planning Statement** *Document Control Sheet*

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## 1. Introduction

1.1 This Planning Statement has been prepared by Apex Planning Consultants following instruction from Evergreen Management Ltd. (*'the Applicant'*). Its purpose is to support a Full planning application in respect to the erection of a two-storey detached dwelling house and garage with new vehicular access and 2-metre high entrance gates, and hardstanding for parking conversion (*'the Proposal'*), on land at Lyndhurst, Debdale Road, Wellingborough, NN8 5AJ (*'the Site'*). It is a re-submission of a similar proposed development under application reference NW/23/00068/FUL, which was refused permission, on 12<sup>th</sup> April 2023.

1.2 The objective of this Planning Statement is to explain the proposed development, to show how it responds to the previous reasons for refusal and satisfies development plan policy, and in other respects why appropriate material considerations justify it being approved, such that planning permission should be granted by North Northamptonshire Council (*'the Council'*).

1.3 The Full application has been prepared so that it is comprehensive and should avoid any requirement for further information prior to it being determined. It is supported by the following:

- Planning application form
- Community Infrastructure Levy Form 1: CIL Additional Information
- Location Plan
- Proposed Block Plan
- Proposed Elevation and Floor Plans
- Site access details
- A Tree Survey
- An Ecological Appraisal
- Planning Statement.

1.4 The remainder of this Planning Statement is set out as follows:

*Section 2: Site Context, including Planning History:* provides a description of the site and the surrounding area in addition to setting out relevant planning history.

*Section 3: Proposed Development:* provides a detailed description of the proposed development, highlighting the key aspects of the proposal.

*Section 4: Planning Policy:* sets out the planning policy framework against which the planning application should be assessed.

*Section 5: Planning Assessment:* provides an analysis of the material planning considerations pertinent to the proposed development and provides a detailed justification for the development.

*Section 6: Conclusion:* summarises the key features and benefits of the proposed development and the reasons as to why planning permission should be granted.

## 2. Site Context, including Planning History

- 2.1 The Site forms part of the garden area to Lyndhurst, an existing large, detached dwelling house, fronting Debdale Road. The Applicant owns the Site and both Lyndhurst and a further neighbouring dwelling house, No.39 Debdale Road, which is immediately to the east and situated at the junction of Hatton Park Road and Debdale Road.
- 2.2 The Site is largely unremarkable being open and laid to lawn. Nonetheless, there are trees protected by a tree preservation order immediately to the north along the boundary with Debdale Road. The boundaries to the south and east are formed by 2 metre high close boarded fencing and are in the Applicant's control. These are shared boundaries with Nos. 56 Hatton Park Road and 39 Debdale Road respectively. To the north is the aforementioned large, detached dwelling house (Lyndhurst) and its large detached, two-storey annexe building. There is an existing hard surfaced driveway from Debdale Road via 2-metre high electric gates that lead to this annex, which has integral garaging. Separate to the land incorporating the Site, Lyndhurst has substantial front and private rear gardens, including an outdoor swimming pool.
- 2.3 The surrounding area is characterised by a wide variety of house-types, including properties that are bungalows rising to three-storeys, with some fronting the roads and others are perpendicular or at an angle, some of which are near to the road and others are set a significant distance away. The plot sizes also vary with some comprising deep plots and others are shallow, furthermore, some have narrow and others have wider plots. In result, some houses are near to each other and others are separated by greater margins. The house-types also vary in respect to their age, with some obviously much older properties, which contrasts with those that are very recent, or which have been subject to significant alteration and extension such that they appear to be new.
- 2.4 The materials used to construct the houses and the detailed designs also vary considerably, which coupled with the wide variations referred to above, means there is no prevailing character or appearance. Debdale Road crosses Hatton Park Road and continues south east. It also continues north west and blends with The Promenade, therefore, it is not possible to distinguish Debdale Road from

