BUILDING PLOT FRONTING AVENUE ROAD
FINEDON
NORTHAMPTONSHIRE
NN9 5JJ

An individual building plot with Outline Planning Permission (granted on appeal) for a single dwelling with revised access to serve 42 Church Street and provision of public open space (all matters reserved except vehicular access).

The developable plot extends to approximately 0.152 hectares (0.375 acres) with a total plot size including the designated open space of 0.254 hectares (0.629 acres).

Situated fronting Avenue Road on the outskirts of Finedon overlooking Finedon Cricket Ground to the front. The plot is situated within Finedon Conservation Area and includes boundary walls recently described as “curtilage listed”.

FOR SALE BY SEALED BIDS – GUIDE PRICE £300,000

21 SILVER STREET, WELLINGBOROUGH, NORTHANTS NN8 1AY
Tel: (01933) 441464
email: stuart@harwoodsproperty.co.uk www.harwoodsproperty.co.uk
DESCRIPTION:

The total plot extends to 0.254 hectares (0.629 acres) of which 0.152 hectares are developable with the remaining area being designated as open space.

Currently vacant, the plot has been previously used in conjunction with the adjoining property, 42 Church Street, the plot is accessed from an existing opening in the stone wall fronting Avenue Road.

Outline Planning Permission has been granted on appeal for the construction of a single dwelling. The proposed development is for the construction of a two storey detached residential dwelling with double garage to be sited on the eastern section of the plot. The new dwelling is to be accessed via a newly sited driveway also providing access to 42 Church Street at the rear.

GENERAL:

1. The plot originally formed part of a Listed building, and is situated within Finedon Conservation Area.

2. The plot is being sold subject to a covenant restricting development of the plot, in its entirety, to a single residential dwelling.

3. The area between the new driveway and the graveyard to the west is to be maintained by the purchaser, at all times, as permanent open space.

4. The purchaser will be responsible for construction of a new driveway serving the property and 42 Church Street at the rear, and maintaining vehicular access to the rear of 42 Church Street, at all times during construction.

PLANNING:

Outline Planning Permission for the construction of a single dwelling with revised access to serve 42 Church Street, and provision of public open space (all matters reserved except vehicular access, in accordance with the terms of application, Ref W/15/00658/OUT, dated 14th October 2015, subject to condition was granted on appeal.

A copy of the Appeal Decision, ref APP/H2835/W/16/3147182 is attached as an appendix to these details, together with a copy of the supporting indicative development and general arrangements (drawing number 466-PP-01).

METHOD OF SALE:

Prospective purchasers should submit offers in writing to Harwoods – reference SR – to be received by the deadline of 12 noon on Friday November 18th 2016. When making your offer please include the following:

1. Please would you confirm what arrangements you had made to fund the purchase. In particular please confirm whether a mortgage is required or whether you have the cash available. If so please provide proof of funds.

2. Whether your purchase is dependant upon the sale of your existing property and if so the current position with this together with the name of the estate agent acting on your behalf.

3. Please could you provide the name and address of the solicitors who will be acting on your behalf.

4. Please confirm whether the offer is subject to any further investigations or survey.

Your offer should be submitted to our offices in a sealed envelope marked “Offer – Finedon”. Please note that offers received by fax, or email will not be considered.

The vendors reserve the right to accept, or reject, any offer as they see fit and it should be noted that the vendors may not consider the highest offer received to be the best offer.

SERVICES:

Prospective purchasers should make their own enquiries with regard to the availability and capacity of all services with the relevant service/utility provider.

VIEWING:

The plot can be viewed from the roadside at any time. For access to the plot or closer inspection please contact the selling agents. Please retain a copy of the sale particulars when visiting the plot.
TO VIEW AND FOR FURTHER DETAILS PLEASE CONTACT

Stuart Reynolds, FRICS – Tel: 01933-441464
or e-mail stuart@harwoodsproperty.co.uk

WARNING Harwoods for themselves and for the vendors of this property whose Agents they are, give notice that (i) The particulars are produced in good faith, are set out as a general outline and description only for the guidance of intended purchasers, and do not constitute either fully or part of an offer or contract. (ii) No person in the employment of Harwoods has any authority to make or give any representation or warranty in relation to this property. (iii) All descriptions, dimensions, measurements, references to condition and necessary permissions for use and occupation and other details are given without any responsibility and as a guide only, and are not precise. Any intended purchasers should not rely on them as statements or representation of fact but must satisfy themselves through their own endeavours and enquiries as to the correctness of each of them.

