



Appeal Decision

Site visit made on 15 September 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/M2840/W/25/3362291

45 Hillside Road, Wellingborough NN8 4AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Shelley Brown against the decision of North Northamptonshire Council.
 - The application Ref is NW/24/00192/OUT.
 - The development proposed is outline application for construction of up to 7 new dwellings and the demolition of number 45 Hillside Road, with access as a matter for consideration (all other matters reserved).
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of up to 7 new dwellings and the demolition of number 45 Hillside Road, with access as a matter for consideration (all other matters reserved) at 45 Hillside Road, Wellingborough NN8 4AW in accordance with the terms of the application, Ref NW/24/00192/OUT, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Outline permission for up to 7 dwellings is sought with access to be considered at this stage. I have had regard to the indicative details including a layout. These illustrate one way in which the site could be developed and how it might appear in its context. The indicative layout shows a general arrangement of buildings and the internal road within the site with a mix of detached and semi-detached dwellings. The only matter to be considered at this outline stage is access, and to enable the access road, 45 Hillside Road (No.45) is proposed to be demolished.
3. The Council's Statement of Case mentions that reasons for refusal No.2 (biodiversity) and No.3 (ecology and protected species) are no longer defended at appeal. In relation to biodiversity, the Council's Ecologist has reviewed the appellant's response and is satisfied that there is the potential for ecological enhancements within the site, but this does not necessarily have to be known prior to the determination of an outline application. It is also noted that the application was submitted prior to statutory biodiversity net gain requirements coming into force. Accordingly, the Council suggests a planning condition to secure biodiversity enhancements in accordance with the Council's relevant policy, should the appeal be allowed. In relation to ecology and protected species, the Council agrees with the appellant's findings (Ecology Link, October 2024) that there are no significant ecological constraints relating to protected species. Based on the evidence before me I see no adequate reason to take a different view and will not consider these reasons for refusal in my decision.

4. In relation to reason for refusal No.4 (development affecting a Special Protection Area (SPA) the Council advises that a signed habitat mitigation agreement and mitigation payment has been made by the appellant since the determination of the application. It therefore confirms that this reason for refusal is also no longer defended. However, as a competent authority, it is still for me to consider whether there would be adverse effects on the integrity of the Habitats site in accordance with The Conservation of Habitats and Species Regulations 2017 (the Regulations). It is therefore necessary to consider this matter as a main issue.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effects of the proposal on the integrity of a habitat site.

Reasons

Character and appearance

6. The appeal site relates to a paddock located to the rear of several properties on Hillside Road and would be accessed on the site of No.45 at the end of the road which is proposed to be demolished. The appeal property and those alongside comprise several largely uniform blocks of terraced properties. They share a similar form and massing, including hipped roofs to the end of each block, have similarly designed frontages and exhibit a largely unified streetscape.
7. On the opposite side of Hillside Road there is more variety to the form and massing of the dwellings including a mix of single and two storey properties. Nevertheless, the similar building line and arrangement of the frontages reflects the overall sense of uniformity to most properties along the road.
8. The properties on Hillside Road are set within an expansive area of allotments which can be accessed via a gate at the end of the road near to the appeal property. The main body of the appeal site is therefore positioned to the rear of residential gardens on Hillside Road and is bounded on two sides by the allotments, separated by a mature boundary hedge. I saw on site that the appeal site, beyond the plot associated with No.45, was mainly scrubby grassland.
9. Whilst the proposed demolition of No.45 would truncate a block of the dwellings, it did not appear to me on site that the loss of this dwelling would be especially noticeable in the streetscape. I have few details explaining how the gable end of No.43 would appear. However, given the building's position at the end of the row and at the transition point with the surrounding allotments, the loss of the hipped roof and shortening of the block would not be especially noticeable within the surrounding area. This shortening would be more apparent at closer range and from the allotments to the north, but I see little reason why the resulting block would appear unbalanced, given that the terraced blocks are relatively long. A more significant effect might have been seen had the building been part of a semi-detached pair of properties. Nor do I consider that the change would appear discordant or jarring to the design and symmetry of the overall block or in longer views along the road.

10. Given the site context, the visual change arising from the demolition of No.45 would be relatively minimal and there would be no appreciable harm to the character and appearance of the surrounding area. The proposal would therefore comply with Policy 8 of the North Northamptonshire Joint Core Strategy (2016) (NNJCS) which seeks to ensure that development responds to the site's context and local character. It would also comply with the National Planning Policy Framework (the Framework) which seeks to achieve well designed places.

