



Appeal Decision

Site visit made on 29 January 2024

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Appeal Ref: APP/M2840/W/23/3318227

Land to the rear of 7 to 9 Chancery Lane, Thrapston

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Lines against the decision of North Northamptonshire Council.
 - The application Ref NE/21/00568/FUL, dated 19 March 2021, was refused by notice dated 13 September 2022.
 - The development proposed is erection of dwelling and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and associated parking at Land to the rear of 7 to 9 Chancery Lane, Thrapston in accordance with the terms of the application, Ref NE/21/00568/FUL, dated 19 March 2021, subject to the conditions listed at the end of this decision.

Preliminary Matters

2. As the site is in a conservation area and falls within the settings of listed buildings, I have had special regard to the statutory duties set out under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023, the same month that the East Northamptonshire Part 2 Local Plan (the P2LP) was formally adopted by the Council. The main parties have had opportunities to provide observations with respect to any relevance of these policy documents to the outcome of the appeal and I have considered representations received in response.
4. The Council has confirmed that, following the receipt of mitigation payment, it no longer wishes to defend its second reason for refusing planning permission, which related to the impact of the proposal upon the Upper Nene Valley Gravel Pits Special Protection Area (the SPA). I shall formulate the appeal's Main Issues on this basis and shall return to the SPA under Other Matters.

Main Issues

5. The main issues are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Thrapston Conservation Area (the CA); and

- Whether or not acceptable living conditions would be provided for future occupiers of the proposed development, having particular regard to noise.

Reasons

The CA

6. The site is located within the Thrapston Conservation Area (the CA). The significance and special interest of the CA as a designated heritage asset is drawn, in part, from its array of historic buildings that are typically laid out in linear terraced rows. This includes along Chancery Lane, where characterful historic terraces often comprised of listed buildings are in existence.
7. The appeal proposal follows a grant of planning permission¹ in April 2020 for two dwellings (one two-storey and the other a bungalow) across land set back from, and located to the west of, Chancery Lane. The two-storey dwelling has been constructed to the immediate north of the appeal site, whilst the consented bungalow has yet to be built. The proposal essentially involves the substitution of the previously approved bungalow for a dwelling incorporating an additional floor of living space across an enlarged footprint.
8. Concerns have been raised that the proposed dwelling would be of a size and scale out of keeping with the existing built form on Chancery Lane, and that, when taken together with the two-storey dwelling already constructed, would not relate well to the character of the area. However, its ridge height would be set lower than that of the two-storey dwelling it would sit alongside, and a not insignificant distance of separation from Lane-fronting development would continue to avail. In this context, the proposed dwelling would not compete with existing frontage units in terms of either their scale or visual prominence.
9. It is also relevant that several buildings of sometimes considerable scale and varying between single and two-storey height have been recently constructed close to the western and northern boundaries of the site. In this developed context, the proposed dwelling would be experienced as neither a wholly unexpected nor excessively sized addition to this setback northernmost portion of the CA. Moreover, there would be no unacceptable impact upon the local street scene.
10. For the above reasons, the proposed development would preserve the character and appearance of the CA and no harm would be caused to its significance as a designated heritage asset. I similarly identify no harm to the significance of any other designated heritage asset² (drawn, in-part, from their age, traditional building materials, and group value) that is situated nearby by virtue of development within their settings. This is principally due to the distances of separation involved and the somewhat modest scale of development that is under consideration.
11. The scheme accords with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy (July 2016), Policies EN2 and EN11 of the P2LP, and the Framework in so far as these policies set out that proposals should conserve and, where possible, enhance the heritage significance and setting of an asset or group of heritage assets in a manner commensurate to its significance.

