APPLICATIONS FOR DETERMINATION

PLANNING MANAGEMENT COMMITTEE – 9th December 2020

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Case Officer Peter Baish 20/00445/FUL

Date received 08 Apr 2019  Date valid 1 May 2019  Overall Expiry  Ward Rushden  Parish Rushden Spencer

Applicant Mr Michael Phillips

Agent Mrs Kelly Gorrie (Blueprint Architectural Design)

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

Proposal Creation of 34 Flats and 3 dwellings. Demolition of some buildings on site. Change of use of the majority of the 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 That planning permission be REFUSED.

1.2 Reasons for Refusal:

1. Notwithstanding Policy 30 of the North Northamptonshire Joint Core Strategy (2016), the applicant has failed to robustly demonstrate compliance with any of the criteria contained within Policy H4 of the Rushden Neighbourhood Plan (2018) which deals explicitly with flatted development. The principle of developing the site for flats is therefore unacceptable and contrary to guidance within Policy H4 of the Rushden Neighbourhood Plan (2018).

2. 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 £296.55 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.

2 The Proposal

2.1 The application proposes the creation of 37 dwellings (34 flats and 3 town houses). In order to accommodate the flats, it is proposed to demolish the rear ‘factory’ and convert the frontage Art Deco building into 3 town houses. Two new blocks of flats are proposed; one connecting to the frontage Art Deco building (facing onto Higham Road) and one to the rear of the site (Fronting both Shirley Road and North Street). An existing A5 unit (fast food takeaway) is to be retained with pedestrian access off Higham Road.
2.2 The proposal would comprise 3 storeys and consist of 11 x 1 bedroom units, 25 x 2 bedroom units and 1 x 3 bedroom unit. The proposal is for 100% market housing. The mix of dwellings proposed is as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
<th>Tenure</th>
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</thead>
<tbody>
<tr>
<td>1 bed Apartment</td>
<td>11</td>
<td>Open Market</td>
</tr>
<tr>
<td>2 bed Apartment</td>
<td>23</td>
<td>Open Market</td>
</tr>
<tr>
<td>2 bed Townhouse</td>
<td>2</td>
<td>Open Market</td>
</tr>
<tr>
<td>3 bed Townhouse</td>
<td>1</td>
<td>Open Market</td>
</tr>
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</table>

2.3 The proposed development would create a new access off Shirley Road which would serve as the main vehicular entrance to the site and parking area. 38 car parking spaces are proposed including 6 disabled bays. A cycle storage area and bin storage area is also proposed.

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 former bus station complex comprises a distinctive Art Deco style building to the front and a former bus station depot building to the rear. The majority of the building is currently used as a furniture warehouse, and a unit on the main frontage accommodates 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 south and east 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 site is not located within a Conservation Area and the building is not listed, however it is considered to be a non-designated heritage asset. In terms of flood risk, the site is identified as being located within Flood Zone 1 and not at risk of flooding. The site is also located within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site.

3.4 The application is accompanied by the following:

- 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
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 East Northamptonshire District Local Plan (DLP)
None applicable.

4.4 Rushden Neighbourhood Plan (RNP) (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

4.5 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards
Northamptonshire County Council - Planning Out Crime Supplementary Planning
Document (December 2003)
North Northamptonshire Joint Planning Unit - Design Supplementary Planning
Document (March 2009)
East Northamptonshire Council - Domestic Waste Storage and Collection
Supplementary Planning Document (July 2012)
Trees and Landscape Supplementary Planning Document (2013)
Biodiversity Supplementary Planning Document (February 2016)
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 81/01476/FUL - Vehicle spray booth within existing building. Permitted 11.11.1981

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

5.17 19/00586/FUL - 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. Withdrawn 02.10.2019
6 Consultations and Representations

6.1 Neighbours: Three objections have been received stating the following concerns:

- This is a massive structure that will be overbearing in its proximity and scale.
- Loss of privacy to homes on Higham Road.
- There will be an adverse impact on a road already suffering from traffic congestion.
- The development lacks adequate car parking.
- Flats are not needed in Rushden, there are difficulties in selling the current empty flats close by.
- Small houses are needed.
- If the scheme was reduced by 1 floor it is likely that many issues would be resolved with a reduction in occupation density.
- Too many flats in close proximity.
- Massive overdevelopment.

