# APPLICATIONS FOR DETERMINATION

## PLANNING MANAGEMENT COMMITTEE - 2\(^{nd}\) October 2019

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Applicant  Mr Michael Phillips

Agent  Mrs Kelly Gorrie - Blueprint Architectural Design

Location  4 Higham Road, Rushden, Northamptonshire, NN10 6DZ

Proposal  Creation of 42 flats combination of new build and conversion. Demolition of some buildings on site. Change of use of site from retail to residential.

The application is brought before the Planning Management Committee because it is a “major” residential development as defined in legislation and falls outside of the Scheme of Delegation in Part 3.2 of the Council’s Constitution (2019).

1  Summary of Recommendation

1.1  Recommendation: That planning permission is REFUSED.

The refusal reasons relate to:

1. Need for flats;
2. Living standards for future occupiers;
3. Design / impact on the setting of a non-designated heritage asset;
4. Parking standards;
5. Noise;
6. Surface water drainage;
7. Upper Nene Valley Gravel Pits Special Protection Area Mitigation;
8. Impact on neighbouring amenity;
9. Bin storage and waste collection;
10. Lack of developer contributions or affordable housing without sufficient justification;
11. Highway safety.

2  The Proposal

2.1  The application proposes the creation of 42 flats. In order to create the flats it is proposed to demolish the rear ‘factory’ and convert the frontage Art Deco building. Two new blocks of flats are proposed – one connecting to the frontage Art Deco building and one to the rear of the site.

2.2  The proposal - according to the application details - would consist of 22 x two bedroom flats and 20 x one bedroom flats. However, the plans do not reflect the information provided with the application regarding the number of proposed bedrooms and this is addressed in more detail at paragraph 7.18. The proposal is for 100% market housing. 43 car parking spaces are proposed (six would have electric charging points). A cycle storage area is also proposed.
2.3 The application is accompanied by:

- Proposed plans and elevations
- Biodiversity Survey
- Noise Assessment
- Design and Access Statement
- Air Quality Assessment
- Viability Assessment
- Utility Assessment
- Contaminated Land Assessment
- Parking Survey
- Housing Statement
- Heritage Statement / Impact and Justification Statement
- Flood Risk Assessment
- Sustainability and Energy Report
- Planning Statement
- Structural Survey

3 The Site and Surroundings

3.1 The site accommodates a former bus station which was erected in 1937 during the Art Deco era. The site accommodates an Art Deco style building to the front and the rear former bus station building. These are currently used as a furniture warehouse and a fast food takeaway. It is believed that the Art Deco style ‘tower’ element of the building is currently vacant.

3.2 The site is located in the town centre of Rushden and is surrounded by a mixture of uses. To the east and south of the site is residential development made up of flats and houses, to the west is the Asda supermarket and to the north is the Asda petrol filling station.

3.3 The whole building is considered to be a non-designated heritage asset.

3.4 The site is located within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 3 - Landscape Character
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 7 - Community Services and Facilities
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 10 - Provision of Infrastructure
Policy 11 - The Network of Urban and Rural Areas
Policy 12 - Town Centres and Town Centre Uses  
Policy 22 - Delivering Economic Prosperity  
Policy 28 - Housing Requirements  
Policy 29 - Distribution of New Homes  
Policy 30 - Housing Mix and Tenure

4.3  
Rushden Neighbourhood Plan (Made June 2018)  
Policy H1 – Settlement Boundary  
Policy H2 – Location of New Housing Development  
Policy H4 – Market Housing Type and Mix  
Policy EN1 – Design in Development  
Policy EN2 – Landscaping in Development  
Policy EN3 – Rushden’s Greenways  
Policy EN6 – Gateway Sites  
Policy T1 – Development Generating a Transport Impact  
Policy T2 – Car Park Provision  
Policy R1 – Town Centre Uses  
Policy EJ3 – Existing Employment Floorspace  
Policy CL2 – Provision of New Open Space and Amenity Space

4.4  
Other Documents  
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016) 
Northamptonshire County Council - Local Highway Authority Parking Standards (2016) 
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013) 
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016) 
Open Space Supplementary Planning Document (2011) 
National Space Standards  
Historic England Infrastructure: Transport 2011

5  
Relevant Planning History

5.1  
60/0204/RUS Petrol filling station, office and lubrication bay. Permitted 29.09.1960

5.2  
80/01446/TMP Use of land as hotel car park. Permitted 12.11.1980

5.3  

5.4  
82/01503/FUL Temporary additional use of car park for open air market (to 31/07/83). Permitted 17.12.1982

5.5  
83/00652/RWL Renewal of temporary additional use of car park for open air market (to 31/12/83). Permitted 25.05.1983

5.6  
87/00538/OUT Residential development (Flats). Permitted 08.07.1987

5.7  
89/00036/TMP Use as carpet and furniture warehouse. Permitted 06.03.1989

5.8  
89/00124/OUT Residential development and associated parking. Refused
24.05.1989

5.9 89/00844/FUL Redevelopment with 42 elderly persons' flats. Permitted 25.09.1989

5.10 89/01338/FUL Customer access. Permitted 26.01.1990

5.11 93/00381/FUL Continued use as retail carpet and furnishing warehouse. Permitted 06.10.1993

5.12 95/00325/OUT Residential development (outline). Permitted 27.07.1995

5.13 95/00743/VAR Retention of storage skip without compliance with Condition No 4 (continued use as retail carpet and furnishing warehouse - EN/93/00381/FUL). Permitted 15.02.1996

5.14 96/00087/FUL Change of use from offices to dwelling. Permitted 09.09.1996

5.15 98/00390/OUT Residential development (Outline renewal - EN/95/00325). Permitted 29.07.1998

5.16 05/00527/FUL Change of use of from A3 (hot food takeaway) to A1 (retail) to form part of existing furniture showroom. Internal and external alterations including disabled access. Permitted 09.06.2005

6 Consultations and Representations

6.1 Neighbours

Two letters of objection have been received. These can be summarised as:

- Overbearing in its proximity to neighbours and its scale.
- Loss of privacy / overlooking.
- Congestion.
- Noise concerns due to increased traffic and the building deflecting noise.
- No need for flats. Houses would be preferable.
- The character of the bus station would be better retained if the building was limited to three storeys.

The second letter was received from Asda and can be summarised as:

- Concerned that residents of the proposed flats would be affected by noise from the petrol filling station that could impose restrictions on the operation of the petrol filling station.
- The noise assessment does not focus on noise from the petrol filling station, only on the impact of traffic.
- Not enough information has been provided about the proposed type of glazing or ventilation.
- The mitigation for the whole scheme relies on residents keeping their windows closed.
- The proposed layout does not achieve good acoustic design.
6.2 **Rushden Town Council**

*Comments received 15.08.2019: Object for the following reasons:*

- The proposed new build flats are out of keeping with existing property on North Street and would be overbearing. Residents in North Street would also be overlooked and lose privacy.
- The scale and mass of the new build flats is much higher than existing flats and the contour of the ground makes it even higher in comparison. We consider this to be unacceptable and contravenes Policy 30 of the JCS, as it would constitute an over-concentration of a single type of housing where this would adversely affect the character or infrastructure of the area.
- There is already an overprovision of flats within Rushden and we feel the new build section of the site would be better suited to town houses.
- We note the comments of Waste Management about the under provision of bins for the proposed number of units.
- We strongly support LHA comments about insufficient parking. The inclusion of town houses instead of flats on the back part of the site would reduce parking requirements and create a better living space for residents.
- We are fully supportive of the proposals for the existing building and are pleased to note the apartments are of a good size, and that features of the existing building are to be retained. However, for the objections above, we feel the developer should re-consider the new build and consider a scheme of town houses.

6.3 **Higham Ferrers Town Council**

*Comments received 21.08.2019: Objection for the following reasons:*

"The Council objects to the application. There is insufficient parking being provided on site. There should be 84 spaces to meet parking standards. The surrounding road network is already congested and the addition of the vehicles from the site would have a negative impact on road safety and capacity of the network."

6.4 **Northamptonshire County Council - Local Highway Authority**

*Comments received 30.07.19:*

- The LHA has significant concerns that the number of parking spaces provided is insufficient and that the provided parking beat survey demonstrates that the surrounding road network does not have the capacity to incorporate the further required on-street parking. Based on the NCC parking Standards dated September 2016 we would require 84 parking spaces in total therefore at present we are unable to support this application. To confirm the LHA is unable to support this proposal at present.
- I also have concerns with regards to re-opening the access onto Higham Road which is in close proximity to Shirley Road and does not meet our standards (contained within the LHA Standing Advice document dated June 2016).
- Gates shall also open inwards towards private property and be set back at least 5.5 metres form the back of the highway boundary (unless automated and activated by remote).
- The parking spaces look tight to negotiate. I would require tracking of numerous parking spaces should you be minded to accept these proposals.
- I would like to refer you to the LHA Standing Advice June 2016, which sets out our standards and conditions. I would advise the applicant refer to particularly the following conditions:
  - Condition - Drainage (Section 4.12)
  - Condition - Access Surfacing (Section 4.13)
- How will private surface water be intercepted from entering the highway and vice versa? Please provide appropriate drainage contained within private property.

Further clarification was sought from the Local Highway Authority about the impact of opening up the former bus station entrance and the following response was received on 20.09.2019:

“The LHA would support / defend an objection in the interest of highway safety with the access being re-opened as vehicles waiting to exit the private access would impair visibility for the vehicles waiting to join the main carriageway at the adopted junction. Also vehicles turning right and indicating into the access may be wrongly assumed to be turning into Shirley Road instead causing more potential conflicts”.

6.5 Northamptonshire County Council – Lead Local Flood Authority

Initial comments received 15.07.19:

“Having reviewed the applicant’s submitted information, we would advise that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

In particular, the application lies within Flood Zone 1 defined by the Technical Guide to the National Planning Policy Framework (NPPF) as having a low probability of flooding from rivers. However the proposed development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Footnote 50 of paragraph 163 of the NPPF requires applicants for planning permission to submit an FRA when development on this scale is proposed in such locations.

We note that this application is a Major development and as such a Drainage Strategy is required.

A Drainage Strategy / FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA/ Drainage Strategy, the flood risks resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.

We provide the following advice on Drainage Strategies:

1) A drainage strategy must be submitted which includes supporting calculations to demonstrate that runoff will not be increased as a result of this development. It is also advisable for the developer to check the LLFA’s website Flood Toolkit on requirement of the FRA at the Full Application stage. Please see below a link of our website showing the above requirements

This sets out what we would require to be submitted as a part of Full planning application.
This states that BRE 365 infiltration tests are required where discharge to ground via infiltration is proposed, and land ownership records or other agreements with the landowners provided for discharge to watercourses not within the site boundary.

2) If it is proposed to discharge the surface water into any public surface water sewer, a confirmation of the allowable rate of discharge and point of discharge should be provided from the relevant water authority. Please note that the rate and point of discharge set by the water company may have implications on the overall drainage scheme for the site and may need to be revised based on their requirements.

3) The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development.

Section 24.2 of the SUDS Manual (CIRIA C793) refers to Development Runoff. Within this Section, it is acknowledged that additional datasets have been added to Flood Estimation Handbook (FEH) and rainfall depths obtained using FEH show significant differences from those obtained from Flood Studies Report (FSR) in some parts of the country. Within Northamptonshire, rainfall depths are often greater using more up to date FEH datasets than those using FSR therefore for various storm events, greater run-off is produced and additional attenuation is likely to be required.

FEH rainfall data is more up to date than FSR (England and Wales) therefore calculations should use this FEH data to determine the volume of surface water attenuation required on site.

We recognise there are uncertainties associated with the use of any datasets. In particular, FSR rainfall data should be used where the critical storm is less than 60 minutes as FEH data is less robust for short duration storms. FEH rainfall data can be used to determine the volume of storage required if the critical storm is greater than 30 minutes.

If FEH rainfall data is not used as described above, then sensitivity testing to assess the implications of FEH rainfall must be provided. This should demonstrate that the development proposals remain safe and do not increase flood risk to third parties.

Climate change.

In terms of how we would expect all drainage designs to consider the new climate change guidance, we would suggest the following. Under the new guidance, developers should design the surface water attenuation on site to accommodate the 1:100 year +20% cc and undertake a sensitivity analysis to understand the flooding implication for the 40% cc. If the implications are significant i.e. the site could flood existing development (additional flow of runoff from the site) or put people at risk (by increased hazard levels within or off the site) then a view may be taken to provide more attenuation working up towards 40% cc, or to provide additional mitigation allowances, for example a higher freeboard to ensure no risk to third parties/onsite users for the extreme 40% cc scenario. This will tie into existing principles for designing for exceedance.

Our concerns can be overcome by submitting surface water drainage information which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible, actively reduces flood risk overall".
Following the receipt of further information on 22 August 2019, a re-consultation was issued to the Lead Local Flood Authority.

Further comments received on 28.08.2019:

"Thank you for consulting us on the above planning application.

Having reviewed the applicant’s submitted information located within Flood Risk Assessment and Drainage Strategy ref 18-4095 dated August 2019 prepared by Syntegra Consulting we would advise that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development. In particular,

1) The FRA proposes to discharge surface water at green field runoff rate. The runoff rate is very low and poses a higher risk of lockage for the drainage system due to orifice size. The drainage system should discharge at 2 l/s.

2) If it is proposed to discharge the surface water into any public surface water sewer, a confirmation of the allowable rate of discharge and point of discharge should be provided from the relevant water authority. Please note that the rate and point of discharge set by the water company may have implications on the overall drainage scheme for the site and may need to be revised based on their requirements.

3) The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development.

Overcoming our concerns:

Our concerns can be overcome by submitting surface water drainage information which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible, actively reduces flood risk overall”.

Northamptonshire County Council – Archaeology

Comments received 23.07.2019:

"The building currently on the proposed application site is the former Birch Bros Ltd Coach Station, built in the 1930s in an art deco “Odeon” style. According to the Rushden Extensive Urban Survey (Ballinger, 2000) the building was being considered for listing as part of the Royal Commission on Historic Monuments thematic survey of road transport buildings. The digital archive for the EUS, quoted in the county Historic Environment Record, further describes the building as “probably the best example of a road transport building in Northamptonshire (and for quite a distance outside the county)”. It is an unusual survival for Northamptonshire and a distinctive feature in the streetscape with a high degree of architectural interest, and is also significant for its place in the history of public transport in the first half of the 20th century.

The proposals indicate that the art deco block will be retained and the workshops to the rear will be demolished. It should also be recognised that the workshops are an original and integral part of the original coach depot and their loss does therefore have an impact on the significance of the building as a whole. The proposals would however secure the restoration and continued used of the art deco block which is to
be welcomed given its distinctive style and the contribution it makes to the street scene.

The NPPF, paragraph 199 says that the local planning authority should require the developer to record and advance understanding of the significance of heritage assets to be lost due to development. In this case a condition for building recording to Level 2 as defined in Historic England: Understanding Historic Buildings (2016) would be recommended.

Evidence for the development and use of the buildings will be altered, concealed or lost during demolition and conversion. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this, please attach a condition for an archaeological programme of works as per NPPF paragraph 199 to any permission granted in respect of this application”.