Habitat Site

11. The development falls within the 'Zone of Influence' for the Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site, a European designated site. This site has been designated for its international importance for, but not limited to, wetland habitats, and the type of bird species present, including migratory species such as the Bittern, Golden Plover, Gadwall and Mute Swan. The conservation objectives of this site are to ensure that its integrity is maintained or restored. These include maintaining or restoring the extent, function and supporting processes of the habitats; and the population and distribution of each of the qualifying features within the site. There is a threat to its integrity from public access and disturbance, including from recreational activities. The site is covered by the Upper Nene Valley Gravel Pits SPD (2015) and the Upper Nene Valley Gravel Pits Special Protection Area SPD Addendum: Mitigation Strategy (2016) which seek to ensure that the cumulative impacts of additional visitors, arising from residential growth near to the European site, will not result in any likely significant effects which cannot be mitigated. The SPD has been developed with Natural England and the RSPB.
12. The proposed development would result in 6 additional dwellings, and as such the number of additional recreational visitors would be limited. However, in combination with other developments, likely significant effects are not ruled out. As such, in accordance with the Regulations, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting planning permission on the integrity of the relevant site. I have also sought further advice on this matter from Natural England.
13. The Mitigation Strategy includes measures to avoid and mitigate impact. The Strategy also includes a specific financial contribution for each new dwelling to fund avoidance and mitigation measures on a wider strategic basis. Natural England has advised that a contribution to the Upper Nene Valley Gravel Pits SPA should be sought from this proposed development to ensure that the delivery of the Mitigation Strategy remains viable. The Council has confirmed that the appellant has signed the habitat mitigation contribution agreement and made the necessary per dwelling contribution. Both the Council and Natural England confirm that the payment accords with the specified tariff. The evidence before me indicates that as a responsible public body the Council will transfer the funds to the organisation administering the mitigation strategy. I am therefore satisfied that the mitigation measures have been secured and would be used for their intended purposes.
14. I therefore find there would be no adverse effect from the proposed development on the integrity of the designated European site. Consequently, the proposal would accord with NNJCS Policy 4, the SPD and the Framework, which require adequate mitigation if significant harm to sites protected under the Habitats Regulations cannot be avoided.

Other Matters

15. Several objections have been received which cite overlooking, loss of amenity and privacy to nearby dwellings. As this is an outline scheme these matters could be addressed at the reserved matters stage and I see no suggestion that the standard of amenity which is currently enjoyed by adjacent residential occupiers would not be maintained. In relation to highway safety, the highway authority has not raised any significant objection, and the parking standards for the proposed development would be met at the reserved matters stage. I see no compelling reason why the development should result in increased street parking as this would most likely be provided within the site. There is little to indicate that the proposed demolition of No.45 would jeopardise the structural integrity of the adjoining property and, in any event, this would be a private matter between the parties involved. Regarding drainage, I have little substantive evidence to explain any harmful impact, and they are not matters of concern raised by the Council or its consultees. I have considered all the matters raised by interested parties, but none would present me with a sufficient reason, either individually or collectively, to withhold permission.

Conditions

16. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and to accord with the advice in the Framework and Planning Practice Guidance. In addition to the standard time limit conditions, a condition requiring the development to be carried out in accordance with the approved plans is necessary for certainty.
17. Several pre-commencement conditions are required to address issues that are fundamental to the development and need to be planned for and agreed at the start of the works. A condition is required to specify the matters necessary for subsequent approval at the reserved matters stage. Conditions requiring a Construction Management Plan and Construction Traffic Management Plan are necessary to ensure that the proposal would not adversely affect the living conditions of the occupiers of neighbouring properties and highway safety during the construction phase of the development. Conditions also require schemes for addressing potential ground contamination, drainage infrastructure, ground levels, waste, works to streets and lighting to be submitted at an early stage to avoid later potential adverse effects.
18. A condition is required to specify the maximum number of dwellings permitted and for the development to comply with national space standards, accessibility, and environmental requirements concerning water use and electric vehicles. A condition is also required to make provision for protected species on the site.