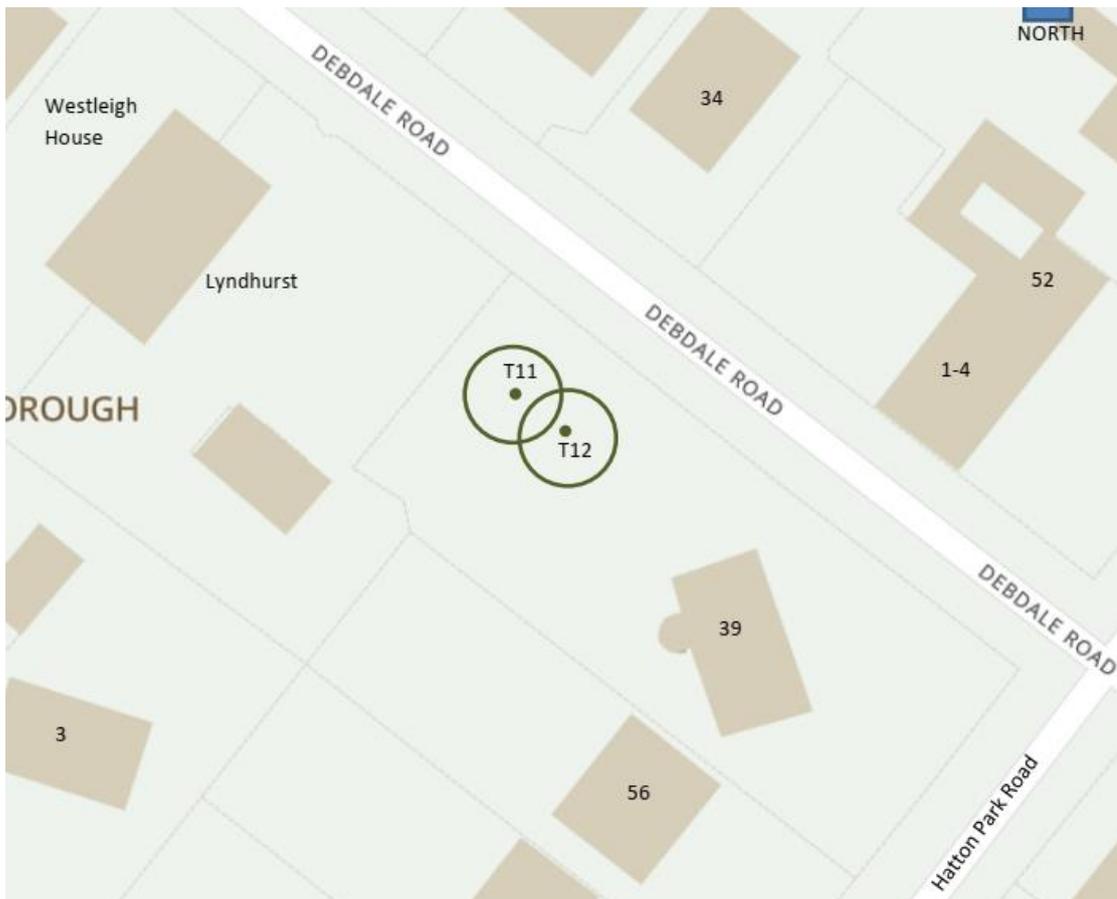
development on these other roads. Suffice to say the context of the surrounding area is eclectic and impossible to define easily or narrowly.

### Site Planning History

- 2.5 As mentioned before, this application is a re-submission of an earlier application for a similar development that was refused by the Council. This application has been prepared to address the reasons for refusal cited by the Council. The previous application is NW/23/00068/FUL, where the Council cited six reasons for refusal, although three reference trees (trees that would be lost, or which would be subject to pressure arising from the development) and two relate to space and accessibility standards. One other reason for refusal covered several interrelated issues, including the scale, form and design of the proposed dwelling which it said would not respect or enhance the local character or respond to the Site's immediate and wider context, and would introduce a cramped and contrived form of development, into an area that is characterised by spacious plots, meaning there would be inadequate private amenity space to serve both the existing and proposed dwellings.
- 2.6 Separate to this application it is notable that others have been submitted for the Site, including one very recently that was approved and largely addresses concerns relating to trees. The applications referred to include the following:
- Application ref: WP/2013/0653/F – Demolish existing garage and car port. New triple garage with first floor granny annex over garages – Approved 18<sup>th</sup> February 2014.
  - Application ref: WP/19/00742/TPO - T1 Lime; Crown lift to ensure 2.5 metres clearance over footpath and 5.2 metres clearance over highway – Approved 23<sup>rd</sup> January 2020.
  - Application ref: NW/21/00857/TPO - T1 Beech; Carry out retrenchment pruning to approximately 50% of height to stabilise tree at live growth points and remove dangerous, dead, overhanging branches – Approved 22<sup>nd</sup> November 2021.
  - Application ref: NW/21/01026/TPO - T1 Lime; Remove hanging branches and reduce storm damaged section of upper crown to a stable viable growth point. T2 Lime; Re-pollard to previous pollard points – Approved 18<sup>th</sup> January 2022.

- Application ref: NW/23/00629/TPO - Works to tree(s) (T11 Oak: Remove to ground level due to advanced basal decay, T12 Oak: Remove to ground level due to ongoing basal decay) – Approved 1<sup>st</sup> November 2023.

2.7 These applications show the Council has consistently allowed for works to the protected trees to reduce the crowns, to remove dead and overhanging branches, and even to remove two protected trees. The trees that are authorised to be removed are shown in the extract at *Plate 1*, below.



*Plate 1 – Extract from Appendix 2 of the RGS Arboricultural Consultants’ “Tree Decay Detection Survey & Assessment” report that accompanied application ref: NW/23/00629/TPO.*

### Other Planning History

2.8 Another planning application of note is related to a proposal for new housing in the locality, albeit at a nearby site.

- Application ref: WP/2017/00785/FUL - Proposed detached dwelling, the creation of hardstanding for the parking of vehicles, an electric sliding gate and landscaping – Approved 5<sup>th</sup> February 2018.

2.9 Application ref: WP/2017/00785/FUL relates to land on the eastern side of The Promenade and contains land which previously formed part of the rear garden to 42 Debdale Road. An extract from the Location and Site Plan is provided at Plate 2, below. They show the site location, plot size, and context in respect to surrounding dwelling houses.



Plate 2 – Extract of Dwg. 17-129-01 Rev.B (Courtesy of Sidey Design) for ref: WP/2017/00785/FUL.