6.7 Northamptonshire County Council – Ecology

Comments received 01.08.2019:

“I’m writing in response to your consultation on the above application for conversion to residential at Higham Road Rushden. Based on the bat surveys provided I’m satisfied that neither a licence nor mitigation will be required in this case.”

6.8 Northamptonshire County Council – Education and Libraries

Comments received 01.08.2019:

Key points summarised as:

- Taking into account the indicative dwelling mix for the scheme, it is expected that the proposed development will generate a net pupil yield of approximately 7 Nursery / Pre-school pupils, 3 Primary pupils and 2 Secondary School pupils, based on our adopted pupil generation multipliers and dwelling mix provided.
- The County Council’s ‘sufficiency of capacity’ evidence base for Early Years provision indicates that whilst there is currently some capacity in the local area, the impact of existing committed and planned for development in the Rushden area will most likely result in any spare capacity being fully taken up. As a result, investment in additional provision will be required in order to ensure that there is sufficient capacity in the area to be able to accommodate the demand arising from any additional housing development likely to generate pupils requiring Early Years provision.
- As such, a Section 106 contribution will be required from this development towards supporting the provision of additional Early Years capacity to meet the needs of this development.
- An Early Years Section 106 contribution of £81,928 will be required, based on the indicative dwelling mix provided. This figure will be reviewed in the event of any changes to the proposed scale or mix of units to be delivered on site, and once the final approved dwelling mix for the site is confirmed. A specific project will be identified by the County Council prior to a Section 106 agreement being entered into.
- In terms of Primary Education, the proposed development would most likely be served by Denfield Park Primary School, which as of April 2019 was
operating at 100% capacity. The majority of neighbouring Primary Schools in the vicinity are also operating above the recommended threshold (90%) established by the Department for Education to allow for in year movement and parental choice, with continued high levels of demand expected to continue based on three year trend and birth rate data alone. Furthermore, the impact of existing committed and planned for development in the Rushden area will most likely result in any spare capacity being fully taken up.

- As such, a s106 contribution towards the provision of additional Primary capacity to serve this development is required in order to ensure that the children generated from the scheme can be accommodated in a local school.
- A Primary Education contribution of £35,508 will be required, based on the indicative dwelling mix provided. This figure will be reviewed in the event of any changes to the proposed scale or mix of units to be delivered on site, and once the final approved dwelling mix for the site is confirmed. A specific project will be identified by the County Council prior to a Section 106 agreement being entered into.
- In terms of Secondary Education, this development would be served by a number of schools in the vicinity of the site. Due to the minimal pupil yield expected to be generated by the development and based on current capacity within the existing provision (as at April 2019), it is expected that there will be a sufficient number of places available to meet the demand arising from this development.
- As such a s106 obligation towards Secondary Education infrastructure will not be required at this time. This position will be reviewed in the event of any changes to the proposed scale or mix of units to be delivered on site, and once the final approved dwelling mix for the site is confirmed.
- New developments generate a requirement for additional fire hydrants and sprinkler systems in order for fires, should they occur, to be managed. An assessment of the site will need to be undertaken by the Water Officer of Northamptonshire Fire and Rescue Service in order to establish whether there is sufficient existing provision in place, or if additional infrastructure is required.
- Any hydrants and/or sprinkler systems, if required, should be installed at the same time as the rest of the water infrastructure and prior to any dwellings/commercial buildings being occupied. This is to ensure adequate water infrastructure provision is made on site for the fire service to tackle any property fire.
- It is possible based on the information provided for the development that this scheme may require 1x hydrant to be installed. If required, the infrastructure and installation cost for each fire hydrant required is £892. The full cost of providing any new hydrant and/or sprinklers required by the development is expected to be met in full by the developer as applicable.
- The final location of the fire hydrants and/or sprinkler systems for the development, if required, must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation, and secured through a planning condition.
- Where a new development will generate additional need and library space requirement, the County Council requires contributions towards the costs of providing new, extended and/or improved library facilities to support the delivery of growth, and to continue to comply with established national and local standards of service.
- The significant planned development within the Rushden area is expected to impact significantly on the current level of library provision as the new families moving into the developments utilise existing facilities.
• An estimated Libraries Contribution of £6,052 is therefore required, to contribute towards the improvement, enhancement or expansion of Library facilities to serve the development. This figure will be reviewed, with a specific project identified, at such time as the approved dwelling mix for the site is confirmed and ahead of a s106 Agreement being entered into.
• Broadband provision should be installed along with other utilities.

6.9 East Northamptonshire Council – Senior Conservation Officer

Comments received 10.09.2019:

"I write regarding the above application for planning permission for the development at 4 Higham Road, Rushden.

The application site comprises the former Birch Bros Coach Station building which was constructed in the 1930s in the then fashionable streamline moderne style. The building is striking in its design and forms an important element in the streetscape. It is included on the council's draft local list of heritage assets, having been identified as "a remarkable building for Northamptonshire which has few quality buildings of the period, good survival of fabric and details and memorable building in the streetscape. High overall degree of special architectural interest. Also related to local switch away from rail transport to use of coach by road." The building should be treated as a non-designated heritage asset on account of its architectural and historic interest.

I welcome the reuse of the building and I note that the overall form of the existing frontage block would be retained as part of the development proposed and that the unsightly brick infill panel would be removed. Notwithstanding this, I have reservations with the submitted proposal from a heritage perspective. In this regard I note that the rear sheds are proposed to be removed, which I consider to be an important element of the building's overall interest. More significantly, I am concerned about the size, scale and design of the extensions proposed. I consider that the extensions would overwhelm the form and setting of the existing building and reduce its landmark qualities. I consider that this development would have a negative impact on the building's significance as a non-designated heritage asset.

The proposal would result in harm to the significance of the non-designated heritage asset, which I would classify as a moderate-high impact. As such, paragraph 197 of the NPPF is engaged, which states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

6.10 East Northamptonshire Council – Housing

Comments received 09.09.2019:

"Under Policy 30 of the Joint Core Strategy, the site would be expected to provide a minimum of 30% affordable housing. This would equate to an equivalent of 14 units under the proposed scheme. We note that the viability assessment (produced by Blueprint Design) submitted with this application concludes that it is not practical or viable to produce affordable housing provision on site. The council would need to produce its own viability report in order to confirm this."
The provision of so many flats in one scheme however would not be supported. A smaller scheme providing a mix of property types and housing would be more appropriate for this location. We would not be able to support this application therefore in its current form.

Maisonettes with their own separate entrances would be preferred from an affordable housing perspective as these avoid communal charges. Two bed houses would also be preferred to a scheme of all flats as these would meet a greater need from the council’s housing register. Two bed flats without separate entrances would also be problematic for Registered Providers to manage within an otherwise privately owned block. A mixture of tenures would also be expected with a split of 75% of all affordable be provided as either affordable or social rent. Affordable rented properties must be set at no more than the local housing allowance level for that size property in order to be considered affordable.

I would also the following comments about the configuration of some of the flats. In particular I note that a number of the 1 bed flats contain a 'study' room. It should be noted that the total GIA of these flats do not meet the National space standards for a 2 bed flat. Therefore these study rooms cannot later be converted into bedroom, as this would be in breach of space standards. If the intention is for these 20 one bedroom flats to be used as 2 bedroom flats, then these should be redesigned from the outset to meet the two bedroom space standards. This relates specifically to flat numbers 15, 16, 17, 18, 23, 25, 26, 31, 33. Flat 41 also has a study and a dressing room and similarly should not be used as a 3/4 bed flat. The top floor flat includes a management office and appears excessive in size (154m2) for a 2 bed flat*.

6.11 East Northamptonshire Council – Planning Policy

Comments received 15.07.2019:

“Policy within the National Planning Policy Framework (NPPF), the North Northamptonshire Joint Core Strategy (JCS) and the Rushden Neighbourhood Plan should be applied to the proposal. In brief, the NPPF promotes a presumption in favour of development on sites such as this within the established built up areas of a town, provided that all other material considerations can be satisfied.

Policy 1 of the JCS seeks to secure sustainable development and Policy 11 identifies the hierarchy of preferred locations. In the context of Policy 11, Rushden is recognised as a growth town which is to be a focus for new development including housing. Policy 29 of the JCS requires Rushden to find space for 3285 dwellings before 2031. However, this is provided that the development is at a scale appropriate to the character and infrastructure of the town and other Policy requirements are complied with.

The first consideration in this respect is the Rushden Neighbourhood Plan. This accepts that the town has to accommodate new housing but, in Policy H4, has a presumption against flatted development unless it meets an identified local need or where the constraints of the site are such that it is not possible to provide one or two bedroom houses or maisonettes or where an existing building is being converted to residential use.

As you know, the building on the Higham Road frontage (the former Birch Brothers Coach Station), whilst not listed, is considered to be of importance in terms of design and also the history of the town. It is identified on a draft Local List of Heritage Assets for the South of the District which was considered by the Council’s Planning Policy
Committee on 22nd July 2013 (see attached). Paragraph 3.15 of the Joint Core Strategy, which is related to Policy 2, recognises that, whilst they do not have statutory status, non-designated heritage assets are identified as having a degree of significance in the determination of planning applications. On this basis, it is worthy of retention. Therefore, in principle, the conversion of it to flats could be acceptable providing the Council's Conservation Officer is satisfied that a sufficient amount of the building is being retained.

However, the number of new build flats being proposed on the remainder of the site is not considered to have been justified in relation to Policy H4. In view of this, there are major Policy concerns about this element of the proposal in relation to what the Rushden Neighbourhood Plan is trying to achieve.

In terms of more detailed matters, Policy 8 of the JCS seeks to ensure items such as the development is of an acceptable design, there are no parking or highway safety concerns and it does not have a significant impact on neighbouring amenity. You will also have to have regard to Policy 30 of the JCS including criterion b which specifies that developments should meet the National Space Standards and criterion d in relation to affordable housing. In addition, Policy EN1 of the Neighbourhood Plan requires a high standard of design in developments. This includes understanding the local character, using materials that respect the surroundings, preserving neighbouring amenity, not being overbearing, ensuring designs allow for adequate daylight plus a good outlook for future occupiers, making provision for an appropriate amount of outdoor amenity space and providing visual interest. No doubt you will consider these matters in the determination of the application.

Related to this, it is noted that, other than the elements of the existing building that are to be retained, the remainder of the site is to be taken over by either new build flats or car parking.

Furthermore, with the exception of the tower on the current frontage, a significant element of the new flats will be taller than the existing building. It is considered that the scale of the new build is too great for the site. It will overwhelm the existing building and detract from the character that it has.

In addition, as well as the design concerns and without prejudice to any conclusions which may be reached about the other topics, I also wish to express immediate concerns about the proposed amount of parking provision on the site. As you know, the latest Countywide parking standards require the amount of parking provision at a property to be based on the number of bedrooms it has.

Looking at the submitted drawings, I see 20, one bedroomed properties are proposed plus 22, two bedroomed properties are proposed. The Countywide standards require one parking space per single bedroomed property plus two spaces each for the ones with 2 bedrooms. Based on this, 64 spaces are required and, in a development this size, it would also be desirable to have at least some spaces for visitors (the Countywide standards do recommend one space per dwelling for visitors).

The developer has only made provision for 43 spaces with no space for any extra ones. I also note parking spaces 28 to 33 are provided in tandem. As you know, this format is a cause for concern in terms of the practicalities of use. In view of these points, the proposal is considered unacceptable on parking grounds."
6.12 East Northamptonshire Council – Waste Management

Comments received 22.07.2019:

"Whilst the bin storage area appears to be large enough to fit in the 17 x 1100 litre bins that this development would require in order to operate an alternate weekly refuse/recycling collection, I am concerned that what is shown on the plan is not practicably possible. The bins are shown all neatly lined up with the row of six along the back all actually touching each other and the wall at each end. It is not possible in reality to return the bins to the level of precision shown. Experience of bin storage areas in other sites suggests the accessible bins will be over-filled first and the bins at the back barely used due to the difficulty of getting to them. By contrast the cycle store appears to have excess capacity.

I also note that a number of the flats have what is marked as a "study". I would be concerned that these will be used as another bedroom thus further increasing the pressure on the number of bins that can be accommodated in the bin storage area".

6.13 East Northamptonshire Council – Senior Tree and Landscape Officer

Comments received 10.09.2019:

"The current iteration of this scheme has removed the open courtyard greenspace in favour of parking, to which I raise the question of shared and private amenity space within the proposal. There are some roof gardens shown on the plans however with the reduced amenity space within the proposal I would have expected to see some plans for these showing how they are to be implemented. Illustrations show them as green, however further detail is required to show whether this is ‘artistic licence’ or whether they are proposing a robust plan for green roofs including, soil, turf, and sufficient irrigation systems and a suitable management approach, or whether they are proposing hard surfacing or ‘astro-turf’?

Have they calculated the m3 of amenity space per unit?"

6.14 East Northamptonshire Council – Environmental Protection

Comments received 02.08.2019 (contamination):

"This application is for the demolition of existing buildings at the site in conjunction with conversion of the building fronting onto Higham Road, and new build to provide 42 flats with amenity space. The site has previously been used as a garage, bus station and depot. Any of these previous uses can lead to contamination being present especially if maintenance and refuelling was taking place. The applicant has submitted a Preliminary Risk Assessment Report in support of this application. The report has identified the previous uses and produced a preliminary risk assessment. The environmental consultant has recommended that an intrusive investigation is undertaken to evaluate these potential risks. This can be dealt with by way of planning conditions.

Therefore, whilst we have no objection to this planning application conditions should be placed on the permission, if granted, to investigate and remediate contamination as necessary. The following should suit:-
Planning Conditions for Potentially Contaminated Sites

1. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

   a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

   b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA. This must be conducted in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

   Reason: To ensure potential risks arising from previous site uses have been fully assessed.

2. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA.

   This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

   Reason: To ensure the proposed remediation plan is appropriate.

3. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.

   Reason: To ensure site remediation is carried out to the agreed protocol.

4. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

   Reason: To provide verification that the required remediation has been carried out to the required standards.

Further to this any environmental report submitted to the Local Planning Authority should be mindful of Section 178 (c) of the NPPF which seeks to ensure that site investigation information is prepared by a competent person. Where a site is affected
by contamination the responsibility for securing a safe development rests with the developer and/or landowner”.

Comments received on 26.07.2019 (noise):

“This application is for the demolition of existing buildings at the site in conjunction with conversion of the building fronting onto Higham Road, and new build to provide 42 flats with amenity space. The application has been taken through several different designs, in discussion with the applicant, their advisors, many sections of the council and other agencies. Throughout this process Environmental Protection has, on numerous occasions, tried to stress the importance of good acoustic design as the area, in particular the façade to Higham Road, is impacted by traffic noise. Unfortunately, in my opinion, mitigation against adverse impact from noise has not been given due consideration. I do appreciate the final design and layout of the proposed development has to be a balance of all factors that may impact on future residents, infrastructure, etc. However, as with many developments environmental noise is often an after thought, as in this case.

The applicant has submitted a Noise Impact Assessment (NIA) in support of the planning application. The main thrust of the NIA is the impact from traffic noise, which appears to be dominant in the area particularly fronting Higham Road. No assessment of noise from the ASDA petrol filling station on the northern boundary has been submitted.