¹ 19/01503/FUL

² including Grade II listed buildings: Montague House (3-5 Chancery Lane); 7 and 9 Chancery Lane; 11 Chancery Lane; 13 Chancery Lane; Number 15 and attached outbuildings, Chancery Lane

Noise

12. The site sits in proximity to an industrial estate which accommodates uses that hold the potential to create noise. Consistent with this constraint, it is my understanding that a Noise Impact Assessment (NIA), dated March 2020, was prepared in support of the previous scheme for two dwellings granted planning permission in April 2020. This NIA determined what noise mitigation measures would be required to support that two-unit scheme.
13. The footprint of the dwelling now proposed sits slightly closer to the site's southern boundary, and thus to neighbouring commercial uses, when compared to the bungalow previously approved. However, there is no clear reason to consider that materially different noise mitigation measures (when compared to those recently permitted in April 2020) would realistically be required to satisfactorily guard against noise effects for future residential occupiers. I make this assessment having undertaken an inspection of the site's immediate and wider surroundings.
14. Moreover, in view of the site's planning history, I am content that full details of the noise mitigation measures to be installed could be suitably dealt with by way of planning condition in the event the appeal be successful.
15. For the above reasons, I am satisfied that, having particular regard to noise, acceptable living conditions would be provided for future occupiers of the proposed development. The scheme accords with Policy 8 of the JCS and the Framework in so far as these policies require the protection of amenity by development not resulting in an unacceptable impact on the amenities of future occupiers.

Other Matters

The SPA

16. The site lies within the SPA's defined Zone of Influence, such that I must have regard to The Conservation of Habitats and Species Regulations 2017 (as amended). These regulations require that, where the project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment (AA) of the project's implications in view of the relevant site's conservation objectives. For the purposes of this appeal, I am the competent authority.
17. The SPA comprises a number of wetland sites that accommodate bird populations for which the SPA has been designated. The conservation objectives of the SPA relate to the protection of these bird populations. A threat to the SPA's integrity is increased visitor access and associated recreational pressure whilst it has been identified that most visits are made by persons who live within 3km of the SPA. As such, the proposal would be likely to have a significant effect upon the SPA when considered in combination with other residential projects.
18. It is apparent from the evidence before me that a mitigation strategy endorsed by Natural England has been adopted to address the adverse effects of people visiting the SPA. This draws together a series of Strategic Access Management and Monitoring measures, that include screening and fencing and wardening.

Based on the expected costs of these measures, a per dwelling contribution has been set. This has risen on an annual basis to take account of indexation.

19. The statutory nature conservation body (Natural England) was consulted at both planning application and appeal stage and thus had the opportunity to respond to information applicable to the formation of an AA. Moreover, an expectation to make a proportionate contribution towards the implementation of the adopted mitigation strategy has been clearly stated by Natural England.
20. The Council has confirmed receipt via two instalments of the relevant mitigation payment required currently - £363.62. As such, it is not necessary to seek to secure the future provision of this payment. Indeed, given the adopted and comprehensive nature of the mitigation strategy under implementation, I am sufficiently satisfied that proportionate mitigation would be delivered in an expedient manner should the proposal be implemented. I thus find that the scheme would not adversely affect the SPA's integrity.

Further Other Matters

21. I have noted concerns raised with respect to the specification of the site's shared access, which is constrained in terms of its width, the visibility that it offers, and its suitability for use by large vehicles (including fire tenders). However, as planning permission has already been granted for a dwelling on the appeal site, albeit of smaller size when compared to that now intended, the proposal before me cannot be fairly resisted on highway/pedestrian safety or accessibility grounds. Indeed, the proposed four-bedroomed dwelling would be neither excessively sized nor setback an especially long distance from the highway and would not be fairly anticipated to lead to any noticeable increase in vehicle movements to and from the site when compared to if a smaller bungalow was alternatively built. I further note that the front part of the main body of the site would offer ample opportunities for the parking of vehicles.
22. I also acknowledge concerns raised with respect to the scheme's effect upon wildlife. However, in view of the current makeup of the site's ground cover, there is no clear reason to consider the scheme capable of removing valuable habitat nor having an adverse effect upon any protected species. I also note that new on-site planting and its subsequent maintenance could be secured via planning condition. I am thus content that the scheme would have an acceptable effect upon wildlife.
23. Whilst the stability of a neighbouring boundary wall has been questioned by an interested party, there is no clear or convincing supporting evidence before me to demonstrate that planning permission for the appeal scheme should be withheld on this basis.
24. Moreover, the proposal accords with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conditions