2.10 Notably, the delegated report for this planning application states: *"The proposed dwelling would be viewed mainly in the context of The Promenade, where dwellings are detached, with large front gardens, containing trees, which give the area a green and spacious character. Plot sizes are generally sizeable to the front and rear of dwellings and gradually reduce in size towards the corner of The Promenade and Debdale Road."* This application will be referred to again later in this Planning Statement, however, when one refers to the Location Plan forming part of the current Proposal one can see that application ref: WP/2017/00785/FUL granted permission for a development that actually contrasts with the locality. It is also notable that an earlier application (ref: WP/2015/00189/FUL) for a dwelling house at the site went to appeal (ref: APP/H2835/W/15/3138065) and was allowed, with the Planning Inspector opining the proposal's effect on the character and appearance of the surrounding area would be acceptable. The appeal decision will also be referred to later in this Planning Statement.

### 3. Proposed Development

3.1 This Full application proposes the erection of a two-storey dwelling house with a detached double garage with storage space above, and a new vehicular access with gates and an associated driveway.

3.2 The dwelling house has been revised since the previous planning application insofar as:

- Its two-storey element has been reduced from 17.8 metres in width so that it now measures just 15.8 metres in width.
- Its maximum depth measurement has been reduced from 10.92 metres to 10.24 metres, with the main body reduced from 8.5 metres to 7.9 metres.
- Its height to ridge level has also been reduced from 10.14 metres to 9.88 metres.
- These reductions in the size of the two-storey dwelling house, along with its separation from the double garage, consequentially, means the footprint, height, and massing are significantly reduced.
- The massing of the proposed dwelling house is also smaller because the double garage is now detached. It is to be sited significantly further back behind and to the side of the proposed dwelling house, in fact, it will be alongside and adjacent to the existing two-storey annex to Lyndhurst. Accordingly, the proposed detached garage will be sited out of plain sight.
- The proposed dwelling house will contain fewer bedrooms (now four, rather than five as before) at first floor, however, the same ground floor accommodation (dining room, kitchen / diner, lounge, and utility and plant room) will be provided within a small footprint. A gym / playroom / cinema room will be provided in the roof space.

3.3 The materials will reflect those used widely throughout development in the locality: red facing bricks, and cream coloured rendering above plinth course, a stone plinth course, grey coloured roof tiles, and upvc windows. Other detailed materials will include stone copings and corbels and stone columns and portico canopy.

3.4 The Proposal includes provision for bin storage, ramped access to the dwelling house (to conform with Part M), and a private rear garden that is complete with a patio, grassed lawn and ornamental planting. Notably, the Proposal will create a

large and secure curtilage that is defined by existing and proposed close boarded fencing on the Site boundary, but also through the retention of trees / vegetation along the front (northern) boundary. Accordingly, the entire curtilage will amount to amenity space that is usable and private.

- 3.5 This also applies to the existing dwelling houses at No.39 and Lyndhurst. The former has a usable rear garden with patio and ornamental planting, as well as a large, grassed side garden, with high and secure boundary treatment to maintain privacy. The Site forms part of the latter dwelling house's curtilage and it will retain a large private rear garden, complete with an outdoor swimming pool, as well as a large, secure, and well-screened front garden.
- 3.6 Vehicular access to the Proposal will be from a new gate to be installed in the existing front (northern) boundary, alongside the vehicular access that serves Lyndhurst. The gates will be set back from the road and footpath and in doing so will retain a significant portion of the existing hedgerow. The driveway will be gravelled. The Proposal is supported a Tree Survey that demonstrates how the vehicular access and driveway will not harm the Root Protection Areas of the existing trees – it also reflects on the fact the Council has recently granted consent for the removal of two trees.
- 3.7 The Proposal includes provision for on-site habitat improvements:
- Hedgehog tunnels in new and existing close boarded boundary fencing
  - Installation of bat / bird boxes on some of the mature trees
  - Installation of swift boxes into the eaves of the dwelling house.
- 3.8 It is noted the earlier application ref: NW/23/00068/FUL was subject to a Screening Matrix and Appropriate Assessment Statement (copy at Appendix APC1), with the Council concluding that because the Applicant has paid £322.41 (on 9<sup>th</sup> February 2023) this will mitigate the effects of the development on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site. Considering that application was refused, the Applicant opines the previous payment should apply to this current Proposal with no further payment deemed necessary.

## 4. Planning Policy

4.1 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 purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

4.2 The Development Plan for the area comprises of the North Northamptonshire Joint Core Strategy 2011-2031 and The Plan for the Borough of Wellingborough Adopted Plan (representing Part 2 of the Local Plan) (*'the Local Plan'*). In addition, the Council's Supplementary Planning Guidance and the National Planning Policy Framework (December 2023) (*'NPPF'*) are a material consideration.

### National Planning Policy Framework

4.3 The principal objective of the NPPF is to stress that there is a "*presumption in favour of sustainable development*" (Paragraph 11). In summary, it means that applications that accord with the development plan should be approved without delay.

4.4 Section 5 on housing sets out that the Government is committed to increase the overall level of supply and mix of housing to meet local needs. Paragraph 60 explains the Government's objective of "*significantly boosting the supply of homes*". At Paragraph 70 the Government states that 'small and medium sized sites' can make an important contribution to meeting housing requirements in an area, and that they are often built-out relatively quickly. It continues at (d) stating that local planning authorities should: "*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes...*" [emphasis added]

4.5 Chapter 8 refers to the promotion of healthy and safe communities and how this can be achieved through planning policies and decisions. This includes the promotion of social interaction through street layouts, easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.