The NIA has referred to guidance in ProPG: Planning & Noise, Professional Practise Guidance on Planning & Noise. This is appropriate. ProPG considers new residential development that will be exposed predominantly to airborne, transport noise. As mentioned above it advocates that noise should not be considered in isolation or separately from other material planning matters. The approach in ProPG is underpinned by the preparation of an Acoustic Design Statement (ADS), and elements of this have been included in the NIA. ProPG sets out increasing, indicative noise levels and potential risk of adverse affect for day and night time noise. It then further suggests, based on these levels, the suitability or otherwise of a proposed development, including mitigation.

As mentioned above the NIA has assessed traffic noise and the impact on the proposed development. Background noise data was measured on the roof of the existing building and adjusted for distance to give façade levels on Higham Road. This gave a daytime level of 63dB LAn,T (07.00 to 23.00) and night time level of 57dB LAn,T (23.00 to 07.00). With reference to ProPG this results in a low/medium risk of adverse impact during the day and a medium/high risk at night, in my opinion. Based on this I would have expected to see a detailed ADS [Acoustic Design Statement] submitted demonstrated how noise would be mitigated to ensure future residents are not exposed to adverse impact.

Mitigation measures have been suggested in the NIA with a brief nod to good acoustic design. The acoustic consultant states ‘Due to the relatively high noise levels present at site, those habitable rooms facing Higham Road will not be able to achieve the requirements with windows open, and therefore the sound insulation of the building facade will be required to mitigate noise levels.’. This is not good acoustic design.

ProPG specifically states in section 2.2: ‘occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open. Solely relying on sound
insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents'. It has not. The sole good acoustic design element is the provision of an amenity area at the rear of Higham Road. This had been proposed in the many iterations of the layout of this development. It is insufficient to demonstrate good acoustic design as promoted in section 2.22 of ProPG.

The council has had discussions and meetings with the developer where the subject of adverse noise impact has been brought to their attention. One earlier design was better, acoustically, than that submitted with the planning application. It had non habitable rooms on the Higham Road façade and this would be a simple method of mitigating against noise. This has been suggested to them on numerous occasions. There is also the subject of overheating and the requirements for purge ventilation which has not been taken into consideration.

Therefore, based on the above I am unable to support this planning application due to lack of information with respect to noise from the petrol filling station and failure to provide suitable acoustic design justification for the design and layout".

Comments received 10.09.2019 (air quality):

“...I have been consulted on this application in respect to air quality and have looked through the air quality assessment by Syntegra Consulting, dated June 2019, ref: 16-4085 Rev A.

I stated in the pre-application for this development (18/01590/QRY) that:

‘as an authority we are now looking for all developments to support sustainable travel, air quality improvements/traffic reduction as required by the NPPF. Some developers are providing information that the traffic/transport assessments do not show a significant increase in local traffic or air quality above existing levels, or levels that exceed the air quality objectives. We no longer accept this as a single approach to the impact on air quality. We are looking to minimise the cumulative impact on local air quality that ongoing development has rather than looking entirely at significance.

Given this is a new application we would look for the applicant to propose what measures that can be taken to support sustainable travel, air quality improvements and traffic reduction at the application stage and for these measures to be conditioned through the planning consent if the proposals are acceptable.

A key theme of the NPPF is that developments should enable future occupiers to make "green" vehicle choices and (paragraph 35) "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Therefore, electric vehicle recharging provision is expected as listed below:

Plug-in Vehicle Re-Charging:
Residential:
1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision.
To prepare for increased demand in future years, in the minimum, appropriate cable provision should be included in the scheme design and development or charging units shall be installed where practical, in agreement with the local authority.

In addition, where relevant, mitigation as listed below should be incorporated into the scheme:

- The adoption of an agreed protocol to control emissions from construction sites;
- Travel plan including agreed mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies;
- Improved pedestrian links to public transport stops;
- Provision of new bus stops infrastructure including shelters, raised kerbing, information displays;
- Provision of subsidised or free ticketing (corporate and residential travel passes, student travel passes);
- Site layout to include improved pedestrian pathways to encourage walking;
- Improved convenient and segregated cycle paths to link to local cycle network.
- All gas-fired boilers to meet a minimum standard of 40mgNOx/kWh or consideration of alternative heat sources.

The options suggested are cheaper to design into a development at this stage.

No reference has been made to my points and I would not recommend approval of this application until such points are covered.

If the application were to be approved, the submitted air quality report considers the impacts of the construction of the development and calculates there is a potential for impact from dust generated from the demolition, earthworks, construction and trackout. Table 23 gives fugitive dust emission mitigation measures and these should be incorporated in to a construction management plan (CMP). The CMP should be sent to the LPA for approval before commencement of any works.

I would recommend including these conditions:

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowser, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

Reason: To ensure the protection of the local amenity throughout construction works.

Dust mitigation
During the demolition and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and
enclosed chutes, or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site. Reason: To ensure the protection of the local amenity throughout construction works

Aggregate processing
No demolition products (concrete, bricks, soil, etc) shall be processed (crushed or sorted) on-site, unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure the protection of the local amenity throughout construction works

Vehicles, including delivery vehicles, must not park outside the development site at any time of the day or night unless specifically agreed in writing with the Local Planning Authority.

Vehicles must enter the site immediately and must leave the site in a safe and controlled manner. The public highway shall not be used as a holding area for deliveries. There shall be no contractor parking on the public highway at any time. Reason: To ensure the protection of the local amenity throughout construction works

Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor. Reason: In the interests of residential amenity, highway safety and visual amenity.

No burning
There shall be no burning of any material during construction, demolition or site preparation works. Reason: To minimise the threat of pollution and disturbance to local amenity.

Piling
Prior to the commencement of piling operations a scheme for the control and mitigation of noise, including vibration, affecting surrounding premises shall be submitted to, and approved in writing, by the local planning authority. Such measures shall operate throughout the piling operations in accordance with the approved details or amendments which have been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the protection of the local amenity throughout construction works”.

Further comments received 23.09.19:

I have reviewed the air quality assessment again. The consultant has screened out the requirement to assess any canyoning effect from the proposed development on Higham Road or Shirley Road. This is due to there being a degree of canyoning already in place, especially on Shirley Road, with the existing building. The proposed new development would increase the size of the canyon to some extent, but in principle it is still a canyon. Also the traffic flow on Shirley Road currently, and with the new development, is insignificant and would not require further modelling as the results would show no or a negligible increase in emissions. Based on this information, I do not think you would have the grounds to refuse due to air quality and canyoning.
6.15 Northamptonshire Police

Comments received 11.09.2019:

"Northamptonshire Police has no formal objection to the planning application in its present form other than to suggest that the following recommendations are included, which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring.

- This development must abide by Building Regs AD 'Q' Security – Dwellings Unauthorised access. Which includes all easily accessible (as defined ADQ appendix A) doors and windows that provide access into a dwelling from outside, communal doors into parts of building containing flats and direct flat entrance doors from communal areas. Door sets and windows must be certified to BS PAS24:2016 or equivalent.
- Any glazing adjacent to doorsets, within 400mm, must incorporate one pane of laminated glass at minimum meeting the requirements of BS EN356:2000 class P1A.
- All communal doors must have a visitor door entry system and access control system (as described within Secured By Design Homes 2019 Sec. 27-31).
- CCTV is recommended to cover all vehicular and pedestrian ingress/egress points.
- Lighting scheme is required for all external/car parking areas. Illumination can be low in terms of lux but it is important to make sure that uniformity is around 40% avoiding any dark areas where persons could conceal themselves or increase the fear of crime.
- Bin Storage area must be lockable.

After consultation with Northants Fire Protection Team I also make the following observations:

Internal access, given the proposed layout I would comment on the following:- it is likely dry risers will be required in parts of the building due to the layout, number of floors and length of access and routes to the furthest points into those parts of the building.

From a building regulations point of view, the plans show smoke shafts in parts but not enough detail regarding their termination / exit point from the building, some bedrooms in flats in the existing building appear to be inner rooms that would require alternative egress points and if this is the case window escape would likely not suffice due to the height of those flats from the exterior ground floor level, the undercroft carpark doesn’t show enough detail but appears to be classed as an enclosed car park and therefore adequate smoke ventilation from this area will likely be required.

It is Northamptonshire Fire and Rescue Service policy to promote the inclusion of sprinklers in any new build proposals and that would be true of this proposal, and certainly as the undercroft appears to be an enclosed area."

6.16 Northamptonshire Fire and Rescue

Comments received 12.07.2019:

"Vehicle access should be provided to a pumping appliance to within 45m of all points within each flat"
6.17 Natural England

Comments received 19.07.2019:

"SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] - FURTHER INFORMATION REQUIRED

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 bird populations 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 Special Protection Area Supplementary Planning Document.

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended)."

6.18 Anglian Water

Comments received 07.08.2019:

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Broadholme Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
Section 3 - Used Water Network

Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information, the applicant has not identified a connection point and discharge regime. We therefore request a condition requiring an on-site drainage strategy.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(3) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(4) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water’s requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.
Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning conditions if the Local Planning Authority is mindful to grant planning approval:

No drainage works shall commence until a foul water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding.

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding.”

6.19 National Health Service

Comments received 13.08.2019:

“Financial Contribution requested, based on the number of dwellings proposed the figure requested is £32,604.00. Therefore, we would be grateful for a GMS health contribution of £776.28 per dwelling”.

6.20 Campaign for Darker Skies

Comments received 19.07.2019:

“Thank you for requesting CFDS’ comments on this application.

We were unable to find exterior lighting proposals within the online information, in any case, we would not expect this development to be a significant point source of light pollution.

However, we would expect any outdoor lighting to the car park or entrance areas to be designed and fitted in accordance with ILP Guidance and to minimise glare and energy waste from light pollution and minimise light nuisance.

Reasons.
1) To conform to NPPF Paragraph 180 c.
2) To conform to NNJPU JCS Policy 4 iii.
3) Section 102 CNE Act”.

6.21 Environment Agency

Comments received 30.08.2019:

“The Environment Agency does not wish to make any comments on this application. It does not appear to match any of the criteria on our consultation checklist”.
6.22 Independent Viability Consultant

Comments received 06.09.2019:

A full copy of the report can be viewed on the Council’s website. The consultant concludes that:

- The scheme as submitted cannot sustain policy levels of affordable housing and the sought Section 106 contributions.
- None of the alternative viabilities that have been considered would sustain these objectives, and planning gain via affordable housing or Section 106 contributions will be limited in all scenarios tested.
- The basic build and abnormal development costs proposed by the applicant are reasonable.
- The level of contingency, fees, finance costs, sales and marketing and other costs are all acceptable.
- The benchmark land value of £288,000 is higher than expected and there has been no Redbook valuation provided. Based on other schemes it is considered that £150,000 is more appropriate plus a 20% premium to incentivise the vendor to sell.
- The unit sizes proposed undermine the viability position. If all new build apartments were reduced in size to meet space standards requirements for 1 bed 2 person and 2 bed 3 person dwellings this would reduce the floor area by 4,079sq.ft which would reduce costs by approximately £554,000 without affecting the proposed revenues.
- If the new build dwelling sizes were amended to 50m2 for 1 bed flats and 60m2 for 2 bed flats then revenues of £130,000 and £150,000 could be achieved in line with local new build competition and would significantly improve viability.
- No Section 106 contributions have been offered due to the applicant’s viability deficit but as can be seen in the alternative viabilities some Section 106 contributions could be sought depending on the level of affordable housing provided.
- The applicant’s proposed revenues for some of the two-bedroom homes are conservative and as such understate the viability and its ability to support additional affordable housing.
- If these changes were proposed and made then an all private scheme would produce a surplus against a benchmark land value for affordable housing or Section 106 provision.
- Alternative appraisals have demonstrated that three affordable shared ownership one-bedroom dwellings, or Section 106 contributions of £58,652 could be supported with an amended scheme of 42 apartments.
- A lower density scheme of ten two-bedroom houses and the six flat conversions has been considered. It is clear that such a revised scheme cannot sustain any Section 106 contributions or policy level affordable housing. However, one shared ownership dwelling would be possible if no Section 106 contributions were sought, although this is unlikely to be saleable to a housing association. Alternatively, approximately £47,500 of Section 106 could be afforded.
6.23 Urban Designer (on behalf of the North Northamptonshire Joint Planning and Delivery Unit)

Comments received 29.07.2019:

"The development appears to be unchanged (or only minor alterations) to the last revision, and therefore previously made comments are still applicable.

Firstly, I am surprised that the saw-tooth roof element of the original bus station building is not characterised as an important feature of the local listing, as it would have been my view that the two buildings have always been associated with each other – however I do understand that the rear building is considered more common and of less architectural merit.

I am of the view that the rear building should be a contemporary building of its era, whilst being complementary and sympathetic to the building fronting onto Higham Road. Inspiration could have been taken from the existing saw-tooth building which would offer a visual reference to the past history of the site. I feel that to try and replicate the art-deco nature of the primary building with a stand-alone new build would be inappropriate and pastiche, and if the details are not 100% correct and high quality, it would run the risk of actually being negative influence on the original building. I am aware that this contradicts earlier advice, and whilst I do not necessarily disagree with the side extension replicating the original same form and style, I feel that this approach is incorrect for the new build block which should be contemporary in design and reference subtly the best and most distinct details from the original building.

The recessed upper floor to the new building is a very important element of this design and could fundamentally change the appearance of the locally listed asset for the worse if not appropriately considered and detailed. It is my view that, whilst this addition may be acceptable, more work needs to be undertaken on the impact to the asset and how an alternative coloured cladding material e.g. bronze composite alloy could be implemented which would give a higher end appearance and hark back to the art-deco heritage of the building. It is also considered that the black cladding as proposed could be too austere and dominant against the white/cream render of the primary building.

There is little to no information included on the proposed material palette for the proposals, including aspects which would determine the quality of the development including the windows, railings, doors and decorative details. Whilst these elements could be conditioned, more information should have been provided to allow the case officer to feel comfortable that the fixtures, fittings and detailing were going to be of the highest standard.

It is considered that the rear building is too high, with a volume and mass which is out of keeping with the surroundings and would be overbearing on the original building. The scale of the building would also lead to a ‘canyon’ effect to Shirley Road due to the back of footway apartment blocks opposite. It is my opinion that the rear block would need to be reduced in height by one storey. There are also concerns that proximity and the level of overlooking between apartments on Shirley Road, as well as the potential for reduced daylight to the existing apartments, has not been adequately considered or reported.

With regards to the side extension, there is concern that the prominence of the tower could be lost in the street scene as a result of the side extension, however the
circulatory core which splits the existing and new build, if detailed correctly, could offer a suitable break to minimise this. It is also welcomed that the original bus access route by means of the under-croft has been provided as a reference to the site's historic use. I also have no issue with the reduced level of parking provided at the site given its town centre location and the desire to have ground floor activation as opposed to being taken up with an expanse of car parking, however this a highways matter to be considered by the case officer”.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

Principle of Development

7.2 The site is not allocated in either the JCS or the Neighbourhood Plan, but is previously developed land within the centre of Rushden and as such the principle of developing the site for residential use is considered acceptable, subject to all other material considerations being satisfactorily addressed. These will be assessed throughout the report.

7.3 Rushden is identified as a Growth Town in the JCS and Policy 11 states that the Growth Towns will be the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development. It goes on to state that provision will be made for new housing as set out in Policy 28.