VAT: All figures quoted for rents, charges and sale price are exclusive of VAT. Purchasers/Tenants must clarify whether VAT is payable or not.
**The Planning Inspectorate**

**Appeal Decision**

Site visit made on 7 June 2016

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 1st September 2016

**Appeal Ref: APP/H2835/W/16/3147182**

**Land Adjoining 14 Avenue Road, Finedon, Northamptonshire**

- 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 The Finedon Educational Trust against the decision of Borough Council of Wellingborough.
- The application Ref W/15/00658/OUT, dated 14 October 2015, was refused by notice dated 13 January 2016.
- The development proposed is an outline application for proposed single dwelling with revised access to serve No 3 Church Street and provision of public open space (all matters reserved except vehicular access).

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**Decision**

1. The appeal is allowed and outline planning permission is granted for a single dwelling with revised access to serve No 42 Church Street and provision of public open space (all matters reserved except vehicular access) at Land Adjoining 14 Avenue Road, Finedon, Northamptonshire in accordance with the terms of the application, Ref W/15/00658/OUT, dated 14 October 2015, subject to the conditions in Annex A.

**Procedural Matters**

2. As it more accurately describes the site I have used the address given on the appeal form. Since the description of development given on the application form is inaccurate (in referring to access to serve No 3 Church Street), I have used the description of development given on the appeal form and the Council's decision notice in my formal Decision above.

3. The application was submitted in outline with all matters except access reserved for future consideration. The Council considered the application on this basis and I will do the same for the appeal. I have also had regard to the submitted indicative plan showing an illustration of potential development and general arrangements (drawing number 466-PP-01).

4. Drawing number 466-PP-01 shows a different red line for the application site to that included on the submitted site location plan (drawing number 466-00). The parties have confirmed that the extent of the application site is that shown on the site location plan (that is the entire paddock) and that this is the basis on which the planning application was determined. Thus, I have considered the appeal in these terms.
5 Policy 13 of the North Northamptonshire Core Spatial Strategy (Core Strategy) is referred to on the decision notice. This seeks to ensure satisfactory means of access and to protect highway safety. However, the Council adopted the North Northamptonshire Joint Core Strategy 2011-2031 Local Plan (JCS) on 14 July 2016. This replaces the Core Strategy in its entirety. Whilst I have not been referred to any particular policies in the JCS, I confirm that I have considered the appeal in light of this policy context and also with regard to the Framework.

Background

6. The site is within the Finedon Conservation Area. A previous planning application\(^1\) for a dwelling on the site was refused due to the unacceptable impact of the proposed demolition of part of the boundary wall to create a satisfactory access. The wall is identified as an important wall on the Conservation Area Character Appraisal Map. In an attempt to overcome this objection, the appeal scheme includes the retention of the boundary wall, but in doing so fails to meet the requirements of the Highway Authority.

Main Issue

7. The main issue in this case is the effect of the proposed access on highway and pedestrian safety.

Reasons

8. The appeal site is an open plot of land on the south side of Avenue Road. It adjoins 14 Avenue Road to the east, a graveyard to the west and Charity House at 42 Church Street to the south. An existing unmade access track providing vehicular access to No 42 crosses the site. The site has a stone wall to its Avenue Road frontage. The proposed house would be accessed via the existing gated driveway from Avenue Road which is recessed into the site with curved wing walls on either side. The width of the existing gateway is 2.75 metres.

9. Northamptonshire Highways advise that accesses serving more than a single dwelling should have a minimum width of 4.5 metres for the first 10 metres from the highway boundary. This requirement is to enable two opposing vehicles to pass each other at the point of access. It is standing advice for planning authorities and was adopted by Northamptonshire County Council as Policy DMB of Northamptonshire Highways Development Management Strategy 2013. The width of the existing gateway falls well below this requirement.

10. That said, the access is long established and already used by vehicles associated with both the occupiers of No 42 and the site itself (including for maintenance purposes). Whilst the proposed single dwelling would increase the use of the existing access by vehicles, this would not be to a great degree given the very limited scale of the proposal. The appellant’s transport statement estimates the trip generation of the site (based on up to two dwellings) would be up to 20 total person trips per day, of which around 18 would be by car. It would follow that the appeal scheme for a single dwelling would account for only half of these trips.

\(^1\) WP/14/0057/OUT
1. The proposed access widens on either side of the gateway. This being so, the narrowing of the access to its minimum of 2.75 metres occurs only for a very short distance or pinch point. The access would be widened to 4.5 metres directly behind the gateway where vehicles would be able to pass each other and where there would be room to wait whilst an opposing vehicle passed through the gateway. Additionally an over-rollable feature of granite sets is proposed just within the entrance. This is designed to encourage vehicles to be positioned within the access to maximise achievable visibility and help to minimise instances of opposing car movements. These measures would be improvements over the current situation. As such, and given the existing use of the access and the small scale of the proposal for a single dwelling, I am not persuaded that the appeal scheme would increase the likelihood of opposing vehicle movements at the access to any significant extent.