4.6 Chapter 9 relates to sustainable transport, with the promotion of opportunities to walk, cycle and to use public transport paramount. It also refers to the need for parking to be integral to the design of schemes. Paragraph 115 confirms that

development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.7 Chapter 11 promotes the effective use of land, particularly previously developed land, with Paragraph 123 requiring planning policies and decisions to ensure the effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment.

4.8 Chapter 12 relates to design, explaining that good design is a key aspect of sustainable development. Paragraph 135 states that developments should function well in the short term and over its lifetime, be sympathetic to local character, while not preventing or discouraging appropriate innovation or change.

4.9 Paragraph 180 outlines that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity or geological value and minimise impacts on and providing net gains for biodiversity.

#### North Northamptonshire Joint Core Strategy

4.10 This part of the Local Plan was adopted by the Council in July 2016. It is considered that the following policies are pertinent to the assessment of the Proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 6 - Development on Brownfield Land and Land Affected by Contamination
- Policy 8 - North Northamptonshire Place Shaping Principles
- Policy 11 - The Network of Urban and Rural Areas
- Policy 28 - Housing Requirements
- Policy 29 - Distribution of New Homes
- Policy 30 - Housing Mix and Tenure.

4.11 Policy 6 is relevant insofar as it explains that when "*determining planning applications*" local planning authorities should seek "*to maximise the delivery of development through the reuse of suitable previously developed land and buildings within the urban areas.*"

4.12 Policy 8 lists various criteria that development should take into consideration. Notably, the Council cited Policy 8 (d) (i) and (ii), and (e) (i) in its decision notice when refusing the previous planning application. This implies all its other criteria were deemed to be satisfied by that planning application. The aforementioned criteria state that development should:

*"d) Create a distinctive local character by:*

- i. Responding to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation;*
- ii. Responding to the local topography and the overall form, character and landscape setting of the settlement; [...]*

*e) Ensure quality of life and safer and healthier communities by:*

- i. Protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking..."*

4.13 The supporting text to Policy 8 advises that:

*"4.7 Character can be defined as the combination of qualities or features, which distinguish one place from another. As such, it is insufficient to examine any single aspect of place in isolation, and 'character' must be considered at all scales, from settlement to building. [...]"*

*4.8 Development should respect and enhance local character by ensuring that it responds to its topography, wider context, the landscape setting within which it is located, and the local streetscape and local building materials. This does not preclude innovative designs that can raise quality and can use materials and techniques that exceed the sustainability standards as set out in Policy 9."*  
[emphasis added]

4.14 Policy 11 explains that the Growth Towns will be the focus for *inter alia* housing, and its supporting Table 1 advises that Wellingborough is such a settlement.

- 4.15 Policy 29 echoes Policy 6 regarding the focus on previously developed land in urban area, adding the expectation that: *"New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. Provision will be made for new housing as set out in Table 5.*

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

- 4.16 Policy 30 must be read with a degree of flexibility, particularly where it says housing development should provide a mix of dwelling sizes and tenure, because the Proposal is for a single dwelling house. Where it refers to house-types most in need within the Borough this must be read flexibly too, because whereas the text preceding Policy 30 states smaller house-types are most in demand it should be recognised that the area surrounding the Site is dominated by large dwelling houses and the Proposal should therefore reflect this character and appearance. Regardless, Policy 30 also sets expectations for development pertaining to the National Space Standards and National Accessibility Standards.

**The Plan for the Borough of Wellingborough Adopted Local Plan (Part 2)**

- 4.17 It is considered that this part of the Local Plan does not contain any policies that are relevant to the Proposal. This opinion is borne out by the fact the Council's delegated report for the previous planning application references no policies from the Local Plan Part 2.

## 5. Planning Assessment

5.1 This section of the Planning Statement seeks to address the key planning issues associated with the Proposal, including the reasons for refusal cited in the decision notice for the previous application (ref: NW/23/00068/FUL), and to demonstrate its compliance with adopted planning policy and government guidance in the NPPF.

5.2 The following matters are pertinent to this application and will now be addressed, they include:

- Principle of Development
- Design and Layout
- Amenity
- National Space Standards and National Accessibility Standards
- Trees and Biodiversity
- Sustainability
- Highways and Parking.

### Principle of Development

5.3 The fact the Site is within the urban area of an identified Growth Town (Wellingborough) and is part of an unusually oversized garden serving an existing dwelling house fronting onto Debdale Road means that in principle the Proposal is acceptable.

5.4 It is notable that in respect to "Principle of Development and material considerations" (section "6. Evaluation") of the delegated report for the previous planning application, it says "*The proposals seek to subdivide the existing plot and construct a single dwelling house. The property is within the settlement confines and as such there is no objection in principle and the development would comply with policies 11 (1) (a), 28 and 29 of the Joint Core Strategy.*" Indeed, the Proposal will deliver a new dwelling house via a windfall site, which is supported by, in addition to the aforementioned policies, Policy 1 and Policy 6. Moreover, the NPPF, Paragraph 70 d) says for such Proposal the Council should apply great weight to the benefits that are associated.