7.4 Policy 28 identifies a need for 8,400 homes in East Northamptonshire between 2011 and 2031. Policy 29 identifies that 3,285 of these should be provided in Rushden.

7.5 Policy H1 of the Rushden Neighbourhood Plan states that development within the settlement boundary will be permitted where it accords with other policies in the Development Plan. The site is within the identified settlement boundary.

7.6 Policy H2 states that planning applications for development on windfall sites (such as the proposal) will be determined in accordance with the policies of the Development Plan and will be expected to ensure appropriate integration with the site and surrounding development context and that adequate outdoor amenity space will be provided. It continues that development will be supported unless it would result in a poor relationship with its surroundings or other material planning considerations indicate otherwise. These material considerations will be addressed later in this report.

7.7 Policy H4 refers specifically to flatted development within Rushden. It states that flatted development will only be supported where it can be robustly demonstrated that:
- It meets an identified local need; or
- Where the physical or financial constraints of a site are such that it is not possible to provide smaller one and two bedroom houses or maisonettes; or
- Where an existing non-residential building is being converted for residential use. (Emphasis added).
7.8 The applicant has failed to provide any information to demonstrate that the proposal meets an identified local need. In addition, the Council's Housing team has stated that there is a greater need for two bedroom houses on the housing register. In order to identify the specific local need, a Housing Needs Survey would have to be carried out, and this has not been done.

7.9 The applicant has submitted some viability information to support their proposal for one and two bedroom flats. However, they have not demonstrated that the physical constraints of the site would not allow for the site to be developed as houses or maisonettes. In addition, the independent viability consultant has concluded that a lower density scheme of ten two bedroom houses and six flats (conversion of existing building) - whilst only capable of supporting one affordable unit (or alternatively a modest s106 contribution) - would be a more viable option. Therefore, the applicant has not demonstrated that town houses are not possible due to physical or financial constraints.

7.10 The proposal is not a conversion of an existing building, but a partial conversion, with a significant part of the proposal being a new build element.

7.11 On this basis, it is concluded that the applicant has failed to demonstrate that the proposal complies with Policy H4 of the Rushden Neighbourhood Plan. However, clarification regarding the deliverability of a scheme of town houses or maisonettes will be reported on the update sheet.

7.12 The proposal would also result in the loss of a retail unit and a takeaway unit. However, the site is not located within the defined town centre as identified in the Neighbourhood Plan and is not classed as an employment use. The loss of the two units to a residential use is therefore considered acceptable.

**Viability and Housing Mix**

7.13 The applicant has submitted a scheme which proposes 100% of the units as market housing and does not propose to pay any developer contributions. Their argument being that they are unable to provide these, because it would not be viable to do so because of the proposal to retain the existing building to the front of the site and preserve it as a non-designated heritage asset. (The assessment of the proposal as a non-designated asset is addressed in paragraphs 7.22 - 7.26 of this report).

7.14 Policy 30 of the JCS has a requirement for this proposal to provide 30% of the units as affordable housing. It states that affordable housing will be provided on site unless the developer can demonstrate exceptional circumstances which necessitate provision on another site, or the Local Planning Authority is satisfied that the off-site delivery or an equivalent financial contribution for affordable housing will support urban regeneration and / or the creation of sustainable mixed and all inclusive communities. Policy 30 further states that the precise proportion and mix of affordable housing will take into account the Strategic Housing Market Assessment (or other more up to date assessment agreed with the Local Planning Authority) and the viability of the development.

7.15 The Council has also adopted a Developer Contributions Supplementary Planning Document, which sets out when developer contributions should be requested. Contributions would include: open space provision; healthcare; education; libraries; bus and transport; community facilities; and the Rushden Greenway. This proposal is above the threshold for these contributions and as such it is expected that a financial contribution should be made towards these. In the case of open space, this is usually
provided on-site, except where site constraints do not allow for it to be provided. In this case an off-site contribution would be expected.

7.16 The application is supported by a viability assessment and this has been reviewed by an independent viability consultant. The consultant’s conclusions are summarised above in paragraph 6.22. However, the consultant has identified that whilst the submitted scheme cannot support contributions, there are alternative proposals that could potentially support some contributions or affordable housing. The applicant has not looked into these alternatives and therefore it is considered that permission should be refused because of the lack of justification provided.

7.17 It is understood that the applicant is retaining the frontage of the building, which is a more expensive option than demolition and new build, but as above, there are alternative schemes that could be submitted, which do generate some contribution towards either affordable housing or other infrastructure and these options have not been explored.

7.18 The proposal is for a mix of one and two bedroom units. Some of the units also have a study. Some of the studies comply with the National Space Standards minimum bedroom sizes and could therefore be capable of being used as a second or third bedroom. As such, flats 15, 16, 17, 18, 23, 25, 26, 31, 33 and 36 should be treated as two bedroom flats and the penthouse apartment (42) should be treated as a three bedroom unit. The following mix is therefore proposed:

- 34 x two bedroom flats
- 7 x one bedroom flats; and
- 1 x three bedroom flat

7.19 Policy 30 of the JCS states that the mix of house types within a development should reflect:
- The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people.
- The existing housing stock within the settlement or neighbourhood / ward in order to address any gaps in provision and to avoid an over-concentration of a single type of housing where this would adversely affect the character or the infrastructure of the area.

The proposal does include the provision of smaller properties (1-3 bedrooms) and as such complies with the first criteria of this policy, but it does over provide a single type of dwelling where it would adversely affect the character and infrastructure of the area. Character will be addressed later, but it has already been demonstrated that the scheme does not allow for any contributions to be made towards existing infrastructure, and as such the proposal is considered to adversely affect the infrastructure of the area by introducing a high concentration of flats, without any provision towards healthcare, education, libraries, public transport, the Greenway, open space or community facilities.

7.20 The Council’s Housing Team has commented that the provision of so many flats in one scheme would not be supported and that a scheme providing a mix of property types and housing would be more appropriate for this location. Two bed houses would be preferable as these would meet a greater need on the housing register, however, the scheme does not propose any affordable housing, and this in itself is sufficient to refuse planning permission (given that it has not been satisfactorily
demonstrated on the grounds of viability).

7.21 Policy 30 of the JCS also sets out that the internal floor area of new dwellings must meet the National Space Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities. Flats 16, 24 and 32, shown as two bedroom three person properties would all fall below the Nationally Described Space Standard of 61m², with an internal floor area of only 56m². Therefore the proposal would not be in accordance with this policy. These units are located within the new build element of the proposal rather than the conversion and as such there is no justification for being below the standards.

Design, Layout, Impact on the Character and Appearance of the Area and Impact on Heritage

7.22 The application site comprises the former Birch Bros Coach Station building which was constructed in the 1930s in the then fashionable streamline moderne style. The building is striking in its design and forms an important element in the streetscape. It is included on the Council’s draft local list of heritage assets, having been identified as “a remarkable building for Northamptonshire which has few quality buildings of the period, good survival of fabric and details and memorable building in the streetscape. High overall degree of special architectural interest. Also related to local switch away from rail transport to use of coach by road.” The building should be treated as a non-designated heritage asset on account of its architectural and historic interest. This is agreed by the Council’s Senior Conservation Officer, the County Council’s Archaeologist and the Council’s Urban Design consultant.

7.23 The proposal has been put forward to preserve, enhance and bring back in to use the front element of the existing building, but to demolish the rear workshop building to enable the conversion to take place. Whilst the workshop building is also considered to be part of the non-designated asset, its loss would be necessary to ensure that the Art Deco frontage is retained. In addition the building would not lend itself easily to a conversion to residential use. Whilst the loss of this building would be harmful, this needs to be weighed up against the need to retain the frontage building. Therefore it is considered that its loss would be justified in this instance. In addition, the warehouse is a type of building which is more commonplace and its loss would not be as detrimental as losing the frontage building.

7.24 The proposed size and scale of the extension and the rear new build element would be large and would dominate the original building, which is a landmark building within Rushden. In addition, the design of the proposal would be unacceptable and would detract from and harm the setting of the non-designated asset.

7.25 Whilst it is agreed that the extension to the front should be undertaken in a streamline moderne style, to match as closely as possible the existing building, it should not reduce the dominance of the main tower. It is considered that the current proposal would result in a reduction to the dominance of the main tower because of its width and height. The proposed balconies would be out of keeping with the original building, as they are not a current feature and would ruin the building’s simple features and lines. In addition the proposed window breaking up the existing building from the new build would be overly ornate, in an Art Deco style, but would not reflect the more simplistic streamline moderne design of the original building. The use of the roof level penthouse feature would be supported as this is a typical type of feature of an Art Deco era building and would allow the applicant to achieve a greater floor area. It also allows for the tower to remain as the dominant feature. Some vertical
element breaking up the old and the new would also be acceptable in principle, but
this should be simplistic and would be better as a glazed wall, so there is a clear
separation. The use of horizontal lines is supported along the front as this helps to tie
the old in to the new. However, material details have not been supplied to enable
Officers to establish whether there would be a high quality finish and it would be
expected that this level of information is provided for this type of proposal.

7.26 The new building to the rear, in place of the former warehouse building, would be
three storeys in height (with a fourth penthouse level) and would sit on a higher level
than the frontage building. The mass of this building appears larger than the original
and is considered to over dominate the non-designated asset to the front, particularly
when viewed from Shirley Road. It is bulky. In addition, its design is the same as the
proposed front extension but would be a new build. For these reasons, the proposed
new build element to the rear of the site would detract from the character and setting
of the non-designated asset, which the proposal is trying to preserve. It is considered
that this new build element should be of contemporary design, so that it is clear that it
is a new build, and should not try and imitate the original Art Deco or streamline
moderne design, but instead incorporate some of the features. This would ensure
that the non-designated asset is still the prominent feature and retains it landmark
status.

7.27 The proposal would result in harm to the significance of the non-designated heritage
asset, which the Council’s Senior Conservation Officer would classify as a moderate-
high impact. As such, paragraph 187 of the NPPF is engaged, which states that “the
effect of an application on the significance of a non-designated heritage asset should
be taken into account in determining the application. In weighing applications that
directly or indirectly affect non-designated heritage assets, a balanced judgement will
be required having regard to the scale of any harm or loss and the significance of the
heritage asset.”

7.28 Given that the building is a landmark building within the town and the proposal would
result in a moderate – high level of harm to its significance, due to the over
dominance and design of the proposed extension and the new build element, the
proposal would be contrary to National and Local Planning Policy which seeks to
preserve and enhance heritage assets.

7.29 The proposed new build element fronting Shirley Street would lead to a canyon effect
that would be harmful on the character and appearance of the surrounding area and
street scene. This is because of the block of flats opposite and the narrow width of
Shirley Street as well as the height of the proposed building.

Highway Safety and Parking

7.30 The application proposes 43 parking spaces, including six electric vehicle charging
bays and four disabled user bays. Based on Northamptonshire Highways Parking
Standards, taking into account the revised number of bedrooms (as set out in
paragraph 7.18 above), there would be a need for 76 parking spaces, plus 19 visitor
spaces, giving a total of 95 spaces. In addition, a large secure cycle store is
proposed. The Local Highway Authority has raised an objection on the grounds of
lack of parking provision.

7.31 The applicant has submitted a parking beat survey, and despite the Local Highway
Authority considering that this does not demonstrate sufficient parking spaces
available within the surrounding area, It does demonstrate that on average there are
between 30 and 40 car parking spaces available in Shirley Street and North Street
(including a minimum of 3 spaces in North Street car park). It is therefore considered that the surrounding streets could potentially hold some of the additional demand for parking, but it would take the surrounding streets over capacity.

7.32

It also has to be considered that the proposal is within the town centre area (not defined area) and there is access to public transport, cycle routes and many services can be reached on foot. This reduces the requirement for a car. The applicant also proposes a large secure cycle store.

7.33

Should the guideline level of parking provision be provided on site, it would become a site dominated by vehicles, which could have the potential to impact on the setting of the non-designated asset. However, it should also be noted that should a scheme be designed that addresses all of the concerns raised in this report, there may be a need for fewer parking spaces that would not dominate the site and they could be designed so that a sufficient amount of on site parking could be provided, rather than relying on off site provision.

7.34

Paragraph 105 of the NPPF states that local parking standards should take account of: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; and local car ownership levels. When taking all of this into account, it does not seem reasonable to apply the ‘one size fits all’ parking standards to this development proposal. That said, some of the proposed parking spaces look too tight and tracking is needed to ensure the spaces can be used. Given the low level of parking proposed, it is particularly important to ensure that all spaces are useable and currently this has not been demonstrated. It is therefore considered that insufficient information has been provided to establish whether the proposed parking provision is adequate. It is recommended that this forms a reason to refuse planning permission.

7.35

The Local Highway Authority has also commented on a number of other concerns that it has and these will be looked at in turn at paragraph 7.36 – 7.38 below.

7.36

The proposal shows that the original bus access would be re-opened and would provide access to six parking spaces. The Local Highway Authority is concerned that this junction would be in close proximity to the Shirley Road junction and does not meet the requirements of the Local Highway Authority as it is located within 25 metres of the junction, leading to an increase in the potential for collisions due to poor visibility and confusion when indicating. This needs to be weighed up against achieving good design and the level of harm that would be caused to highway safety. Opening up the original access would improve the appearance of the building and would restore the streamline moderne design and is therefore considered beneficial. However, good design could still be achieved by creating the opening again, but not using it as a vehicular access and it does not appear that other options have been explored. Therefore, it is considered that the detrimental impact on highway safety would not be outweighed by the design benefits of re-opening the former bus station entrance.

7.37

Paragraph 109 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. It is clear from the advice provided by the Local Highway Authority that the development would have an unacceptable impact on highway safety and as such would be contrary to advice contained within the NPPF. Advice has also been sought about whether or not a Transport Assessment is required as part of this proposal and in this case it is not. Therefore the impact on the road network cannot be classed as severe.
7.38 Comments have been made about the gates needing to be set back 5.5 metres from the highway boundary or being operated by remote. This could be conditioned, along with details of drainage and gradient.

7.39 Concern has been raised by local residents about the level of congestion created as a result of the proposal, however, there is no objection from the Local Highway Authority about this matter and as such it is considered that the road network is capable of accommodating the proposal level of vehicles.

**Noise**

7.40 The application is supported by a Noise Impact Assessment (NIA), which takes into account noise from traffic. It does not, however, take into account noise from the Asda Petrol Filling Station (adjacent).

7.41 The Noise Impact Assessment has referred to guidance in ProPG: Planning & Noise, Professional Practice Guidance on Planning & Noise. This is appropriate. ProPG considers new residential development that will be exposed predominantly to airborne, transport noise. Noise should not be considered in isolation or separately from other material planning matters. The approach in ProPG is underpinned by the preparation of an Acoustic Design Statement (ADS), and elements of this have been included in the NIA. ProPG sets out increasing, indicative noise levels and potential risk of adverse affect for day and night time noise. If it further suggests, based on these levels, the suitability or otherwise of a proposed development, including mitigation.