6.2 Rushden Town Council

Initial comments received on 22.16.2020:

"Rushden Town Council would like to make the following objections:-

1. We fully support LHA comments about insufficient parking. As previously stated the inclusion of town houses instead of flats on the back part of the site would reduce parking requirements and create better living spaces for residents.

2. Whilst we appreciate the existing building needs to be utilised we consider the proposed new build flats would be out of keeping with existing properties on North Street. The flats would be overbearing and this would result in residents in North Street losing their privacy.

3. We consider the proposed number of flats does contravene Policy 30 of the Joint Core Strategy 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.

4. As we have stated on numerous occasions Rushden now as an overprovision of flats within the area of the High Street, The High Street is effectively now ringed with flats and this does not create a balanced housing mix. Many of the recently built flats remain unsold or unlet and we feel the market for flats has been saturated.

Once again we feel the developer should re-consider the new build flats and consider a scheme of town houses which would deliver the type of accommodation required within the town and greatly enhance this area".

Further Comments received 06.11.2020:

"We fully support LHA objection about access and insufficient parking. As previously stated the inclusion of town houses instead of flats on the back part of the site would reduce parking requirements and create better living spaces for residents."
Whilst we appreciate the existing building needs to be utilised we consider the proposed new build flats would be out of keeping with existing properties on North Street. The flats would be overbearing and this would result in residents in North Street losing their privacy.

We consider the proposed number of flats does contravene Policy 30 of the Joint Core Strategy 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.

As we have stated on numerous occasions Rushden now as an overprovision of flats within the area of the High Street, The High Street is effectively now ringed with flats and this does not create a balanced housing mix and is therefore contrary to PolicyH4 of the Rushden Neighbourhood Plan. Many of the recently built flats remain unsold or unlet and we feel the market for flats has been saturated.

Whilst we welcome the reduction in units we still feel the developer should re-consider the new build flats and consider a scheme of town houses which would deliver the type of accommodation required within the town and greatly enhance this area. We welcome the current consultation on Article 4 for the existing building and strongly support the retention of the existing building. This building could create quality apartments and greatly enhance the street scene if developed sympathetically.

6.3 Higham Ferrers Town Council

Initial comments received 19.06.2020:

“Given the points of objection made with the previous application have not been addressed the Council objects to this application. The number of flats is too great for the size of the development site. There is insufficient parking being provided and it does not comply with county standards. The surrounding road network is already congested and the addition of parked vehicles from the site would have a negative impact on the surrounding road safety and capacity”.

Further Comments received 20.10.2020:

“The Council has no further comments to make and the original objection submitted still stands:-

‘That given the points of objection made with the previous application have not been addressed that the Council objects to this application. The number of flats is too great for the size of the development site. There is insufficient parking being provided and it does not comply with county standards. The surrounding road network is already congested and the addition of parked vehicles from the site would have a negative impact on the surrounding road safety and capacity’.

6.4 East Northamptonshire Council - Planning Policy

Initial comments received on 05.06.2020:

“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.
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 deliver 3,285 dwellings before 2031. However, this is provided that the development is at a scale appropriate to the character and infrastructure of the town and that all other Policy requirements are complied with. The first consideration in this respect is the Rushden Neighbourhood Plan which accepts that the town has to accommodate new housing.

Policy H4 of Rushden Neighbourhood Plan sets out that new market housing proposals will be required to provide a balance of property sizes and types, to meet market demands, in accordance with Policy 30 of the NNJCS which requires the provision of smaller households.

However this same policy states a presumption against flatted development – except for:

1. Where it can be robustly demonstrated that it meets an identified local need;
2. Where the physical or financial constraints of the site are such that it is not possible to provide smaller one and two-bedroom houses or maisonettes;
3. Where an existing non-residential building is being converted for residential use.