### Design and Layout

- 5.5 Reason for refusal 1 associated with the previous planning application opined that: *"The proposed development would constitute over development of the site. The scale, form and design of the proposed dwelling would not respect or enhance the local character or respond to the sites immediate and wider context and would introduce a cramped and contrived form of development, into an area that is characterised by spacious plots which allow the retention of mature protected trees."* The current Proposal has responded to this and the building's siting and size, and by associated its scale and design have been amended. The result is a more modest dwelling house, but one whose scale and design (including the use of materials) reflect and respect those of other dwellings in the immediate and wider locality.
- 5.6 The local character of development surrounding the Site is not formed by a short stretch of road, it is clearly formed by a wider area. Nevertheless, even along the short stretch of Debdale Road, north and south of the Site, the siting, size, and design of dwelling houses is varied and eclectic. Indeed, there is certainly no obvious or prevailing character and appearance to follow. The dwelling houses are a mix of single and three-storeys, some are near to the road edge and others are set back a substantial distance. Some dwelling houses face onto the road, whereas others are perpendicular. Furthermore, some dwelling houses are older and traditional in design and appearance, whereas others are clearly more modern and contemporary in appearance. Even the plot sizes vary with some that are wider or narrow, or shallow or deeper, with some, when it comes to vegetation, being sparse. Accordingly, with due respect to the Council's previous decision, there is no prevailing character or appearance for this Proposal to follow.
- 5.7 Despite this assessment of the surrounding area the Applicant has amended the Proposal so that the dwelling house is smaller in footprint, its height has been reduced, and its massing has been reduced; this has been aided by detaching the double garage.
- 5.8 The dwelling house will be set back into the Site to minimise impact on the protected trees along the frontage, however, it is also pulled away from the boundary with adjacent properties. The outcome is a dwelling house that will benefit from a substantial amenity area to the front and rear – this is discussed in more detail in the following section – and a spacious curtilage / plot. It is obvious from the

submitted Location and Site Plans that the Proposal will afford a curtilage that is comparable to many other properties in the vicinity, both in terms of width and depth, and space around the dwelling house. It is true that some existing plots are larger however it has already been explained that there is no prevailing character, and one must have regard to all the properties in the surrounding area that contribute to the locality, including those on The Promenade, Debdale Road (noting that it stretches some distance north west to south east) and Hatton Park Road.

- 5.9 It is on this point that the Council is referred to the Planning Inspector's decision (ref: APP/H2835/W/15/3138065) that allowed planning permission for a dwelling house at 42 Debdale Road (known now as 15 The Promenade). Paragraphs 4 and 5 state:

*"Although the proposed dwelling would be sited closer to the road than neighbouring dwellings, the abundance of large trees to the front of neighbouring dwellings would make this less noticeable. These trees would also screen views of the proposed dwelling from public vantage points further along The Promenade. In addition, owing to the siting and large scale of No 42 and the backdrop of dwellings that follow the corner at Debdale Road, this section of The Promenade is not as spacious as its remaining length. Therefore, the proposed dwelling and subsequent loss of garden area would have a limited effect on the spacious and green character along The Promenade.*

*Whilst the size of the appeal site is smaller than those of other dwellings in The Promenade, it would be comparable with plot sizes that surround the corner of Debdale Road and The Promenade and also with those in the wider area. The design and scale of the proposed dwelling and boundary wall would be in keeping with No 42 and surrounding properties."*

- 5.10 This description is relevant because the existing trees at the Site will be largely protected and retained therefore, like for the appeal, the Proposal will be well screened to public views and make any perceived differences 'less noticeable'. In addition, the submitted Location Plan demonstrates that the existing dwelling (Lyndhurst) has an unusually large and spacious curtilage, whereas all other dwellings along this short stretch of Debdale Road are relatively narrow, with little space between the dwelling houses and the side boundaries. Accordingly, the Proposal will mean the new dwelling house and its curtilage will reflect the

'spaciousness' of existing dwelling houses in the immediate vicinity. This being a key consideration for the Planning Inspector, and it being reflected by the current Proposal, it is considered no harmful impact will arise.

- 5.11 The design of the Proposal closely reflects the adjacent houses, where it includes a projecting gable, traditional steeply pitched roof, the use of red brick and render, and the similarity also extends to the fenestration. Whilst these characteristics do exist in the adjacent houses, they are not apparent exclusively, which again demonstrates that the character and appearance of the area is eclectic. This extends to the designs of the adjacent house-types which are individual.
- 5.12 Contrary to the Council's conclusion regarding the previous planning application, the Proposal therefore satisfies the requirements of Policy 8 (d) (i) and (ii), and advice contained within Paragraph 135 (a), (b), (c), and (d) of the NPPF.

#### Amenity

- 5.13 The Proposal is separated from the host dwelling house and other adjacent dwelling houses by a combination of distance, boundary treatment, and existing and proposed vegetation, such that there is no adverse impact on amenity from an overbearing impact, loss of daylight / sunlight, or overlooking.
- 5.14 The Council does not have any adopted guidance in respect of amenity space standards – i.e. minimum sizes – therefore one presumes that its Sustainable Design SPD is the most pertinent guidance. Question 2.3 asks "Are private spaces well designed with respect to their intended user?" The subsequent text states that the issues to consider is whether the standard of the outdoor space appropriate to the type, size, and location of the dwelling; are the boundaries between public and private spaces clearly defined; and is there adequate space for waste storage and parking, whilst maintaining adequate well designed outdoor space? In all respects the Proposal meets the requirements of these issues.
- 5.15 The accompanying plans to this Proposal demonstrate that there will be a very large front garden that is substantially screened from public views and is eminently usable. Indeed, it is already used by occupiers of Lyndhurst as additional amenity space, notwithstanding its rear garden and swimming pool. The photograph at *Plate 3*, taken at 12,29pm on 4<sup>th</sup> September 2023, shows a grassed lawn that is well maintained and with a football goal and trampoline in situ. There is minimal

shadowing across the space that would constitute front garden to the proposed dwelling house. Accordingly, the Proposal will provide a large expanse of private and highly usable amenity space forward of the dwelling house alone. In addition, there will be a large rear garden.