12. The appellant has recorded vehicle flows and speeds on Avenue Road over a week and found the street to be lightly trafficked with average vehicle speeds of less than 30 miles per hour. The results of a further survey indicate only 4 pedestrian movements past the site in the morning and 4 in the afternoon and conclude that the footpath here is infrequently used. The appellant has also undertaken a parking survey which finds instances of on street car parking in Avenue Road in the vicinity of the appeal site to be low. None of these findings are disputed by the Council and generally align with my own observations on site. Furthermore, according to highway safety records in the immediate vicinity of the site, there were no recorded accidents (during the 5 year period up to the end of December 2014) and no evidence of collisions between pedestrians and vehicles entering or leaving private driveways.

13. I appreciate that traffic and pedestrian movements in the street and on street parking are likely to be more prevalent when events are held at the nearby cricket ground and church. Local residents refer to weekend traffic in the summer attending cricket matches and weddings in particular. Given the lack of parking restrictions, I also accept that cars parked in close proximity to the access could not be ruled out. These would have the potential to inhibit visibility of both drivers and pedestrians at the access to the appeal site and lead to cars using the full width of the carriageway to turn into the access. However, these occasional events are the exception rather than the rule and for the majority of the time on an every day basis, I consider that parking is more likely to be on a similar scale to that recorded by the appellant.

14. Taking all these factors into account, in this overall context it seems to me that the implications of any opposing car movements that may arise as result of the appeal proposal (including the need for vehicles to wait or manoeuvre in the highway or on the footpath) would not have a significant impact on highway and pedestrian safety here.

15. The swept path analysis for a 7.5 tonne van/lorry using the access requires the vehicle to use the whole width of the carriageway of Avenue Road to complete the manoeuvre. The Council is concerned that any parked cars in the vicinity of the access would prevent such manoeuvres. As set out above, I accept that the parking of cars here, particularly during events cannot be precluded. However, I am mindful that this access arrangement is already utilised by any larger vehicles associated with No 42 and the maintenance of the appeal site. I have not been made aware of any existing problems in this regard and have seen nothing to suggest that trips to the proposed domestic house by such
vans/lorries would be regular or frequent. Consequently, I am not persuaded that instances of such vehicles using the site would be unduly increased by the appeal scheme, to the extent that highway safety would be compromised.

16. In response to concerns raised by the Highway Authority, the appellant confirms that pedestrian visibility splays of 2 metres by 2 metres can be achieved on both sides of the access. Turning facilities would be provided within the site and are shown on drawings in the appellant's Transport Assessment. I have seen nothing to suggest that this could not be achieved. The appellant also confirms that the existing layout at No 42 allows turning facilities such that vehicles would leave the site in a forward gear. As such, the visibility splays required by the Highways Authority would be provided and I am satisfied that they would be sufficient to ensure emerging vehicle drivers could see and be seen by pedestrians on the footway. Additionally, the proposed layout of the access would provide a 4.5 metre wide paved surface to the rear of the wall for a minimum of 5 metres to prevent loose material being carried onto the public highway.

17. Bringing matters together, although the proposed access arrangements would not meet the Highway Authority's standing advice, they would allow the development to proceed whilst also ensuring the retention of the historic wall. Moreover, I have found that the proposal for single dwelling would not significantly increase the use of the existing access to the extent that there would be any unduly adverse impacts on the highway network, or on the safety of vehicles or pedestrians.

18. I therefore conclude on the main issue that the proposed access would not be harmful to highway and pedestrian safety. Consequently, it would not conflict with paragraph 32 of the Planning Policy Framework (the Framework) which states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Other matters

19. This site is within the Finedon Conservation Area and is indentified as an important open space in the character appraisal. Despite the concerns of local residents, subject to the careful siting and design of the proposed house, the Council raises no objections to the proposal in terms of its impact on the character or appearance of the Conservation Area and the settings of nearby listed buildings (including the Grade I St Mary's Parish Church on the other side of Church Hill to the west and its adjacent graveyard, and the Grade II* Charity House at 42 Church Street to the south).

20. Matters of appearance, landscaping, layout, and scale are reserved for future consideration and as such can be controlled by the Council. However, the indicative general arrangements plan indicates that the proposed house would be set well back from the frontage and an area of open space would be maintained between it and the graveyard. This would ensure that some of the openness of the site would be maintained and would separate the built form of the dwelling from the adjoining graveyard. Additionally it would allow views from the east across the site to St Mary's Parish Church (which are already interrupted by significant planting in the existing graveyard) to be maintained. Whilst I have some sympathy with the concerns of the occupier of No 42 as to the effect of the proposed beech hedge and front boundary planting on the
open nature of the site, overall I am content that these matters can be controlled by the Council as part of its consideration of the reserved matters.