Conclusion

19. The proposal would accord with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G Bayliss

INSPECTOR

Schedule of conditions

- 1) An application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 2) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with Drawing No. 7324-00 - Location Plan, Drawing No. 64036-016 Rev P1 - Proposed Access Road Vehicle Tracking, Drawing No. 64036-015 Rev P2 - Proposed Access Road Layout, Bat Emergence Survey v1 by Ecology Link Ltd. dated 8 August 2024, Phase 1 Site Appraisal by KAB Geo-Solutions Ltd. (Report ref. 24008/05-24/001-1 dated May 2024).
- 4) Details of the appearance, landscaping, layout, and scale, "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 5) Prior to the commencement of any construction works, a Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Environmental Management Plan shall include and specify the provision to be made for the following:
 - (i) Procedures for maintaining good public relations including complaint management, public consultation and liaison.
 - (ii) Arrangements for liaison with the Councils Environmental Protection Team.
 - (iii) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the local planning authority, shall be carried out only between the following hours 08:00 hours and 18:00 hours on Mondays to Fridays and 08:00 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays.
 - (iv) Mitigation measures as defined in BS5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites, shall be used to minimise noise disturbance from construction works.
 - (v) Procedures for emergency deviation of the agreed working hours.
 - (vi) Control measures for dust and other air-borne pollutants.
 - (vii) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The approved construction environmental management plan shall be adhered to throughout the construction process.

- 6) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the local planning authority. The approved CTMP shall be adhered to throughout the construction period. The CTMP shall provide for:
 - (i) A detailed work programme / timetable.
 - (ii) Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the following permitted hours 08:00 hours and 18:00 hours on Mondays to Fridays and 08:00 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays.
 - (iii) Detailed routing for excavation, construction and abnormal loads.

- (iv) Supply of pre-journey information on routing and site restrictions to contractors, deliveries and visitors.
 - (v) Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
 - (vi) Breakdown of number, type, size and weight of vehicles over the construction period.
 - (vii) Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
 - (viii) Details of public impact and protection to include roads and footways.
 - (ix) Public liaison position, name and contact details and details of public consultation/liaison.
 - (x) Route details as required including tracking of bends/junctions and visibility splays.
 - (xi) Provision for emergency vehicles.
- 7) No development shall take place until a strategy in accordance with the recommendations of the approved Phase 1 Site Appraisal by KAB Geo-Solutions Ltd. (Report ref. 24008/05-24/001-1 dated May 2024), for any remedial action deemed necessary to bring the site to a condition suitable for its intended use, shall be submitted to and approved by the local planning authority before construction works commence.

Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior to first occupation of the development.

Should any unforeseen contamination be encountered the local planning authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the local planning authority.

- 8) No development shall commence until a scheme for the approval of the following matters (where relevant) has been submitted to and approved in writing by the local planning authority:
- (a) layout, design and specification of drainage infrastructure
 - (b) detailed survey of existing ground levels, details of any proposed alterations to the existing ground levels, the final ground level of the development and the finished floor levels of the buildings; and
 - (c) waste management facilities strategy including arrangements for the provision of waste collection receptacles.
- The development shall thereafter be implemented in accordance with the approved details.
- 9) No development shall commence until a scheme for biodiversity enhancement on the site resulting in a minimum net gain of 1% has been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented prior to the first occupation of the development and retained as such thereafter.
- 10) No development shall be commenced until full engineering, drainage, street

lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details prior to the first occupation of the development and retained as such thereafter.

- 11) No development shall be commenced until details of the proposed arrangements for the future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details [until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].
- 12) Prior to the commencement of development, a lighting strategy for the private driveways shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented in accordance with the approved strategy prior to the first occupation of the development and retained as such thereafter.
- 13) The number of dwellings to be erected on the site shall not exceed seven and the scale of the proposed dwellings shall not exceed a two-storey building form.
- 14) As part of any reserved matters application submitted for the site, the hereby approved new dwellings shall comply with the Department for Communities and Local Government 'Technical housing standards - nationally described space standards'.
- 15) As part of any reserved matters application submitted for the site, the dwellings hereby approved shall be built to meet the requirements of the National Accessibility Standards in Category 2 (accessible and adaptable dwellings) in accordance with the schedule of the Approved Document M of the Building Regulations (2015).
- 16) As part of any reserved matters application submitted for the site the dwellings hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).
- 17) As part of any reserved matters application submitted for the site, a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall include full details of the location and manufacturers details of the type of charging points to be installed. The approved scheme shall be implemented prior to the first occupation of the dwellings and retained as such thereafter.
- 18) Notwithstanding the recommendations within the approved Bat Emergence Survey v1 by Ecology Link dated 8 August 2024, full details of the siting and specification of the four bat boxes/bricks shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed prior to the first occupation of any associated dwelling and retained as such thereafter.