*Plate 3 – Photograph of part of the Site, looking towards Nos. 39 and 56 Debdale Road.*

- 5.16 The rear garden is wide and a good depth, comprising a mixture of patio (sitting out area), grassed lawn, and ornamental planted beds. The submitted drawings show space for bin storage and it is plainly evident there is space for drying washing. The garage provides plenty of space for parking vehicles, including bicycles, all of which would be secure, particularly as it is located behind frontage fencing and gates, and set well inside the Site. There is further grassed lawn behind the garage that is also usable space. In totality, the available garden space represents adequate and usable amenity space.
- 5.17 When assessing the previous application the Council (through its delegated report) opined that the proposed dwelling house would have a small rear garden which is out of context given the footprint of the building and the front garden would be overshadowed by trees. It added that No.39 Debdale Road will have a small garden.

Respectfully, this assessment is either factually incorrect, incorrect when considering the context of the surrounding area, or misleading.

- 5.18 No. 15 The Promenade – granted planning permission on appeal (ref: APP/H2835/W/15/3138065) – has a short depth garden that is much narrower than the subject Proposal, yet it was deemed to be acceptable. In fact, its rear garden is a shorter depth than the subject Proposal. A similarly short depth and narrower rear garden can be seen at No. 46b Hatton Park Road. No. 39 Debdale Road has a short depth and triangular rear garden, although it has a separate private amenity space to the side of the dwelling house. Finally, although it is a very deep rear garden, notably Landsdowne (The Promenade) has a very narrow rear garden, certainly it is disproportionate to the width of the dwelling house. These dwelling houses and their curtilages are all visible on the Location Plan submitted with this Proposal. This description demonstrates that sizes and dimensions of gardens in the surrounding area are varied. They contribute to the context of the area, its character and appearance. It also demonstrates that given these dwelling houses are all occupied, irrespective of their size, they are all served with adequate amenity space that meets the needs of those occupying the properties.
- 5.19 Where the Council previously commented that the earlier application would leave No.39 Debdale Road with a small garden this is not agreed. The property has adequate private amenity space in two locations, one immediately to the rear of the dwelling house and to the side, which abuts Hatton Park Road. This side garden is accessed directly from the rear garden and is well screened by vegetation and boundary fencing so that it is private and offers a good level of amenity. To suggest otherwise and to infer the Site is necessary garden land that should be linked to No. 39 would be erroneous. It previously represented garden to the side of that dwelling house therefore it was never true 'rear' garden. In addition, it has been formally linked to the curtilage of Lyndhust, including through the erection of boundary treatment, therefore regardless of the outcome of this planning application it is now permanently separated from No. 39.
- 5.20 It is pertinent however that where the Site did formerly form part of No.39's curtilage the Council said it represented part of its private amenity space, even though it was to the side of that property and is adjacent to Debdale Road. Accordingly, where the Council highlighted concern at its loss for the occupiers of

No.39 this logically means the Council considered it to be good quality private amenity space, therefore, the same should apply in respect to this Proposal.

- 5.21 In result, the Proposal provides for adequate amenity space for the new dwelling house. The amenity space allows for the outside drying of washing, bin storage, further storage for vehicles and bicycles, sitting out space, private and secure playing space (grassed lawns at the front and rear), and ornamental space for flowers. The scale and level of amenity space is comparable and arguably superior to that afforded to other properties in the vicinity, however, their presence represents context meaning the Proposal is not out of keeping. In effect, the Proposal satisfies the requirements of Policy 8 (e), and the NPPF.

#### National Space Standards and National Accessibility Standards

- 5.22 The Council previously opined that the earlier planning application was deficient because it did not demonstrate how that proposed dwelling would meet Category 2 of the national accessibility standards as a minimum or meet the minimum nationally described space standard for a 5-bedroom 8 person dwelling over three storeys. The current Proposal has been designed to Part M of the Building Regulations thereby ensuring necessary accessibility. This is achieved through ramped access and wider door openings. It also offers scope to achieve Lifetime Homes Standards.
- 5.23 In respect of space standards the rooms are all dimensioned, therein demonstrating how the Proposal is acceptable. Accordingly, the Proposal satisfies Policy 30.

#### Trees and Biodiversity

- 5.24 The Proposal is supported by a Tree Survey and Root Protection Plan, and an Ecological Appraisal. These were absent from the previous planning application therefore where this was cited in two reasons for refusal the current Proposal is improved.
- 5.25 The Tree Survey explains that Site has protected trees therefore the siting of the dwelling house, garage and driveway to the garage are important issues to consider. It further explains that notwithstanding the protected status of the trees the Council has granted consent for two to be removed, because they are diseased – see ref: NW/23/00629/TPO. Where these trees are to be removed, it is now proposed to entre the Site, so that the gated access and driveway from Debdale

Road enters and follows a route through to the garage past the dwelling house. It has been agreed with the Council that the removal of these two trees will be mitigated by planting two smaller format trees. The new trees will be 1 x Chestnut-leaved Oak (20-25cm girth), and 1 x Sargeant's Cherry (14-16cm girth), both of which shall be planted during the first available dormant season following completion of the development, in the locations shown on the Tree Protection Plan that accompanies this Proposal.