7.42 As mentioned above, the NIA has assessed traffic noise and the impact on the proposed development. Background noise data was measured on the roof of the existing frontage building on the side adjacent to the car park (Figure 5.1 of the Noise Assessment) and adjusted for distance to give façade levels on Higham Road. This gave a daytime level of 63dB LAeq, (07.00 to 23.00) and night time level of 57dB LAeq,T (23.00 to 07.00). With reference to ProPG this results in a low / medium risk of adverse impact during the day and a medium / high risk at night, in the opinion of the Council’s Senior Environmental Protection Officer. Based on this, it is expected to see a detailed ADS submitted to demonstrate how noise would be mitigated to ensure future residents are not exposed to adverse impact.

7.43 Some mitigation measures have been suggested in the submitted NIA with some brief references to good acoustic design, such as the location of some habitable rooms and sound insulation. The acoustic consultant states “Due to the relatively high noise levels present at site, those habitable rooms facing Higham Road will not be able to achieve the requirements with windows open, and therefore the sound insulation of the building facade will be required to mitigate noise levels”. This is not good acoustic design.

7.44 ProPG specifically states in section 2.2: “occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open. Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents”. No justification has been provided. The sole good acoustic design element is the provision of an amenity area at the rear of Higham Road.
7.45 The Council’s Senior Environmental Protection Officer considers that the building could be designed to mitigate noise, but this has not been demonstrated and as such solely insulating the building in this instance cannot be justified. For example, the proposal could look at locating non-habitable rooms at the front of the building.

7.46 It is therefore recommended that planning permission be refused because of a lack of information submitted with respect to the impact of noise from the petrol filling station and because of a failure to provide a suitable acoustic design justification for the design and layout.

7.47 One local resident is concerned that traffic noise will deflect off the proposed building and impact on the properties on the other side of Higham Road. Verbal advice has been sought from the Council’s Senior Environmental Protection Officer who has commented that this would not cause any concerns and is unlikely to result in a detrimental level of noise.

Air Quality

7.48 The Council’s Environmental Protection Officer initially raised concerns about the application, due to a lack of information to demonstrate how air quality impacts will be mitigated. She specifically stated that information should be provided for the following:

- The adoption of an agreed protocol to control emissions from construction sites;
- Travel plan including agreed mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies;
- Improved pedestrian links to public transport stops;
- Provision of new bus stops infrastructure including shelters, raised kerbing, information displays;
- Provision of subsidised or free ticketing (corporate and residential travel passes, student travel passes);
- Site layout to include improved pedestrian pathways to encourage walking;
- Improved convenient and segregated cycle paths to link to local cycle network;
- All gas-fired boilers to meet a minimum standard of 40mgNOx/kWh or consideration of alternative heat sources.

In response to these points, it is considered that:

- The control of emissions from construction sites can be secured by condition and included as part of any Construction Management Plan.
- A Travel Plan for the proposal could be conditioned.
- The Council has contacted the Local Highway Authority to establish if they require any contributions towards public transport. This will be provided on the update sheet. However, there is a bus stop outside the site and as such it would not be reasonable to request improved pedestrian links in this instance.
- The site is within the town of Rushden and therefore is within walking distance of most services and facilities. Therefore it is not considered reasonable to request more information about this point.
- A request could be made towards improving the existing Greenway, which is a cycle link within close proximity of the site; however, the applicant has argued on viability grounds that no developer contributions will be made.
- Gas boilers can be conditioned.
7.49 An Air Quality Assessment has been submitted to support the proposal. This concludes that:

- During the construction phase there is the potential for air quality impacts as a result of fugitive dust emissions from the site. Assuming good dust control measures are implemented, the residual significance of air quality impacts from dust generated by demolition, earthworks and construction are predicted to not be significant.

- During the operational phase of the development there is the potential for air quality impacts as a result of traffic exhaust emissions associated with vehicles travelling to and from the site. Due to the low number of trips anticipated to be produced by the scheme of this scale, negligible impacts are predicted.

7.50 The Council’s Environmental Protection Officer was asked for further clarification regarding whether – in respect of air quality - the proposal would result in a harmful ‘canyon’ effect and whether in light of the points detailed at 7.48 (above), air quality matters could be adequately controlled (e.g. by condition). She has advised: ‘I do not think you would have the grounds to refuse due to air quality and canyoning,’ therefore whilst additional information regarding air quality mitigation would have been helpful, it is not considered that the refusal of the application in relation to this matter could be justified.

Floodrisk and Drainage

7.51 The Lead Local Flood Authority has commented that there is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme. In particular:

- The Flood Risk Assessment proposes to discharge surface water at green field runoff rate. The runoff rate is very low and poses a higher risk of lockage for the drainage system due to orifice size. The drainage system should discharge at 2 l/s.

- If it is proposed to discharge the surface water into any public surface water sewer, a confirmation of the allowable rate of discharge and point of discharge should be provided from the relevant water authority. The rate and point of discharge set by the water company may have implications on the overall drainage scheme for the site and may need to be revised based on their requirements.

- The maintenance and / or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development.

Therefore the applicant has failed to demonstrate that the development will not increase flood risk.

Ecology

7.52 The site is located within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and as such a mitigation fee of £269.44 per dwelling is required. The application is not supported by an assessment of the likely impacts of the proposal on the SPA, but given the distance of the proposal from the SPA and the low levels of visitors to it from the proposed development, it is considered that the only mitigation that is required is the financial contribution. However, at the time of writing this report the contribution has not been paid and as such the relevant
mitigation has not been implemented. As such it is recommended that planning permission be refused on this basis. Should permission be granted then this contribution could be secured by the completion of a Section 106 Agreement. Alternatively, should the applicant decide to appeal against a decision to refuse planning permission, then a payment can be made prior to the submission of an appeal and this reason for refusal can then be reviewed or can be secured by agreeing to a draft Section 106 Agreement as part of the appeal process.

Residential Amenity

7.53 The site has residential properties located to the north, east, west and south of the site. No's 1 and 3 Higham Road (two storey dwellings, opposite to the west) are considered to be far enough away not to be impacted upon by the proposal and would have an expected relationship with one another given their positions on either side of a main route in to the town.

Chichele Court (north)

7.54 These residents are situated approximately 17 metres away from the proposal at the nearest point. This is a three storey building, with a two storey element closest to the proposal. There are no windows on the two storey gable closest to the proposed development and the nearest windows would be located approximately 27 metres away. This distance would be considered sufficient to prevent any detrimental harm as a result of overlooking, overshadowing or overbearing impact.

57 North Street (north east)

7.55 This two storey property is located approximately 26 metres away from the proposal at the nearest point and whilst the proposal would be four storeys in height at the nearest point to this property, this distance is considered sufficient to prevent any overlooking or overshadowing. As there is a road in-between this property and the proposal, and they would not be directly in front of one another, the level of overbearing impact would not be detrimental.

Foxford Court (east)

7.56 This two storey block of flats is situated some 13.5 metres from the proposed building and has what appear to be habitable room windows within the front elevation. Given the short separation distance and the height of the proposed building, taking into account the submitted cross sections, the proposal would result in a detrimental level of harm to the occupiers of these adjacent properties by causing overlooking and having an overbearing impact.

1-22 Shirley Road (south)

7.57 This property is a four storey block of flats and in some parts is less than 13 metres away from the proposed development, because of the narrow width of Shirley Road. It is possible that there would be some overlooking of the easternmost flats within this building from the proposed south western end of the proposed new build element of the application proposal. However, it is unlikely that the proposal would have any detrimental overbearing impacts given the off set position of the proposed new build.
Victoria Court (south)

7.58 This is a three storey building directly opposite the new build element of the proposal and sits approximately 13 metres away from the proposal. Its principal elevation faces the proposed site. Given the height of the proposed building, its proximity and the level of windows within its south elevation, it is considered that the proposed development would result in overlooking and have an overbearing impact on the occupiers of the northernmost properties of Victoria Court.

7.59 Some overshadowing may occur to some of the surrounding properties as a result of the proposal, but based on the information submitted, it is not considered that the level of overshadowing would be detrimental.

7.60 Overall, the proposed development would result in a detrimental impact on the occupiers of Foxford Court, Victoria Court and 1 to 22 Shirley Road by reasons of overlooking and overbearing impact.

7.61 The impact on future occupiers of the proposed building also needs to be considered. The proposed layout would ensure that each flat has sufficient natural lighting, but some of the flats would not meet the Nationally Described Space Standards, as set out in paragraph 7.21 of the report. This causes concern. In addition, whilst access to amenity space is available to all flats (via the lift or stairs), the level of outdoor space is minimal and would not realistically be used by all occupiers of the building. Overall, it is considered that the amount of amenity space is insufficient for the number of flats proposed and would not result in a good quality of living. Had this proposal been for conversion only, then a lack of amenity space could potentially be justified, but this is a partial new build where amenity space can be factored in at the design stage.

Waste

7.62 Whilst the proposed bin storage area demonstrates that sufficient bins can be provided for the proposed number of flats (as stated by the applicant) the bin storage layout would not be practical and is potentially too small for the actual number of bedrooms proposed, when taking in to account that some of the one bedroom flats are in fact two bedroom flats. In all likelihood, bins at the front of the store would fill up first, with back bins being left empty because of them being inaccessible. In addition to this, manoeuvring the bins in and out of the store would not be practical given their tight fit. Therefore, the proposal is likely to result in an untidy development with problems associated with waste storage and collection.

S106 Obligations

7.63 No developer contributions are proposed and this has been assessed earlier in the report. The table at Appendix 1 sets out the proposed level of developer contributions that a development of this size would generate.

Fire and Rescue / Crime

7.64 The applicant has not demonstrated compliance with fire legislation, but Building Regulations would ensure compliance and informatives / conditions could be added to any permission granted to cover the matters raised by Northamptonshire Fire and Rescue and Northamptonshire Police.
8 Other Matters

8.1 Contamination: The Council’s Senior Environmental Protection Officer has not raised any concerns with regards to contamination. Should permission be granted then this can be covered by appropriate planning conditions.

8.2 Equality Act 2010: The proposal does not raise any issues with regards to the Equality Act. All flats are accessible via a lift and the limited amount of outdoor space is also accessible to all occupiers.

8.3 Sustainable Construction: The submitted Sustainability Assessment demonstrates compliance with Policy 9 of the JCS.

8.4 Clarification Regarding Number of Parking Spaces: The Council’s Planning Policy Team has referenced the requirement for the number of spaces as 64. It is understood that this does not include the level of visitor parking proposed and does not reflect the situation regarding bedroom numbers as outlined in this report. However, this does not alter the recommendation.

9 Conclusion / Planning Balance

9.1 The key argument, in support of the application, put forward by the applicant is the retention of the existing non-designated asset and that should permission not be granted then the building could be demolished without the need for planning permission. The applicant also asserts that it is not viable to develop the site for any alternatives; however, this assertion has proven to be inaccurate by the independent viability consultant who has advised that a scheme of town houses would, financially, be a suitable alternative. In addition the applicant has failed to identify a local need for the type of housing proposed and the proposal does not relate to a conversion, but a conversion and extension of an existing building.

9.2 In addition to this, there are a number of other concerns with the proposal all covered in detail within the report. Whilst officers support the retention of the existing frontage building and understand that the proposal is brought forward to retain this element, other alternative proposals have not been explored that would result in less harm than that proposed.

9.3 Therefore Members need to weigh up the issues and concerns highlighted above with the need to retain the existing building and whether or not there are any other alternative viable options. The recommended refusal reasons are therefore listed below.

10 Recommendation

10.1 Recommendation: That planning permission is REFUSED for the following reasons:

11 Reasons

The applicant has failed to demonstrate that the proposed flats are required to meet a locally identified need or that the proposal would provide the type of tenure to cater for the current and future needs without having an adverse affect on the infrastructure or character of the area. In addition, the proposal is not for the conversion of an existing building and the applicant has failed to demonstrate that the physical and financial constraints of the site would mean that it is not possible to provide smaller one and two bedroom houses or maisonettes. Whilst
a viability assessment has been submitted, the applicant has failed to demonstrate that any alternative proposals, that would generate a greater profit (allowing for some affordable housing to be provided or for the payment of some developer contributions), have been explored. Therefore, the proposal is contrary to Paragraph 122 of the National Planning Policy Framework 2019, Policy 30 a) ii) of the adopted North Northamptonshire Joint Core Strategy 2016 and Policy H4 of the Rushden Neighbourhood Plan 2018.

2 Three of the 42 proposed flats (units 16, 24 and 32), at 56m2, would fall below the Nationally Described Space Standards and the proposal would fail to provide an appropriate level of outdoor amenity space resulting in a poor living standard for any future occupiers. As such the proposal would be contrary to Policies 8e) vi), 30 b) of the North Northamptonshire Joint Core Strategy 2016 and Policy EN1 of the Rushden Neighbourhood Plan.

3 The proposed development, by reasons of its design, scale and bulk, would detract from the landmark qualities of the original streamline moderne design building, which is considered to be a non-designated heritage asset. The proposal would therefore result in a moderate - high level of harm to the setting of the non-designated asset and the street scene contrary to Paragraphs 124, 127, 130, 192, 193 and 197 of the National Planning Policy Framework 2019, Policy 2 a), b) and c) and Policy 8 d) i) and ii) of the North Northamptonshire Joint Core Strategy 2016 and Policy EN1 of the Rushden Neighbourhood Plan 2018.

4 The applicant has failed to demonstrate that the proposal would provide a sufficient level of useable parking spaces contrary to Policy 8 b) ii) of the North Northamptonshire Joint Core Strategy 2016 and Policy T2 of the Rushden Neighbourhood Plan 2018.

5 The applicant has failed to provide sufficient information to assess the impact of any potential noise from the adjacent Asda Petrol Filling Station on any potential future occupiers of the proposed flats. In addition, the applicant has failed to justify the proposed design and layout that would result in poor acoustic design impacting on the living conditions of any future occupiers. The proposal is therefore contrary to Paragraphs 170 and 180 of the National Planning Policy Framework 2019 and Policy 8 e) i) and ii) of the North Northamptonshire Joint Core Strategy 2016.

6 The applicant, by failing to provide satisfactory information relating to surface water drainage, has failed to demonstrate that the proposed development would not increase flood risk elsewhere or actively reduce flood risk. The proposal is therefore contrary to Paragraphs 163 and 165 of the National Planning Policy Framework 2019 and Policy 5 b) and c) of the North Northamptonshire Joint Core Strategy 2016.

7 The proposal is located within 3km of the Upper Nene Valley Gravel Pits Special Protection Area. This is a protected site from a nature conservation point of view under the terms of European Legislation. No information has been received in connection with this application to show that the proposal will not have an adverse impact on this Area. In such cases, the Council has a requirement linked to an adopted Supplementary Planning Document which requires a contribution of £269.44 per dwelling to mitigate any impact. This payment has not been received in connection with this application. The proposal is therefore
contrary to Policy 4 d) of the North Northamptonshire Joint Core Strategy 2016 which seeks to secure adequate mitigation against the impacts of developments on the Upper Nene Valley Gravel Pits Special Protection Area and Policy H2 of the Rushden Neighbourhood Plan.

8 The proposed development, by reasons of its design, layout, height and close proximity to neighbouring properties would result in detrimental levels of overlooking and have an overbearing impact on the occupiers of Foxford Court to the east, Victoria Court to the south and 1 to 22 Shirley Road to the south. The proposal would therefore be contrary to Paragraph 127 of the National Planning Policy 2019, Policy 8 e) i) of the North Northamptonshire Joint Core Strategy 2016 and Policy EN1 of the Rushden Neighbourhood Plan 2018.