21. Although I note the concerns of the occupier of No 42 regarding the assessment of heritage assets set out in the submitted Design and Access Statement, based on the information before me, I see no reason to come to a different view to the Council on these matters. Thus, I am also satisfied that the proposal would cause no harm to the character or appearance of the Finedon Conservation Area or the settings of these listed buildings, and so would not result in any material harm to their significance as heritage assets.

22. As part of the proposal the existing unmade access track to No 42 which crosses the appeal site would be re-aligned to run to the south of the proposed house around the edge of the paddock. The occupier of No 42 objects to this less direct route which would not approach the gate to No 42 straight on and also raises concerns as to access for emergency vehicles. Additionally, the route shown on the illustrative plan shows the drive skirting a group of mature trees within the site on its western boundary. Whilst the existing tree cluster is marked to be retained, no further survey or assessment been made of these trees which are in the Conservation Area and contribute to its leafy green character in this part of Avenue Road.

23. From what I saw on site the spread of the crowns of these trees extends much further into the site than shown on the plan, and would be close to the route of the driveway as shown. I appreciate that the Council raised no objections in this regard and that the driveway would be finished in gravel. Even so, it is not clear from the information before me whether the laying out and draining of the driveway, along with its use by vehicles, has the potential to affect the roots of the trees.

24. Notwithstanding these concerns, given the size of the site, I see no reason why a right of access across it to No 42 could not be accommodated along with a new house. This being so, I am content that further details as to how the driveway to No 42 would be provided (along with information regarding the timing of its provision and its future maintenance) could be required via a planning condition. This would allow the Council to consider and control any potential impacts on the trees. I am also content that this approach, and the grant of planning permission, would not negate the occupier of No 42’s private legal rights regarding the right of access.

25. The occupiers of adjacent 14 Avenue Road are concerned about the proximity of the proposed house to the boundary and its height. I am mindful that the plans are illustrative only and matters of layout and scale are reserved. As such, I am satisfied that the potential impact of the scheme on the living conditions of the occupiers of No 14 in terms of outlook and privacy could be adequately controlled by the Council in its consideration of these reserved matters.

26. Local residents raise additional concerns in terms of the impact of the proposal on wildlife including nesting birds in the boundary hedge. Whilst matters of layout and landscaping are reserved for future consideration, the illustrative plan shows that the existing boundary planting and some areas of open land would be retained. On this basis, I see no reason why the proposal would be harmful to wildlife and consider that these matters could be controlled by the Council in its consideration of the reserved matters. Issues relating to
sewerage are also raised, but I see no reason why adequate arrangements could not be put in place, and do not regard this to be a reason to withhold planning permission.

Conclusion and Conditions

27. For the reasons set out above, I conclude that the appeal should be allowed.

28. I have considered the conditions suggested by the Council and the Highway Authority against the advice in Planning Practice Guidance (the Guidance) and amended some of the wording as appropriate. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirements of the Act. It is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

29. Because the drainage arrangements for the access/driveway are not shown on the submitted plans a condition requiring the submission of these details is necessary to prevent surface water being discharged onto the highway in the interests of highway safety (as suggested by the Highway Authority). A condition requiring the submission of a scheme for the provision of the driveway through the site to serve 42 Church Street is required in the interests of the character and appearance of the area.

30. Since matters of landscaping are reserved for future consideration, I see no need for a landscaping condition as suggested by the Council. Conditions removing permitted development rights in relation to extensions and outbuildings are also suggested. I have been given no particular reason for these conditions and am mindful that the Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. As such, I do not regard them to be necessary in this instance.

Elaine Worthington

INSPECTOR
1. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number 466-00 Site Location Plan, Drawing Number 466-PP-01 Illustration of Potential Development General Arrangements, and Drawing Number 15028/001 Proposed Access/Driveway Layout, but only in respect of those matters not reserved for later approval.

3. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

4. No development shall take place until a risk assessment of the nature and extent of contamination has been carried out. The results of the risk assessment shall be made available to the local planning authority before any development begins. If any contamination is identified, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

5. No development shall take place until a scheme for the provision of the driveway through the site to serve 42 Church Street (including details of its route, construction, means of drainage, timetable for its provision and arrangements for its future maintenance) has been submitted to and approved writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

6. The dwelling shall not be occupied until the access/driveway shown on Drawing Number 15028/001 Proposed Access/Driveway Layout has been drained in accordance with details submitted to and approved in writing by the local planning authority.