- 5.26 The remainder of the trees will not be adversely affected, and because the dwelling house will be set back into the Site it will not be affected by the tree canopies – where *Plate 3* demonstrates the front garden and by association the dwelling house will still receive plenty of daylight and direct sunlight.
- 5.27 The Tree Survey continues; it is acknowledged that the dwelling house and driveway will cross a significant proportion of the Root Protection Area. The arborist therefore recommends the need for a No-Dig method of construction, which incorporates a three-dimensional load spreading material, and permeable surfacing, and a site-specific arboricultural method statement. It is considered therefore that the Proposal can be proceed without adverse impact to the protected trees.
- 5.28 The Proposal is supported by an ecological appraisal that the Site is of little biodiversity interest, mostly consisting of regularly mown lawn supporting only common and widespread plant species with a gravel parking area in the west. None of the trees on the site contain any significant deadwood features able to support roosting bats, having been regularly pruned to remove any dead wood, though as two of the oak trees are to be felled due to having extensive internal decay which makes them unsafe, a precautionary check for evidence of bats would need to be made prior to carrying out any felling or tree surgery work required on them. In addition, the Site is within a green impact zone for great crested newts identified as part of the South Midlands District Licensing Scheme, which means great crested newts may be present in the area, though due to the condition of the site and the small scale of the development, a great crested newt licence would not be required, with a non-licensed strategy of reasonable avoidance measures sufficient to minimise the risk of this or any amphibian or reptile species being harmed during clearance and construction work.

- 5.29 The ecological appraisal concludes that the Proposal will not cause any adverse impact to wildlife or biodiversity. In line with its suggestion new roosting and nesting opportunities for bats and birds will be provided by incorporating one or two swift boxes into the eaves of the new dwelling house and erecting bat and bird boxes on some of the mature trees to provide a gain for biodiversity, with holes provided in the base of the existing and proposed boundary fencing to allow foraging routes for hedgehogs. Accordingly, the ecological appraisal opines that no further assessments are required, and the Proposal should not be prevented based on any ecological impact.
- 5.30 Notably, when determining the previous planning application, the Council stated that a Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It concluded that a planning decision on the merits of the proposed development can be taken as the Applicant has made an SPA mitigation payment of £322.41 (application made pre-April 2023) and the development meets the criteria set out in the SPA SPD. It is presumed that this sum will carry across to the subject Proposal with the previous conclusion applicable too. Accordingly, the requirements of Policy 4 are satisfied by the Proposal.

#### **Sustainability**

- 5.31 The Council's delegated report for the previous application referred to the matter of sustainability. It referred to Policy 9 and the need for development to incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. This includes measures to limit use to no more than 110 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 the Council confirmed that a planning condition can be imposed, something that would be appropriate to the current Proposal too.

#### **Highways and Parking**

- 5.32 The Proposal will include a new vehicular access that possesses good visibility splays for pedestrians and in respect to vehicles travelling along Debdale Road. Vehicles that ingress / egress will travel at slow speed due to the proposed inclusion of gates at the entrance to the Site. This will further ensure the safety of pedestrians. The access allows for sufficient driveway that vehicles can pull-off the highway therefore ensuring no conflict is caused whilst the gates open.

- 5.33 The Site is located in an urban area near to shops, services, places of employment and allows for sustainable modes of transport (walking, cycling and public transport). Nevertheless, where the Proposal will generate activity from private cars there will be adequate space on-site for them to be parked, and for them to manoeuvre and egress in a forward gear. The parking area is provided both within the double garage and on the associated driveway. The garage also provides space<sup>3</sup> for bicycles to be stored securely and under cover.
- 5.34 Notably, when assessing the previous planning application, the Council's highway officer did not object from an access perspective and the confirmed that the development would provide sufficient parking for the property, therefore, it would comply with Policy 8. It is considered that the same assessment should apply to the current Proposal.

## 6. Conclusions

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Paragraph 11d of the NPPF expresses a 'presumption in favour of sustainable development.
- 6.2 The Proposal satisfies the requirements of the NPPF insofar as it would contribute to the government's objectives for significantly boosting the supply of housing. It is a small housing site therefore it is commonly accepted that the development can be delivered quickly, something Paragraphs 60 and 70 say should attract great weight.
- 6.3 The development would occur at a Site that is in an urban and highly sustainable area. It makes provision for bicycle storage and vehicular access will meet the requisite visibility splay standards.
- 6.4 The Planning Statement demonstrates that the Proposal does reflect the context of the surrounding area, where existing dwelling houses do not create any prevailing character or appearance. It explains how the siting, size, design, and materials used in the construction of the dwelling houses vary. It also explains that an assessment of the Site cannot be constrained to a short stretch of one road – albeit its character and appearance is varied too – and that a more reasonable approach is to consider those roads that are linked to adjoining and further adjacent properties too. The Planning Statement has also referred to a description of the area used by a Planning Inspector, who opined that the creation of a dwelling house by sub-dividing an existing residential curtilage would not cause any adverse harm. It is considered that this same assessment and approach is applicable in the determination of this planning application.
- 6.5 The current Proposal is accompanied by detailed drawings that show the size, design, and external materials will build on those from dwelling houses immediately adjacent to the Site. this includes the pitch of the main roof, the use of a projecting gable in the front elevation, particular fenestration, and red brick and render.