9 The proposed development, by reason of its layout and size of the bin storage area would not allow for the suitable storage of waste associated with the proposed development. This has the potential to result in a detrimental impact on the local area by reason of odour and unsightly uncollected waste. The proposal is therefore contrary to Policy 8 e) i) of the North Northamptonshire Joint Core Strategy 2016 and the Council’s Domestic Waste and Collection Supplementary Planning Document 2012.

10 The application would not result in the provision of any affordable housing or Section 106 contributions (which are necessary to meet the needs of the proposed development) towards local infrastructure, including education, libraries, community facilities, open space, the Rushden Greenway or healthcare. The Council is not satisfied that this is justified on the grounds of viability. The proposal is therefore contrary to the Council’s Developer Contributions Supplementary Planning Document 2006, Policies 10 and 30 of the North Northamptonshire Joint Core Strategy 2016 and NPPF Paragraphs 57 and 64.

11 The proposed development, by reason of design, proximity to the junction of Shirley Road and the proposed re-opening of the former bus station entrance located off Higham Road, would result in an unacceptable level of harm on highway safety by increasing the potential risk of conflict at the new junction. The proposed development is therefore contrary to Paragraph 105 of the National Planning Policy Framework 2019 and Policy 8 b) i) of the North Northamptonshire Joint Core Strategy 2016.

12 Informatives

1 In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38.

A full report is available at www.east-northamptonshire.gov.uk
### Appendix 1: Developer Contribution Schedule

<table>
<thead>
<tr>
<th>Developer contributions set out in SPD/requested by consultees</th>
<th>Proposed by applicant</th>
<th>Agreed Heads of Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Early Years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request by NCC</td>
<td>None</td>
<td>Not agreed</td>
</tr>
<tr>
<td>1 bed - £0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed - £3724</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed - £3972</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+ bed - £4220</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Primary Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request by NCC</td>
<td>None</td>
<td>Not agreed</td>
</tr>
<tr>
<td>1 bed - £0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed - £1614</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed - £3972</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+ bed - £4592</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Library</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request by NCC</td>
<td>None</td>
<td>Not agreed</td>
</tr>
<tr>
<td>1 bed - £109</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed - £176</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed - £239</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+ bed - £270</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Affordable Housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JCS Policy 30 sets 30%. However, the applicant has submitted a viability assessment which sets out that it would not be viable to provide any affordable housing. This is disputed based on the conclusion of the viability consultant.</td>
<td>None</td>
<td>Not agreed</td>
</tr>
<tr>
<td></td>
<td><strong>Open Space</strong></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Open Space SPD sets a requirement for:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Amenity Greenspace: 0.036ha (360sqm)</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>- Parks and Gardens: 0.031ha (310 sqm)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Natural and Semi-Natural: 0.163ha (1630sqm)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Allotments: 0.012ha (120sqm)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Children and Young People: 0.009ha (90sqm)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total open space requirement – 2510sqm</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Ongoing maintenance of all public open space/play area</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>SPA Mitigation</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SPA SPD</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>£259.44 per dwelling</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Health (GP Premises Development)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Request by NHS</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>£776.28 per dwelling</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Greenway contribution</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sum to be negotiated</td>
<td>None</td>
</tr>
</tbody>
</table>

Note – contributions may be index linked, therefore actual sums required may vary.
Appendix 2: Habitat Regulations Assessment

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>19/00586/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application address:</td>
<td>4 Higham Road, Rushden, Northamptonshire, NN10 6DZ</td>
</tr>
<tr>
<td>Application description:</td>
<td>Creation of 42 flats combination of new build and conversion. Demolition of some buildings on site. Change of use of site from retail to residential.</td>
</tr>
<tr>
<td>Status of Application:</td>
<td>Pending decision</td>
</tr>
<tr>
<td>Proximity to SPA:</td>
<td>Within 3km</td>
</tr>
</tbody>
</table>

Lead Planning Officer: Carolyn Tait

Stage 1 - details of the plan or project

| European site potentially impacted by planning application, plan or project: | YES |
| 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)? | NO |
| 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)? | 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 the integrity of the SPA unless avoidance and mitigation measures are in place. |

Stage 2 - HRA screening assessment

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.

Conclusion on the need for a full Habitats Regulations Assessment (Appropriate Assessment) (has evidence shown there is a need for a full HRA?) Yes

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; therefore a contribution from each new dwelling is required to meet the Regulations.

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.

Stage 3 - HRA – Appropriate Assessment

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.

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 infrastructure. This would reduce the adverse impact of people visiting the SPA through specific measures and monitoring.

Provided the applicant agrees to this contribution and that Natural England is satisfied that payment of the standard contribution provides adequate mitigation then significant harm can be suitably avoided and mitigated.

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

Conclusion:

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.

It is considered that if there are satisfactory mitigating measures put into place the development would be considered to be acceptable. Adequate mitigation measures can be achieved by the payment of £269.44 per dwelling to fund a range of measures which could include fencing and screening, footpath diversions, wardening and monitoring. This fee has not been paid and as such appropriate mitigation measures are not in place making the development unacceptable.
<table>
<thead>
<tr>
<th>Natural England Officer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary of Natural England’s (NE) comments:</td>
</tr>
<tr>
<td>Can be viewed at paragraph 6.17 of the Committee Report to which this assessment is appended.</td>
</tr>
</tbody>
</table>
DC Committee Plan

19/00784/FUL 2 Essex Road, Rushden

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Case Officer: Patrick Reid 19/00784/FUL

Date received: 29 April 2019  Overall Expiry: 4 October 2019  Ward: Rushden Bates  Parish: Rushden

Applicant: Kingly Care Partnership - Mr F Collman

Agent: Louis De Soissons Architects - Mr M Hill

Location: 2 Essex Road, Rushden, Northamptonshire, NN10 0LG

Proposal: Demolition of detached two storey outbuilding; extension of existing 8 bedroom care home to create 8 additional bedroom suites with ancillary facilities and parking for 13 cars.

The application is brought before the Planning Management Committee by Cllr David Jenney due to concerns relating to parking.

1 Summary of Recommendation

1.1 Recommendation: That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The proposal comprises the extension of a care home. The development will add eight bedrooms to the existing eight contained within the building, as well as an office, kitchen and meeting room. Externally the development will include alterations to increase the number of parking spaces from five to thirteen.

2.2 The proposed extensions would increase the amount of floor space of the care home by 380sq metres (from 555 sq metres to 935 sq metres). The extensions comprise two main parts; firstly an extension to the southern part of the building on an area of external lawn / garden space, and the other extension to the northern part of the building. The southern extension will broadly continue the design of the Park Road facing elevation in terms of its height and position of the front wall, save for a small recess at the point where it will join the existing building. The extension will measure around 8.6m in width and 17.3m in depth at its furthest point. Internally the southern extension will provide all eight of the additional bedrooms.

2.3 The ‘northern extension’ will utilise space created through the demolition of the existing detached garage with room above and single storey projection. It will comprise a hipped roofed brick extension containing a vehicular entrance running under the first floor rooms. It is to accommodate the residents’ lounge at first floor level beside a therapy room, with a bin store, boiler room and extension to the laundry room at ground floor level either side of the driveway. As part of the access alterations, part of the existing brick wall will be demolished and lowered to 0.6m to improve visibility.
3 The Site and Surroundings

3.1 The application site comprises a care home located adjacent Park Road and Essex Road in Rushden. The site is broadly rectangular in footprint and sits within a context of primarily residential properties of differing types and architectural styles. The properties located off Essex Road are primarily two-storey terrace dwellings albeit the style differs on the northern side of the road. To the immediate south / south east of the site is a development of apartments set within a number of buildings. The closest of these, comprising nos. 1-10 is perpendicular to the application site and is two storey in height.

3.2 On the alternate side of Park Road is a road junction with a residential street named South Close. To the east of this is a bungalow, 58 Park Road, and beyond this is a three storey building containing flats. There are a number of windows within the apartment building which face towards Park Road. Park Road runs between the application site and the properties, as well as a pavement on either side. A brick wall below hedging is located on the Park Road facing boundary of the application site.

3.3 The site is occupied by a care home which is comprised of parts constructed at different times. The Essex Road facing part is older and includes a feature gable wall which faces Park Road. A dormer window is included in this element. Adjoining the older part is a more recent addition, understood to have been constructed in the 1990s. The elevations are treated with a similar style to the older part, including facing brick with banding and sash windows.

3.4 The application states that the 'care home provides accommodation and personal care to people that require support with varied and complex needs primarily arising from an acquired brain injury or neurological disability.' It is operated by a company called 'Kingly Care' and is registered with the Care Quality Commission to provide care for up to 20 residents. The operation of the care home requires a number of staff required for different roles. This means that a maximum of 11 staff are on-site at any one time.

3.5 The site lies within the zone of influence of the Nene Valley Gravel Pits Special Protection Area. There are no other particular planning constraints (designations) affecting the site.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 7 - Community Services and Facilities
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 11 - The Network of Urban and Rural Areas
Policy 12 - Town Centres and Town Centre Uses
Policy 22 - Delivering Economic Prosperity
Policy 23 - Distribution of New Jobs
Policy 28 - Housing Requirements
Policy 30 - Housing Mix and Tenure
4.3 Rushden Neighbourhood Plan (made 2018)
H1 - Settlement Boundary
H2 - Location of new housing development
H4 - Market housing type and mix
EN1 - Design in development
EN2 - Landscaping in development
T1 - Development generating a transport impact
T2 - Car park provision

4.4 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2015)

5 Relevant Planning History

5.1 01/00080/FUL - Two storey side extension. Permission 19.04.2001

07/01234/FUL - Construction of decked seating area and balustrading for use by residents of care home. Permission 08.10.2007

16/01400/FUL - Insertion of six new rooflights, provision of external access ramp, alteration to existing window openings to building, alterations to pedestrian access, repositioning of vehicle access gates & new dormer. Permission 09.08.2016

6 Consultations and Representations

6.1 Neighbours

Three letters of objection received, points raised are summarised as follows:

- Car emissions being trapped by overhead enclosure
- More vehicles parking in the road
- Potential power supply issues
- Parking provision less than guidelines indicate
- Potential conflict with access of property off Park Road which is accessed via Essex Road
- Concern that gates would dissuade motorists from parking on-site
- Lower part of sash windows to the therapy roof, residents' lounge, medical room and W.C. should be obscurely glazed
- Cars park on both sides of Essex Road as people accessing the site choose to park here
- Parking controls suggested
- Query over what is to happen with the existing building to be removed as part of the works to the northern part of the site bordering no. 4
- Loss of privacy to no. 4
- Questioning of how sunlight assessment on no. 4 was undertaken
- Question over how long construction will take and how this may affect the business to the north of the site
• Will fencing be made good along northern boundary and other queries relating to construction arrangements.

6.2 Rushden Town Council

Comments received 19.07.19: “Rushden Town Council does not object to this proposed scheme in principle. We note the comments regarding parking, but feel the proposed scheme will offer better parking capacity than the present parking facilities on the site.

We also note the public comments about windows overlooking and would expect the suggestion of frosted glass to be considered.

Also we felt the comments about double yellow lines and parking permits should be investigated as a method to control parking issues.”

6.3 Natural England

Comments received 28.06.19: The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and therefore expected to contribute to recreational disturbance impacts to the bird populations within the SPA.

6.4 Northamptonshire County Council - Local Highway Authority

Comments received 28.06.19: Request for further information relating to parking spaces, staffing and access.

Subsequent comments received 19.08.19 following the receipt of additional information: I would agree that the increased levels of parking does adequately provide for the proposed extension and also alleviates some of the on-street pressures associated with the existing care facilities.

6.5 Ward Cllr Robin Underwood

Comments received 20th June 2019: Comments and concerns raised including:

• No site notices (Officer comment: comments received prior to site notice being put up on 4th July 2019)
• The plans do not include dimensions, could the dimensions be advised
• Extensions are overbearing and out of balance
• Mass and scale are excessive
• A subservient extension would match the existing end of Park Road
• Suggestion of a daylight assessment to properties across Park Road
• Loss of trees would harm the outlook in Park Road

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:
Principle of Development

7.2 Policy 11 (1.a) of the JCS sets out the spatial strategy for the area. Rushden is classified as a Growth Town and the policy sets out it is to be the focus for new housing, amongst other types of development. The development proposed relates to extension of a care home which falls within use class C2 (residential institutions) and as such is not a development of dwellings (C3 use class). Whilst no policy of the JCS deals directly with C2 / care home provision, it is a form of residential development. The site is located within Rushden and as such is one of the most sustainable settlements in the district. As such the principle of development is acceptable.

Design, Layout and Impact on the Character and Appearance of the Area

7.3 The property is relatively prominent and visible from both Park Road and Essex Road to which it is adjacent. The extensions will be visible from the public realm and consideration has been given as to whether the alterations would have an appropriate relationship with the surroundings.

7.4 The extensions proposed comprise two main elements, which can be referred to for the purposes of this report as those on the southern side and those on the northern. The southern extension has been designed to broadly ‘carry on’ the ridge line to a point where the roof will be hipped down to an eaves line to match the existing. The front elevation will continue along the same line, save for a small recess at the point at which it would adjoin the existing central part. The Park Road facing elevation incorporates a gable end feature which in part reflects that toward the alternate end of the building in terms of its scale.

7.5 In considering the appearance of the west facing elevation, it is considered how it would appear within its context. The central part of the building to which the southern part would adjoin is a relatively modern addition in comparison to the northern part which appears of an older character. The central part is a flat elevation containing four first floor windows with coloured stone bands providing interest to its appearance. The proposed southern extension extends this design in terms of the materials and introduces the gable end. It is considered the treatment of the west facing elevation is appropriate as it reflects the existing style of the part to which it will adjoin whilst concluding with the gable feature to add interest. The spacing of windows and the inclusion of roof lights is considered sympathetic to the property.

7.6 The space on which the southern extension is proposed is occupied by lawn and some hedging. It functions as a part of the external amenity space associated with the care home. The works proposed will limit the external space available whilst retaining a pathway around the building. Sufficient space would be retained for the retention of hedging to the southern boundary which provides some screening of the property. It is considered that whilst some lawn space would be lost through the development, there is no reason to indicate this is required for the use of the care home.

7.7 The southern elevation has been designed to include three first floor windows which would serve two bedrooms and a corridor. Each of the bedrooms that the windows would serve benefit from having a second window in the other elevation and the Agent has indicated they are agreeable to the lower part of the window being obscurely glazed. The windows would face to the side which would be towards the flats of the adjacent property, albeit at an angle. As part of the application discussions, it was considered appropriate that these windows be obscurely glazed below viewing height to ensure no overlooking occurs. The southern elevation is designed to appear sympathetic to the existing building and is considered to be an appropriate treatment of this part of the building. In respect of boundary treatment, Cllr Robin Underwood has raised concern at the loss of trees
harming the outlook in Park Road. In terms of the aesthetics of the site, some vegetation on the site of the southern extension would be required to be removed. Boundary hedging would remain as shown on the plan. As boundary hedging along Park Road and along the southern boundary would remain, the visual impact in terms of the loss of vegetation would be small. Additionally, details of boundary treatment and landscaping can be required by condition to ensure an appropriate arrangement.

