
Appeal Decision

Site visit made on 30 August 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/H2835/W/16/3152114

30 High Street, Wellingborough, Northamptonshire NN8 4JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Balfe against the decision of Borough Council of Wellingborough.
 - The application Ref WP/15/00244/FUL, dated 16 April 2015, was refused by notice dated 16 December 2016.
 - The development proposed was originally described as *'erection of 12 no. supported living apartments with associated bin store and external works on land at the rear of 30 High Street, Wellingborough. Land accessed via gateway through listed wall on Salem Lane'*.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 21 October 2016.

Decision

1. The appeal is allowed and planning permission is granted for development described as *'erection of a 2-storey building comprising 10 no. supported living apartments with ancillary staff accommodation with associated bin store and external works on land at the rear of 30 High Street, Wellingborough. Land accessed via gateway through listed wall on Salem lane'* at 30 High Street, Wellingborough, Northamptonshire NN8 4JZ in accordance with the terms of the application, Ref WP/15/00244/FUL, dated 16 April 2015, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description on the application form is different to the decision notice and appeal form in terms of the number of units proposed. It is clear from the evidence before me that the proposal was amended before the Council determined it and the Council's decision was based on the amended proposal for a 10 unit scheme. I have also determined the appeal on that basis and have therefore used the description set out on the appeal form in my decision. I have removed a reference to *'amended plans and additional information'* as this is superfluous.
 3. Since the appeal was submitted Policy 13 of the North Northamptonshire Core Spatial Strategy ('NCSS') as referred to in the Council's reason for refusal, has been superseded by Policies in the North Northamptonshire Joint Core Strategy 2011 – 2031 ('JCS'), adopted by the Council in July 2016. With regard to the appeal the Council refers to Policy 2 of the JCS. I am required to determine
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this appeal on the basis of the development plan and national policy which are in place at the time of my decision and accordingly I have determined the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the Wellingborough Town Centre Conservation Area and the effect on the setting of the Friends Meeting House and 30 High Street, Grade II listed buildings and the United Reform Church, a Grade II* listed building.

Reasons

The appeal site and background

5. The appeal property is a roughly rectangular piece of land and is formed by part of the rear garden area that is associated with No. 30 High Street. The site contains a number of mature trees and is located within the Wellingborough Town Conservation Area ('WTCA').
6. There is an existing gated vehicular entrance from Salem Lane in the corner of the site and the site is bordered by a brick wall, approximately 2m in height which is also listed. On the opposite side of Salem Lane lies the United Reform Church and abutting the site to the north-west lies the Friends Meeting House.

Heritage assets

7. In 2009 planning permission was granted for the erection of eight retirement apartments, secure refuse and cycle store together with parking and associated works¹. That permission appears to have followed the approval of a scheme in 2008 for six apartments². At the same time, Listed Building Consent was granted for alterations to the listed wall³. Planning permission was then granted again in 2012⁴ and a further application for Listed Building Consent was also approved on in 2012⁵ for what appear to be very similar developments.
8. However, the Council contend that the development would now be contrary to new development plan policy and the more recent tests set out in the National Planning Policy Framework ('the Framework'). In my view, the Council's case does not provide any meaningful justification as to why there has been such a significant change to the Council's earlier decision that a very similar proposal was acceptable, in terms of its effect on the WTCA or neighbouring listed buildings. Whilst each case must be determined on its own merits it is also important that similar cases are determined in a like for like manner although I am also mindful that the earlier permissions appear to no longer be extant.
9. Nevertheless, I find that the significance of this part of the WTCA mainly derives from its medieval street pattern and historic core and more relatively recent Georgian, Edwardian and Victorian inner suburbs and buildings. Along with its historic groupings of listed and non-listed cultural, residential and commercial buildings of varying sizes, types and of different ages there is a

¹ WP/2009/0409

² WP/08/185/F

³ WP/2009/0410

⁴ WP/2012/0462

⁵ WP/2012/0461

tight urban grain, frequent plot divisions and a modest scale to the WTCA. Buildings are predominantly constructed in locally sourced Wellingborough brick, Blisworth Limestone and Ironstone which, along with a sloping topography, sense of enclosure and presence of individual trees contribute to its appearance, history and significance.