It is considered that the proposed development meets the second criterion in that, due to topography and surrounding built form, the site would be unsuitable for the provision of houses - as the height of the existing surrounding development would overshadow any house of only 2 or 3 storeys. It would also be harder to accommodate numerous separate dwellings on the site due to its topography and gradient, whereas a predominantly flatted scheme may be more easily able to adapt to the varying levels on the site. This application, proposing 3 no. townhouses, 39 no. flats and the conversion of the retained building could represent a compromise, which goes some way towards meeting the constraints of Policy H4.

The building formed the former Birch Brothers Coach Station and has its frontage on Higham Road. Whilst it is not listed, it is considered to be of importance in terms of design and the history of the town. It is identified as a non-designated heritage asset 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. Paragraph 3.15 of the Joint Core Strategy which relates 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, the existing building is worthy of retention. Therefore, the conversion of this to residential units could be acceptable in principle, providing the Council’s Conservation Officer is satisfied that a sufficient amount of the building is being retained.

However, it is considered that the number of new build flats being proposed, on the remainder of the site, has not 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.

Policy 8 of the JCS seeks to ensure that development is of an acceptable design, there are no parking or highway safety concerns and that it does not have a significant impact on neighbouring amenity.
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, should also be met. The applicant has stated that the proposal meets Space Standards and the Housing Delivery Team has been consulted with regard to affordable housing provision.

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/ good outlook for future occupiers; making provision for the appropriate level of outdoor amenity space and providing visual interest.

These matters will be considered in the determination of the application. It is noted however that, other than the elements of the existing building, the remainder of the site would 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 proposed new flats would 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 its distinctive character and would therefore not comply with the requirements of Policy EN1.

Parking matters

The applicant's Planning Statement asserts that previous concerns, with regard to the proposed amount of parking provision on the site should be reconsidered. The statement cites a recent appeal decision in the Borough of Wellingborough. In this upheld appeal, the Inspector noted that the County standards do not differentiate between proposed developments with good access to services, facilities and public transport and those which have poor access. As a result, the Inspector concluded that the County Parking Standards do not comply with paragraph 105 of the NPPF and attached little weight to the document in decision making. The Countywide parking standards require the amount of parking provision at a property to correlate with the number of bedrooms per unit:

The 26 no. 2-bedroom apartments, 13 no.1-bedroom apartments, 2 no.2-bedroom townhouses and 1 no.1-bedroom townhouse require an on-site provision of one parking space per single bedroomed property, plus two spaces each for the ones with 2 bedrooms – a required provision of 70 spaces (this does not include any visitor spaces). The applicant proposes just 38 parking spaces. This represents an under-provision of just above half the County requirement and it would also be desirable to have some spaces for visitors.

It is also noted that parking spaces 29 to 35 are provided in tandem, a format that is cause for concern in terms of the practicalities of use. In view of these points, the proposal is considered unacceptable on parking grounds.

Housing matters

The Applicant has argued that the relevant policy setting out the broad housing requirements to be delivered in the NNJCS area has been successfully challenged in a recent appeal decision (ref: 3232099), which concluded that the Council can only demonstrate 4.28 years supply and that the key policies supporting this application are out of date. It is therefore argued that this proposal would make a contribution to meeting this identified shortfall and should be determined in line with the presumption
in favour of sustainable development.

The housing land supply is not considered to be a relevant factor in this case, given that the principle of development is already established. Indeed, the site itself is included within the deliverable housing land supply, with an estimated (albeit restricted) capacity for 16 dwellings (Planning Policy Committee, 8th June 2020, Item 10, Appendix 3: https://www.east-northamptonshire.gov.uk/meetings/meeting/1062/planning_policy_committee).

Notwithstanding, the Council’s Planning Policy Committee previously met on 17th December 2019 to consider the 2019 Annual Monitoring Report and resolved to note the five year housing land supply calculation of 6.03 years. Subsequent to this the appeal decision in question, relating to The Willows, Thrapston, was received on 24.01.2020. Based on the evidence presented at the appeal, the Inspector concluded that East Northamptonshire Council was only able to demonstrate a 4.28 years housing land supply. East Northamptonshire Council subsequently (6th March 2020) lodged a S.288 appeal to the High Court, challenging this appeal decision. Whilst this appeal is ongoing, the Secretary of State has conceded that the Planning Inspector erred in his interpretation of what constitutes a deliverable site. As such, it is considered that East Northamptonshire Council can demonstrate a 5 year supply of deliverable housing sites. The latest position regarding the S.288 appeal is set out in the updated housing land supply position statement (Planning Policy Committee, 8th June 2020, Item 10). The upshot of this is that the appeal decision has effectively been quashed.