7.8 The external part of the site is to be reconfigured to allow for an increase in parking spaces from five to thirteen, whilst also including a first floor wing over three of the spaces. The projection will be obscured from view from the public realm almost entirely and will be contained within the site. It is considered to be an acceptable design which provides the space for two bedrooms whilst allowing for parking below. The parking arrangement created by the external alterations.

Highway Safety and Parking

7.9 The application site has five parking spaces which serves the building, which has 8 bedrooms for residents. The proposal will alter this to provide a total of 13 parking spaces whilst the care home will have 16 bedrooms. The local highway authority has been consulted as part of the application and has commented that the proposals alleviate some of the on-street parking pressure of the site. The development will provide a betterment to the existing arrangement when the parking standards are applied. The below table indicates an assessment of the parking provision:

<table>
<thead>
<tr>
<th></th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedrooms</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Staff</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Parking Standards</td>
<td>21</td>
<td>24</td>
</tr>
<tr>
<td>requirement</td>
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<td></td>
</tr>
<tr>
<td>Parking spaces</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>Provision to standard</td>
<td>-16</td>
<td>-11</td>
</tr>
</tbody>
</table>

7.11 Parking tracking details have been provided which demonstrate to the satisfaction of the LHA that the parking spaces are accessible. The Town Council has suggested that street parking control measures including double yellow lines and parking permits should be considered. Taking account of the increase in parking spaces from five to thirteen, which results in a significant improvement from the existing situation, the proposal is considered acceptable in parking terms. As such, there is no need as part of this application for street parking measures to be required.

7.12 In respect of access, as part of the application process the proposed gates were removed as it will encourage the use of on-site parking for staff, residents and visitors. It was considered that gates may act as a slight deterrent to people parking on-site and their removal is considered a beneficial change.

7.13 The existing access is to be improved through the widening of the entrance through the removal of part of the adjacent brick wall. Overall the works will improve the access and parking arrangements at the site. A detailed parking report was provided in support of the
application which includes an analysis of parking. The report indicates there would be no harm caused by the development due to the increase in parking spaces proposed.

**Ecology**

7.14 The development proposed has been subject of consultation with the County Ecologist who offered no comments and Natural England (NE). NE have noted the site is situated within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and referred to the SPD which seeks to ensure that, where appropriate, a financial contribution towards a strategic mitigation project within the SPA is made where a recreational disturbance of bird populations would be caused.

7.15 The SPA SPD advises that where developments that are within 3km of the SPA are to result in a net gain in residential units, then mitigation should be sought. In this case however, the proposal represents extensions of an existing C2 care home and as such, there is no increase in residential units, commonly identified as C3 dwellinghouses. The proposal is therefore acceptable in ecological terms.

**Residential Amenity**

7.16 The application site sits within a residential area and the nearest neighbouring properties include the flats off Devon Walk to the south and no. 4 Essex Road to the north-east. As part of the application process, the first floor windows in the southern elevation were subject of consideration and the Agent confirmed these can be partially obscured by glazing to limit any potential overlooking from the windows to the adjacent properties. The hedging along the southern boundary provides an element of screening and to ensure the relationship is acceptable, the obscuring of the first floor windows below eye level will ensure there will be no overlooking possible between bedrooms 13 and 14 and the adjacent properties.

7.17 The extensions to face Essex Road will be near to an adjacent property which is currently near a single garage with room above. The alterations will add a hipped roof extension in place of the existing structures on this side. In terms of the massing to be near to the adjacent property, whilst this will increase, it will be by a relatively modest amount and it will not materially affect the shadowing of the adjacent property. Additionally, the extension does not include any windows to face the neighbour and as such will not cause any overlooking.

7.18 The extensions including the first floor projection will not materially affect the privacy of no. 4 Essex Road or that of the properties off Park Road. The distance and orientation of the extensions to the adjacent properties ensures the relationship will be acceptable in terms of residential amenity.

7.19 In regard to other residential properties nearby, concern has been raised that the extensions to the southern part of the building may overshadow properties across Park Road. In regard to this, the distance between the extension and the nearest property across the road is around 15.7 metres from elevation to elevation. The height of the extension at the front point is relatively modest with the tallest point being the gable at around 8.7 metres due to the pitched roof. The orientation of the buildings in relationship to the path of the sun and the position of the properties off Park Road is that they are at west / south-west of the extension. Accordingly, the path of the sun will only be in line with the two buildings for a relatively short moment at the start of the day. Taking this into account, and the separation and size of the extension, the relationship with the opposite properties will be acceptable. Additionally, the properties across Park Road have windows facing out into the street which will continue to benefit from acceptable levels of
outlook.

7.20 As part of the consultation, questions were received from residents in relation to the arrangements for construction. It is considered appropriate that in order to manage the impact on the locality during construction, a condition be applied which requires the details to be agreed with the local planning authority. In regard to the questions relating to the assessment of the light impact on the neighbouring property, From the report it appears accessing the site was not necessary as its methodology is based on geometrical principles and the positions of windows. The report concluded the light reaching the neighbouring property will remain acceptable. Whilst the report is of use, Officers have viewed the site and the plans to fully consider the impact of the development. It is considered the relationship will be acceptable.

8 Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9 Conclusion / Planning Balance

9.1 The proposal is considered acceptable in terms of the design and appearance, parking and access, residential amenity and ecological impact. The development provides eight C2 care home bedroom spaces to an operational provider which represents a valuable benefit to the community. The site is highly sustainably located and utilises under-used land. The proposal accords with the relevant policies of the adopted development plan and the National Planning Policy Framework.

10 Recommendation

10.1 Recommendation: That planning permission be GRANTED subject to conditions.

11 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.


2 Except where stated by other conditions, the works hereby permitted shall be carried out in strict accordance with the following drawings:

- Site Plan as proposed PL-100A received 23rd July 2019
- Ground and First Floor Plans as Proposed ref. PL-102A received 23rd July 2019
- Second Floor and Roof Plans as Proposed PL-103A received 23rd July
- Elevations and Section as Proposed PL-104A received 23rd July 2019
- Annotated Plan identifying obscure glazed windows received 14th August 2019.

Reason: In order to clarify the terms of this consent and to ensure that the works are carried out as permitted.
3 The lower sash of the side windows to bedrooms 13 and 14 should be obscure-glazed to 1800mm above FFL, as shown on plan ref. PL-104A received by the Local Planning Authority on the 14th August, and shall be permanently retained in this condition.

**Reason:** In the interests of neighbour and occupant privacy.

4 Prior to the commencement of the development hereby permitted a scheme of external finishes shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in accordance with the approved scheme and retained in perpetuity thereafter.

**Reason:** To achieve a satisfactory elevational appearance for the development.

5 Prior to commencement of development full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:

   a) Means of enclosure;
   b) Car park layout; and
   c) Existing trees, hedges or other soft features to be retained.

**Reason:** The landscaping of this site is required in order to protect and enhance the existing visual character of the area.

6 Prior to the occupation of the extensions, the thirteen parking spaces show on plan ref. PL-100A Site Plan as Proposed shall be constructed and made available for the parking of vehicles at all times. The parking spaces shall remain available for the parking of vehicles in perpetuity.

**Reason:** In order that the parking spaces be provided in perpetuity in the interests of highway safety.

7 Prior to the commencement 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:

   a) Overall strategy for managing environmental impacts which may arise during construction;
   b) Control of noise emanating from the site during the construction period;
   c) Hours of construction work for the development.

Thereafter, the development shall only be carried out in accordance with the agreed Construction Management Plan.

**Reason:** In the interests of local amenity.

12 **Informatives**

1 In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38. There has been ongoing dialogue with the applicant and their agent to resolve issues and to reach a positive recommendation on the application.
The application is reported to the Planning Management Committee as it has been called in by Cllr Jake Vowles. Furthermore, in relation to Part A 1(b) of East Northamptonshire Council’s Scheme of Delegation (2019), an objection has been received from the Parish Council.

1 Summary of Recommendation

1.1 Recommendation: That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The proposal comprises the demolition of a dwelling and the construction of a replacement dwelling. The dwelling proposed is to be detached and is to have an irregular footprint. It is to be sited in a similar position to the existing dwelling but will project further to the rear. The adjoining garage will project a modest amount further forward than the existing garage.

2.2 The proposed house is designed with the front elevation to face the highway. A front projecting garage is proposed to the eastern part of the frontage which will project towards the boundary with the highway whilst retaining a gap between. The garage projection will have a front facing gable end containing a garage door with window above. The pitched roof will adjoin that of the ‘main’ part of the house at a point in the roof partway between the ridge and eaves. The front elevation is characterised by a roof form which incorporates low eaves with dormer windows providing the space and light to the first floor accommodation. At ground floor there will be a number of windows in the main elevation, the garage projection as well as a timber door as the front entrance beside two glazed panels.

2.3 The rear of the house incorporates a projecting central element with outside terraces on both sides. The elevation is treated differently to the frontage as it will have an eaves line above the first floor windows. The rear projection will be primarily glazed from the ground level to first floor. Raised terraces will be accessible from the house by wide patio doors allowing a significant amount of light into the house.

2.4 Internally the ground floor of the house will incorporate a kitchen, living room, entrance hallway, dining room, utility room and garage. The first floor will include four bedrooms, three of which will have an en-suite, as well as a study room above the garage.
2.5 The materials of the house are proposed to be natural, coursed limestone for the walls and slate for the roof. The windows are proposed to be timber framed, whereas the doors are to be timber for some and aluminium bi-fold doors for the others.

2.6 The house is to be accessed off the highway via a widened access and new set of gates. An external area will be available for parking vehicles.

3 The Site and Surroundings

3.1 The application site comprises a semi-detached residential property. It is located within the village of Wadenhoe. Positioned on the southern side of Mill Lane, the property is linked to a neighbouring property to the west. Mill Lane runs in a general east-west orientation at the point in front of the property and leads to the end of the cul-de-sac to the east. To the north of the site and across Mill Lane is an undeveloped area of land occupied by vegetation including trees.

3.2 As Mill Lane sweeps around from the village centre to the north-west of the site, residential properties are located on its south. Some of the properties are relatively historic and amongst them are barn conversions. The character of the properties has some variation although there are a number of design features which are relatively common, including low eaves and dormer windows. The stone material used for several of the properties contributes to the appearance of the area and its traditional character. It is apparent that some of the properties off Mill Lane have undergone more recent additions, alterations or are relatively recent constructions themselves. The buildings however are designed in a style which seeks to reflect the character of the surroundings.

3.3 A low stone wall runs along much of the southern side of Mill Lane beside a grassed verge. It provides a clear definition between the public space and the private frontages of the dwellings. A stone wall also runs similarly on the northern side.

3.4 Beside the property subject of this application to the west is a house which has a general linear appearance fronting the street with a two storey middle section beside lower side flanks. The finish of the neighbouring property is of stone walls and a building line set back from the street.

3.5 2 Mill Lane is in part characterised by its roof form which includes low eaves which are at a level not much higher than the front wall for a point. The dark tile roofing material provides much of what is visible of the property from the street. A large roof projection which includes a rooflight dominates the appearance of the house from the street. The eaves line is higher for a point and the stone elevation is visible. The house has a general linear appearance, with a variation in the ridge and eaves level including an adjoining garage on its eastern side. A gateway allows access to the property near to the garage.

3.6 The rear of the property has higher eaves for the main central part of the house and has white sash windows, evident throughout, set within the stone elevation. A conservatory is located centrally within the rear. A linked garage is adjoined by a covered area which also has a pitched roof. The rear garden slopes down and is primarily laid with lawn and other plantings. At the end of the garden is a pond with trees running alongside parts of its edge.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)
4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 11 - The Network of Urban and Rural Areas
Policy 19 - The Delivery of Green Infrastructure
Policy 20 - Nene and Ise Valleys
Policy 28 - Housing Requirements
Policy 29 - Distribution of New Homes
Policy 30 - Housing Mix and Tenure

4.3 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)
Policy 2 - Windfall Development in Settlements
Policy 4 - Green Infrastructure
Policy 5 - Transport Network
Policy 23 - Rural Buildings - General Approach

4.4 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)

5 Relevant Planning History

5.1 19/00009/FUL – Replacement dwelling. Withdrawn 12.03.2019

6 Consultations and Representations

6.1 Neighbours

Two representations have been received, raising the following comments:

- Potential imposing impact on neighbouring property to the south called 'The Stables'. Tree planting may ameliorate this, however
- Concern at dust and disruption caused by construction
- No objection subject to the size of the rear part of the building
- Further planting should be carried out along the boundary of no. 2
- Hours of construction should be limited to 8am to 5pm.
6.2 **Pilton, Stoke Doyle and Wadenhoe Parish Council**

*Comments received 24.06.2019*: The following comments made as part of an objection to the application:
- Some of the comments from previous withdrawn application have been addressed including the front elevation is more in keeping with the other properties off Mill Lane
- Object as the dwelling will overshadow and overlook both the neighbouring properties due to the rear southern and eastern parts of the building

*Subsequent comments received 30.08.19, including:*
- Views from further down / east of Mill Lane will be totally transformed
- Loss of light to 1 Mill Lane
- Overwhelming structure next to 1 Mill Lane at the top end of the garden
- Regard should be had to the Village Design Statement

6.3 **Environment Agency**

*Comments received 04.06.2019*: No objections.

6.4 **Northamptonshire County Council - Local Highway Authority**

*Comments received 27.08.19*: General comments made making the following points:
- 2m x 2m pedestrian visibility splay required
- How will water be drained to not enter the highway?
- Any gates to be set back at least 5.5m from highway
- No loose gravel within 5m of boundary
- Three off-road parking spaces to be provided

6.5 **Natural England**

*Comments received 20.05.2019*. No comments.

6.6 **Northamptonshire County Council - Archaeology Advisor**

*Comments received 31.05.2019*: No comments.

6.7 **East Northamptonshire Council - Senior Conservation Officer**

*Comments received 19.08.2019*: "I objected to the previous submission on the basis of the size and scale of the proposed building, which I considered would be out of keeping with the neighbouring property and would appear overly dominant in the street scene. Having reviewed the current submission I am satisfied that the design proposed addresses my previous concerns, and as such I do not wish to object to this application".

6.8 **East Northamptonshire Council - Senior Tree and Landscape Officer**

*Comments received 16.08.19*: No objections, subject to conditioning that the recommendations within the BS 5837:2012 report be adhered to.
7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

Principle of Development

7.2 Wadenhoe is a village and Table 1 of the JCS sets out the roles of the different settlements. It sets out that the implications of the designation as a village will include small scale infill and ‘rural exceptions’. The proposal seeks to replace a dwelling with another and will result in no net increase. As the proposal does not result in an increase in dwellings, and the siting of the house is within the same residential area as the existing, it is considered that the principle of the development is acceptable.

Design, Layout and Impact on the Character and Appearance of the Area

7.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.

7.4 The application site is located within the Wadenhoe Conservation Area (CA) towards its south-eastern edge. The CA covers the entire site and immediate surroundings including the neighbouring properties.

7.5 The Council has consulted its Senior Conservation Officer in assessing the proposal, who has commented that there is no objection. The response was that they are satisfied with the design as it addresses the previous concerns raised at a previous application.