25. The Council has provided a draft list of potential planning conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity purposes and have omitted others. I have also added a condition requiring the submission of a Noise Impact Assessment, in the interests of safeguarding the living conditions of future occupiers of the development in the

- context of neighbouring industrial/commercial uses. In the interests of certainty, a condition specifying the approved plans is also required.
26. In the interests of protecting highway safety and the living conditions of local occupiers, a Construction Management Plan is necessary to secure via condition. Considering the specific detailed provisions of this condition, it would be neither reasonable nor necessary to impose additional separate conditions related to hours of construction work, dust minimisation measures, and mud prevention measures.
27. In the interests of preserving the visual amenities of the area, conditions requiring the submissions of external-facing material samples and a scheme of hard and soft landscaping (as well as replacement planting if required) are reasonable and necessary to impose. The landscaping condition would also be in the interests of promoting biodiversity and, by securing details of hard landscape works, would allow any associated potential impact upon surface water flood risk to be appropriately considered at approval of details stage.
28. In the interests of safeguarding the general amenities of the area and highway safety, the details of an on-site bin collection area are reasonable to condition. I am satisfactorily content, following inspection, that it would be possible to store bins in proximity to the highway without unacceptably impeding the free movement of vehicles along the shared driveway.
29. In the interests of promoting a water-efficient development, a condition to secure full details and the subsequent installation of water efficiency measures is reasonable to impose. To minimise pollution risks and safeguard neighbouring living conditions, a condition to guard against the on-site burning of materials is reasonable and necessary. To promote accessibility, a condition requiring construction to a relevant optional standard of the Building Regulations is also reasonable to impose.

Conclusion

30. For the reasons given above, I conclude that the appeal should be allowed such that planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of 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 strictly in accordance with the following approved plans: 2019.11.100; 2019.11.101; 2019.11.102.
- 3) Prior to the commencement of development, a Noise Impact Assessment detailing noise mitigation measures to be installed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out and occupied in accordance with the approved details.
- 4) Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include and specify the provision to be made for the following:
 - Overall strategy for managing environmental impacts which arise during construction;
 - Measures to control the emission of dust and dirt during construction;
 - Measures to control noise emanating from the site during the construction period;
 - Hours of construction work for the development;
 - Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
 - Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
 - Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
 - Details of measures to prevent mud and similar debris migrating onto the highway from construction vehicles;
 - Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

- 5) Prior to the commencement of development above slab level, samples of the external materials to be used in the construction of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the approved details.
- 6) Prior to the commencement of development above slab level, details of a collection area for bins, to be located within the red line boundary of the

site, shall be submitted to and approved in writing by the Local Planning Authority.

- 7) Prior to the commencement of development above slab level, full details of the following shall be submitted to and approved in writing by the Local Planning Authority.
- Hard landscape works, to include but not be limited to, full details of boundary treatments to be erected (including the position, height, design, material) and paved surfaces to be laid (including manufacturer, type, colour and size);
 - Soft landscape works, to include planting plans (which show the relationship to all underground services and the drainage layout), written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree pit details (where appropriate) including, but not limited to, locations, soil volume in cubic metres, cross sections and dimensions; and
 - An implementation programme and maintenance regime for the landscape works.

The development shall be carried out in full accordance with the approved details, and the soft landscape works shall be carried out during the first planting season following the completion or first occupation of the development (whichever is sooner).

- 8) Any trees or plants planted in connection with the soft landscape works (to be approved under Condition 7) which within a period of five years from planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species as those originally approved.
- 9) Prior to the first occupation of the residential unit hereby permitted, full details of the measures to be installed to encourage that water use is no more than 105 litres per person per day (plus no more than 5 litres per person per day for external water use) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the approved details.
- 10) There shall be no burning on-site of any material from site preparation works, including trees, scrub, vegetation, and internal fittings.
- 11) The development hereby approved shall not be constructed other than in accordance with Building Regulation M4(2).

-----END OF SCHEDULE-----