- 6.6 The Proposal will protect existing trees on Site and enhance biodiversity. It demonstrates that whilst two protected trees will be removed, the Council has separately provided consent for this to happen, because they are recognised as being diseased. Regarding the remaining trees the Tre Survey that accompanies the Proposal explains how they will be protected during the construction of the dwelling house and the driveway.
- 6.7 The Ecological Appraisal explains that the Site is of low ecological value, however, the Proposal can introduce modest enhancements to biodiversity through new tree planting, as well as planting in ornamental beds and by enhancing habitat through hedgehog tunnels and the installation of bat / bird boxes.
- 6.8 Residential amenity will be protected, there will be no adverse effects through overlooking, overbearing, or loss of daylight / sunlight. It has been shown that the new dwelling house will have a large private amenity space, positioned both to the front and rear of the building. This space is sufficient to ensure drying space, sitting out space, and space to play. It can also accommodate refuse storage space. The presence of an established hedgerow along the frontage of the Site affords privacy in the front garden. Indeed, it is already used as additional amenity space for Lyndhurst.
- 6.9 The Council previously opined that the earlier planning application would adversely affect the amenity space of No.39 Debdale Road. Respectfully, this is not agreed, particularly as it has access to a rear garden, and this leads to direct access to a separate private amenity space to the side of the property. The Site is in any event no longer available to that property because it is formally a part of Lyndhurst's curtilage. Lyndhurst has a very large garden (front and rear) anyway therefore it does not require the Site to ensure appropriate amenity space for its occupiers.
- 6.10 Finally, the Proposal demonstrates how the requirements for Category 2 of the national accessibility standards and the nationally described space standard both will be satisfied.
- 6.11 The proposed development constitutes sustainable development, it accords with the development plan, and benefits from material considerations that weigh in its favour. According to Section 38(6) of the 2004 Act and Paragraph 11d of the NPPF it should therefore be granted permission without delay, and there are no adverse

**Planning Statement**

*Evergreen Management Ltd.*

impacts that would significantly and demonstrably outweigh the benefits. Therefore, the Applicant respectfully requests that the Council applies a positive attitude and approves this Full planning application.

## Appendix APC1



**North  
Northamptonshire  
Council**

Development Management Service  
Wellingborough Office  
Swanspool House, Doddington Road  
Wellingborough  
NN8 1BP  
Tel: 0300 126 3000  
[www.northnorthants.gov.uk](http://www.northnorthants.gov.uk)

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

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

Application reference:	<b>NW/23/00068/FUL</b>
Application address:	<b>39 Debdale Road Wellingborough NN8 5AJ</b>
Application description:	<b>Proposed two storey detached five bedroom dwelling and garage with new vehicular access and 2.9 metre high entrance gates, hardstanding for parking of vehicles together with reduction of the lengths to existing lower branches to T8, 9, 11 and 12 trees</b>
Status of Application:	<b>REF</b>
Proximity to SPA:	

Lead Planning Officer: **Mr Graham Northern**

#### Stage 1 - details of the plan or project

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

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	unless avoidance and mitigation measures are in place.
<b>Stage 2 - HRA screening assessment</b>	
Test 1: the significance test – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA.	
<p>The application is for development resulting in a net gain in residential units within 3km (linear distance) of the SPA. The HRA for the North Northamptonshire Joint Core Strategy identified that the in-combination impact of proposals involving a net increase of one or more dwellings will have an adverse effect on the integrity of the SPA unless avoidance and mitigation measures are in place. This is through an increase in visitors that will in turn increase the level of disturbance to the wintering waterbirds, particularly through dog walking. There will therefore need to be measures proposed to avoid or mitigate the impact from these dwellings to meet the Regulations.</p> <p>The ruling by the Court of Justice of the European Union on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17) requires development relying on mitigation to no longer be considered at the screening stage but taken forward and considered at the appropriate assessment stage. Therefore as the application requires mitigation it will need to be considered at the appropriate assessment stage.</p>	
Conclusion on the need for a full Habitats Regulations Assessment (Appropriate Assessment) (has evidence shown there is a need for a full HRA?)	<b>YES</b>
(If yes, continue to Stage 3; if no, continue to Stage 4).	
<b>Stage 3 - HRA – Appropriate Assessment</b>	
Test 2: the integrity test – If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.	
<p>A mitigation strategy has been proposed to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA by making a financial contribution towards Strategic Access Management and Monitoring (SAMM) and/or other suitable measures. This would reduce the adverse impact of people visiting the SPA through specific measures and monitoring.</p> <p>Adequate mitigation measures can be achieved by the payment of £322.41 per dwelling to fund a range of 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.</p> <p>The applicant has paid <b>£322.41</b> on 9 February 2023 to mitigate the effects of the development on the SPA.</p>	

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

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

Adequate mitigation measures can be achieved by the payment of £363.62 per dwelling to fund a range of 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.

**Natural England Officer:**

No objection subject to the appropriate mitigation being secured. The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and therefore is expected to contribute to recreational disturbance impacts to the population for which the SPA has been notified. Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits SPA SPD.