7.6 In assessing the heritage impact of the proposal, the significance of the existing building and site is considered. The house is understood to have been constructed in the 1970s and is not of any architectural heritage significance. The building currently is designed to reflect certain features of the buildings in the area, including stone elevations and low eaves at points. The appearance of the building from the street is characterised by the particularly visible roof due to the low eaves.

7.7 The proposed dwelling includes features similar to that of the existing house to an extent, including low eaves, an adjoining garage and a general linear footprint. The use of stone for the elevations is not dissimilar albeit it will be a different type of stone. The building line at the front will be similar albeit the proposed garage will project further forward than the existing.

7.8 The massing of the proposed house is greater than that of the current house by a reasonable extent. The building will project further to the east than the existing and further to the rear / south. The appearance of the house from the front however will be of a larger house than currently, but it would be of a relatively modest extent in part as much of the ‘additional’ mass will be obscured from view. The design to incorporate low eaves and the use of high quality materials would result in an attractive and sympathetic appearance as viewed from the street.
7.9 The plot of the house is relatively large and the size of the proposed house is still reflective of the area and would appear appropriate. Space will be located on either side of the house as it is to be detached and there will be a reasonable amount of space to the front of the house due to the setting back from the highway.

7.10 In respect of design, the Pilton, Stoke Doyle and Wadenhoe Village Design Statement provides guidance as to the nature and type of development that would be appropriate for the area amongst other matters. Part 4 of the document refers to Wadenhoe and includes details on a number of matters, including features of significance, such as listed buildings and other aspects of the village.

7.11 The proposal incorporates the use of stone and roofing materials which accords with the guidance of the VDS. The document sets out that the use of Bradstone would not be encouraged in new developments, such as that which the current property exhibits. The proposal is to use natural, coursed limestone for the elevations which is a more appropriate and sympathetic material for the locality. Additionally, the VDS encourages the use of natural materials for roofing and the proposal reflects this through the proposed use of slate rather than the current concrete pantiles. The use of timber for window surrounds and doors is also considered a positive aspect of the proposal.

7.12 In terms of the form and scale, it is acknowledged that there are a number of different styles within the village. Features that are noted within the VDS include the appearance of one and a half storey buildings and gable ends. Roof pitches are relatively steep and it is considered that the proposal reflects the aims of the VDS in these respects.

7.13 The front elevation includes hipped dormer windows. There are no apparent dormer windows in the immediately adjacent properties but further to the west, some are evident including in the building close to the highway near the corner, which includes three front facing gable dormers. This building is different in its nature and style to the proposed house and as such it is considered there is no need to seek to replicate this style. The use of hipped dormers would have a relatively soft and unimposing visual impact on the roof slope and is considered appropriate for the house proposed.

7.14 In reference to Policy 8 of the JCS, it is considered the design of the replacement dwelling responds appropriately to the site's immediate and wider local context and character through the use of the design features and materials mentioned previously. The scale of the dwelling proposed is appropriate in the context of the street scene, the adjacent properties and the site on which the house will be located.

7.15 Policy 2 of the JCS seeks to ensure that the historic environment will be preserved and where appropriate, enhanced. For the reasons set out above and taking into consideration that the Council's Senior Conservation Officer does not object to the proposals, it is considered the development accords with Policy 2.

Highway Safety and Parking

7.16 The proposed house is to have four bedrooms and the Northamptonshire County Council Highways Standards seek to ensure that the house would have three parking spaces on-site. The design of the scheme includes space to the front of the house accessed via a widened access. A double garage is incorporated measuring 4.8m wide at the entrance and wider internally. The garage space can be considered to provide one parking space and externally there is space to park two vehicles. The Local Highway Authority has requested that further information be provided and referred to the parking standards. It is considered there is sufficient space to park three vehicles as required by the standards within the space in front of the garage. However, details of the location of the parking
spaces and the material of the driveway are not provided but it is considered appropriate that these details can be required by condition.

7.17 In respect of gates, the highways standards seek to ensure any gates are set back at least 5.5m back from the highway to ensure any vehicles can move off the road before opening a gate to enter the site. The existing gate is much closer to the highway and the proposal seeks to place a new gate in a similar position to the existing. In this instance, as the proposal seeks to replace a dwelling, it is appropriate that the design should incorporate measures to improve from the current arrangement where possible. As the provision of a replacement gate would be potentially detrimental to the safety of the highway, it is considered appropriate that a condition be applied which prevents the provision of such within 5.5m of the highway.

Flood Risk and Drainage

7.18 The site of the proposed house is on relatively high ground compared to the end of the garden to the south due to the change in land levels. The house will be outside of the area that is of greater flood risk as it is within Flood Zone 1 and therefore least likely to flood. It is considered the proposal is acceptable in terms flooding and drainage matters.

Ecology

7.19 The application has been subject of consultation with the County Ecologist who has offered no comments on the proposal. There is no reason to indicate the works will affect any protected species or significant habitats. As such, the proposal is acceptable in this respect.

Residential Amenity

7.20 The proposed house will result in a change in the current relationship with the adjacent properties. The current property is linked to the neighbour to the west and the works will result in both properties being detached. Representations have been received from the neighbouring properties to the sides. The comments received from the neighbours of no. 1 are not in objection to the proposal.

7.21 The adjoining house, no.1, is linear in nature and has its garden running alongside that of no. 2. The rear building line of the two houses is to be close to being in line albeit the rear projection is to be further back. The rear projection is to have a ridge height lower than the main ridge. The properties are to be adjacent and face near directly north with no. 2 at a slight angle.

7.22 The Parish Council has commented on the application and raised concern that the proposal would cause a significant loss of sunlight to the neighbouring property at no. 1 to the west. As part of the Parish Council’s submission, following their initial comments they also provided sketches of what is indicated to show the proposed house in relation to no. 1. It must be noted that the Applicant’s Agent disputes the accuracy of the drawings.

7.23 In assessing the impact of any potential loss of light, there are several factors to consider. These include the orientation of the buildings and space to the sun, the size of the development, the nature and use of any space to be affected and the context of the space. As part of considering orientation, the extent and time of any impact within the day is also a consideration in relation to the sun’s position throughout the day.
7.24 The boundary between the two properties is marked in part by hedging / vegetation which provides screening to a height above roughly eight feet in places nearest the buildings. Concern has been raised by the Parish Council that the rear projecting element of the development would overshadow no. 1 significantly. The space to the rear of no. 1 externally comprises a stepped patio beside the boundary hedging. Taking account of the position of the houses and the orientation of the sun, it would be only in the early part of the morning that the rear projecting element would be between the sun and a part of the patio. Additionally, the rear projection is set away a reasonable distance from the boundary. It is considered the proposal would have minimal impact in terms of loss of light to no. 1. In planning terms, it must be considered what is acceptable in terms of having what may be deemed an acceptable impact. Whilst the Parish Council have raised concern about loss of light, given the orientation and associated limited timespan that the sun would be located to the east in the morning, the modest projection of the building and considering the light and experience that will be enjoyed from the patio, there are no reasonable grounds on which it can be said there would be an unacceptable loss of light. As such the proposal is acceptable in these terms.

7.25 In regard to privacy, the extension does not include any west facing first floor windows and as such there would be no loss of privacy to no. 1.

7.26 In reference to the relationship of the development with the properties to the east, concern has been raised in relation to the increase in massing of the house compared to the current. The Parish Council have raised concern as to the impact on the enjoyment of the property to the east at The Stables. The images provided by the Parish Council, which include sketches, have to be treated with caution as the architect has indicated the dimensions are not accurate. Nevertheless, the land to the west of The Stables is a grassed area on a slope beside a hedge, which is apparently recently planted. A significant distance between the properties would remain and the grassed area is sloping and not of a nature to be a particularly useful area for sitting. The outlook of windows of The Stables is currently limited by the topography.

7.27 The views from the internal and external areas of The Stables, whilst altered, would not result in any material loss of privacy and nor would there be any impact that could be considered unacceptable in terms of outlook. Additionally, the Parish Council have objected on the basis of loss of light to the east. In assessing the impact, due to the relationship of the proposed development with the neighbouring property, and taking into account the distance, the nature of the existing relationship and the ‘route’ of the sun, there would be no material loss of sunlight caused. As such it is considered the relationship with the properties to the east will be acceptable.

8 Other Matters

8.1 **Equality Act 2010:** It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.2 **Arboricultural Considerations:** There are a number of trees on and near the application site and an Arboricultural Assessment accompanied the application. The Council’s Tree Officer was consulted and raised no objection to the application, subject to it being conditioned that the works be undertaken in accordance with the submitted method statement. It is appropriate this condition be applied.
9 Conclusion / Planning Balance

9.1 The proposal represents a sensitive and appropriately designed replacement dwelling. The existing property is not of any historic or architectural merit to the extent it is worthy of retention, and the proposal incorporates a number of design features evident in the locality and would be constructed of materials more appropriate to the Conservation Area than the existing. The proposal is considered to be acceptable in terms of design, appearance and the impact on the Wadenhoe Conservation Area, the local highway, neighbour amenity, ecology, drainage and accords with the relevant policies of the adopted development plan.

10 Recommendation

10.1 Recommendation: That planning permission be GRANTED subject to conditions.

11 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed South Elevation and East Elevation ref. 109B received 30th July 2019
- Proposed North Elevation and West Elevation ref. 108A received 2nd July 2019
- Block Plan ref. 110A received 2nd July 2019
- Site Location ref. 100 received 12th April 2019
- Proposed Ground Floor Plan ref. 106 Received 12th April 2019
- Proposed First Floor Plan 107 Received 12th April 2019

Reason: To assist in defining the terms of the planning permission.

3 Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:

a) Proposed finished levels;
b) Car parking layout, hard surfacing, other hard landscape features and materials;
c) Existing trees, hedges or soft features to be retained;
d) Planting plans including specification of species, sizes;
e) Details of siting and timing of all construction activities to avoid harm to all nature conservation features.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area.
4 Prior to the commencement of the development hereby permitted, details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority and all such works shall be erected concurrently with the erection of the development hereby permitted, and shall thereafter be retained in perpetuity.

**Reason:** To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable level of privacy.

5 Prior to the commencement of the development hereby permitted, a scheme of external finishes shall be submitted to and approved in writing by the Local Planning Authority and the work shall be executed in accordance with the approved scheme and retained in perpetuity thereafter.

**Reason:** To achieve a satisfactory elevational appearance for the development.

6 Prior to commencement of development, details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development and adjoining sites shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and retained in accordance with the approved details.

**Reason:** To ensure that the precise height of the development can be considered in relation to adjoining dwellings and the surroundings.

7 a. Prior to first use or occupation of the development hereby permitted, the means of access shall be paved with a hard bound surface for at least the first 5m from the highway boundary. Such surfacing shall thereafter be retained and maintained in perpetuity. The maximum gradient over a 5m distance (from the highway boundary) shall not exceed 1 in 15.

b. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2m x 2m shall be provided on each side of the vehicular access. These measurements shall be taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access/footway level.

c. Prior to first use or occupation, suitable drainage shall be provided at the end of the driveway to ensure that surface water from the vehicular access does not discharge onto the highway or adjacent land.

**Reason:** In the interests of Highway safety.

8 Notwithstanding the details provided, no gates shall be erected within 5.5 metres from the back of the highway boundary.

**Reason:** To allow a safe distance for a vehicle waiting to access the private drive in accordance with Northamptonshire County Highway Standards.

9 Prior to the commencement of development, details shall be submitted to and approved in writing of the location of three off-street parking spaces. The spaces shall be made available for the parking of vehicles in perpetuity.
Reason: In the interest of highway safety to ensure provision for the parking of vehicles off the highway.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending or re-enacting that Order with or without modification), including works allowed under parts A, B, C, D, E, and G, no extensions, alterations (including no first floor windows are to be inserted into the sides of the dwelling) or outbuildings shall be constructed on the site without the granting of planning permission by the Local Planning Authority.

Reason: In the interests of ensuring the site is sympathetic to the Wadenhoe Conservation Area and the private amenity of neighbouring properties.

11 The development hereby permitted shall only be carried out in strict accordance with the mitigation measures detailed in the Arboricultural Assessment (Ethical Arboriculture, May 2019).

Reason: To ensure the protection of significant trees.

12 Informatives

1 In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38. There has been ongoing dialogue with the applicant and their agent to resolve issues and to reach a positive recommendation on the application.

A full report is available at www.east-northamptonshire.gov.uk

2 Conditions 3 – 6 and 9 require details to be submitted to and approved in writing by the Local Planning Authority (LPA). These details are required prior to the commencement of the development, as they are critical to the material considerations of the scheme.

3 The Applicant has agreed to the pre-commencement conditions.

4 The Environment Agency advise the following information for applicant: Environmental permitting regulations - flood risk activity permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence

Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.
### Index of Applications for Consideration

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<thead>
<tr>
<th>Case Ref. No. and Page No.</th>
<th>Location</th>
<th>Officers Rec.</th>
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</thead>
<tbody>
<tr>
<td>19/00586/FUL Page 2</td>
<td>4 Higham Road, Rushden, Northamptonshire, NN10 6DZ</td>
<td>REFUSE</td>
</tr>
<tr>
<td></td>
<td>Update</td>
<td></td>
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<tr>
<td></td>
<td>The planning application has been withdrawn</td>
<td></td>
</tr>
<tr>
<td>19/00784/FUL Page 46</td>
<td>2 Essex Road, Rushden, Northamptonshire, NN10 0LG</td>
<td>GRANT</td>
</tr>
<tr>
<td></td>
<td>Update</td>
<td></td>
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<tr>
<td></td>
<td>Paragraph 7.10 in the Committee Report refers to the number of staff currently and proposed as ‘18’. The staffing numbers are to change as part of the works and are set out in the submitted Parking Analysis. The details submitted set out the existing and proposed staffing levels and the associated means of transport. For clarification, the staffing levels are set out below:</td>
<td></td>
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</tbody>
</table>

#### Current:

<table>
<thead>
<tr>
<th>Indirect Staff (non-care)</th>
<th>Direct Staff (care)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 1 no. registered manager;</td>
<td>• 4 no. daytime staff (07:30 – 19:30);</td>
</tr>
<tr>
<td>• 2 no. occupational therapists;</td>
<td>• 1 no. twilight staff (18:30 – 22:30); and</td>
</tr>
<tr>
<td>• 1 no. FTE domestic staff; and</td>
<td>• 2 no. night staff (19:30 – 07:30).</td>
</tr>
<tr>
<td>• 1 no. part-time chef.</td>
<td></td>
</tr>
</tbody>
</table>

The additional staffing requirements are set out below:

- To provide care for the additional 8 bedrooms, four new daytime staff would be required, as well as potentially one night time staff.
- A maximum of two additional staff would be on-site at any one time, as the four daytime
staff would be split across two shifts.

The parking analysis concludes:

- The development would result in parking demand for one additional vehicle.
- There would be limited additional parking demand for visitors, mainly occurring at weekends.

Condition amendment:
It is recommended that condition 5 be altered to secure details and implementation of tree and hedge planting.

“5. Prior to commencement of development full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include: -

a) Means of enclosure;
b) Car park layout;
c) Existing trees, hedges or other soft features to be retained; and
d) Location and species of trees and hedging to be planted.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area.”