10. Paragraph 132 of the Framework makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
11. The proposal would retain sufficient space to the boundaries and the proposal would be of a much lower scale than surrounding buildings. The design and appearance of the building includes a number of vernacular architectural features such as white painted sash windows, overhanging eaves, moulded timber porches and stone banding detail. This would be sensitive to and reflective of, the prevalent vernacular of buildings within the WTCA and the details of which could be suitably controlled by condition, as suggested by the Council.
12. In my judgement, in an area with such a tightly knit pattern of development and wide variety of building types, forms and sizes the proposal would complement such variety and would be in keeping with the grain and pattern of development. It would not be an alien or incongruous feature and it would preserve the character and appearance of the WTCA.
13. Turning to the setting of surrounding listed buildings, the Framework states that the setting of a heritage asset is the surroundings in which it is experienced and that this can be more extensive than its curtilage. Heritage assets are clearly influenced by the comprehension of external factors and development within their setting, the extent of which is not fixed and can evolve over time.
14. In this case, the setting of all of the listed buildings is influenced by a variety of building styles, designs and sizes, of a variety of different forms and from different periods and located within an urban setting. The surroundings in which they are experienced include much larger and more modern buildings located further along Salem Lane and on High Street. Although close to the appeal site the United Reform Church has well defined historic boundaries and is clearly physically and visually separated from the appeal site by Salem Lane.
15. Although the walls, gate piers, steps, gates and railings are separately listed, I find they contrast with the simple form and appearance of the wall around the appeal site and form a distinctive feature in their own right. Overall, there would be a very limited perception of the proposal from that building and its curtilage. Moreover, I find that there is no historic or aesthetic connection between the appeal site and that building that forms part of how the significance of that asset is experienced.
16. Whilst the proposal would be located directly to the rear of the Friends Meeting House, it would appear subservient in scale and massing. In this particular case, the most important aspect of its setting, facing St John Street would be unaffected by the proposal. In terms of No. 30 High Street, whilst a building would be introduced into its rear curtilage I also find that the most important aspect of its setting is the frontage onto High Street. Its rear elevation has also been substantially altered and in my view, the lack of prominence of the

- proposal, its scale and siting would result in no harm to the significance of either building as a designated heritage asset, in terms of their setting.
17. The proposal also includes the enlargement of the existing gated entrance off Salem Lane to facilitate access. These works are relatively limited in scale and subject to appropriate materials would preserve the character and appearance of the WTCA and would not harm any designated heritage assets in terms of their setting.
 18. For these reasons, the development would preserve the character and appearance of the WTCA and would not harm the significance of neighbouring listed buildings in terms of their setting. It would not conflict with Policy WTC 12 of the Wellingborough Town Centre Area Action Plan or Policy 2 (a, b and d) of the JCS which, amongst other things and when read as a whole require the conservation and enhancement of the heritage of the town, that development conserves the setting of an asset or group of assets in a manner commensurate with its significance and complements the surrounding historic environment in terms of form, scale, design and materials.
 19. In the context of the Framework, the proposal would not cause harm to the significance of a designated heritage asset and therefore does not conflict with the heritage objectives of the Framework.

Other Matters

20. I have been provided with a signed and dated legal agreement that restricts all of the units to 'supported housing', to be provided through a registered provider, that no unit shall be occupied unless the need has been assessed by the Council's Social Services department and it is deemed that supported housing is required. Furthermore, that all units shall be constructed to a minimum category of 2 under Part M of the Building Regulations.
21. A planning obligation may only constitute a reason for granting planning permission if it would be necessary, directly related to the development and fairly and reasonably related to it in scale and kind as provided by Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL) and as reiterated in Paragraph 204 of the Framework.
22. In this particular case, I have not been provided with any substantive evidence from the Council that this is necessary to meet an existing shortfall or is required by the development plan. In the absence of sufficient justification, I cannot be satisfied that the agreement would comply with regulation 122 and I am unable to take it into account as a result. Accordingly, I have not given the agreement any weight and it has not been a reason for granting planning permission.
23. In reaching this view I have taken account of the concerns of third parties in relation to highway safety issues on Salem Lane. However, I note that the Council does not object to the proposal on such grounds and there are no objections from the highway authority. Having visited the site, I have no reason to disagree with their assessment and the proposal would not cause harm to highway safety.

Conditions

24. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity. Although the materials are shown on the plans, a condition requiring samples of the external materials to be agreed is necessary, in order to preserve the character and appearance of the WTCA.
25. In the interests of highway safety and the living conditions of neighbouring occupiers, I have imposed a condition requiring a Construction Method Statement to be submitted and approved. A condition is also necessary for a written scheme of archaeological investigation, to ensure that features of historic interest are properly examined and recorded.
26. To prevent the increased risk from flooding, I have imposed a condition requiring details of a sustainable surface water drainage system to be agreed. The Council have requested a condition relating to crime prevention measures, but I have no details as to why such a condition would be necessary in this case and reference is made to a superseded policy. I have therefore not imposed it.
27. Conditions 3, 4, 5 and 6 are conditions precedent and I am satisfied that such conditions are fundamental to the development to ensure that development does not occur until such matters are resolved, in the interest of a combination of the effects on the character and appearance of the WTCA, heritage assets, flood risk and the living conditions of neighbouring occupiers.

Conclusion

28. For the reasons set out above and having considered all other matters raised, the proposal would not conflict with the development plan, when read as a whole or the Framework and I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans: 462.2e-001, 462.2e-002, 462.2e-003, 462.2e-004, 462.2e-005, 462.2E-005 A, 462.2e-006, 462.2e-007, 462.2e-008 and 462.2e-009.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (including the wall) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors and traffic management;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No demolition/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;

- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- 6) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.
- 7) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.