The current figure has been calculated and amended to 6.16 years. Therefore, full development plan weighting should be given to policies relating to housing land supply, including Rushden Neighbourhood Plan Policy H1 and JCS policies 28-29.

Justification

In seeking to provide justification for the proposed development in light of the content of the relevant planning policies, as well as in response to the issues raised during the previous application, the applicant has stated the following for consideration:

- That the proposed development will deliver additional housing in the ‘Growth Town’ of Rushden, in a sustainable location and help to meet the identified need for smaller accommodation in the wider area and the “current housing shortfall within East Northamptonshire”.
- The proposed development will retain the non-designated heritage asset and preserve the iconic building in the street scene.
- The development will also offer the opportunity to improve a currently somewhat unsightly site, whilst respecting residential amenity and complementing the surrounding development and existing building in terms of both design and scale of development. Furthermore, it has been shown that there are no technical constraints to the proposed development.
- The scheme will provide sufficient parking provision “in the context of the type of accommodation proposed” and sustainable location of the site.
- It is also considered that the revised scheme has addressed the concerns raised from the previous application on the site and now represents an acceptable development proposal.
Comparison and response to the justification

This current application is of a similar scale of development and same number of units as the previously withdrawn 19/00586/FUL and seeks permission for change of use of the site, a non-designated heritage asset, from retail to residential with a development of 42 no. units, to comprise a mix of apartments and townhouses.

The proposed development comprises change of use and part demolition/ part redevelopment of the existing site, to create a mix of 1 and 2-bedroom apartments and 1 and 2-bedroom townhouses, along with 38 no. parking spaces, secure cycle storage and refuse area:

- Whilst the proposed development would deliver additional housing in the town, in a sustainable location and contribute towards the identified need for smaller accommodation in the wider area, there is no demonstrable housing shortfall within the district in relation to a 5 year supply of deliverable housing sites. Therefore all material and policy considerations must be met.
- Whilst it is acknowledged that the proposed development would retain the non-designated heritage asset and preserve the iconic building in the street scene, it is considered that the new build block of flats would overwhelm and detract from the retained building.
- It is also acknowledged that the proposed development could offer the opportunity to improve a currently somewhat unsightly site, whilst respecting residential amenity. Whether it would complement the surrounding development and existing building in terms of design, will be assessed during determination. However, the scale of development proposed is considered to be excessive, such that it would overwhelm the retained, non-designated heritage asset.
- The applicant has argued that the scheme will provide sufficient parking provision “in the context of the type of accommodation proposed” and sustainable location of the site. This assertion cannot be supported in policy terms. This substantial under-provision would not comply with Policy 8 of the JCS, section 9 of the NPPF or Policy T1 of the Rushden Neighbourhood Plan - as it would not comply with Countywide Parking Standards.
- The applicant considers that the revised scheme has addressed the concerns raised from the previous application and it now represents an acceptable development proposal. However, it is considered that the number of new build flats being proposed on the remainder of the site has not been justified, in relation to Policy H4. In general terms, the proposal is of a similar scale and nature to the previously withdrawn application and, as such, is not considered to be materially different to this earlier scheme. It does not address local needs and there are major Policy concerns about this proposal in relation to what the Rushden Neighbourhood Plan is trying to achieve, with reference to the perceived excessive proliferation of flatted developments within the town.

Other advice

It is recommended that that advice from Northamptonshire Highways and the ENC Housing Delivery Team is sought in support of this Planning Policy response.

Other documents: Northamptonshire Highways standing advice and Countywide parking standards.
Summary

On balance, development that conflicts with the policies of the Development Plan will be refused unless material considerations indicate otherwise. Based on the information provided, the previous response and the considerations discussed above:

- This application, proposing 3 no. townhouses, 39 no. flats and the conversion of the retained building provides a response which goes some way towards meeting the constraints of Policy H4 of the Rushden Neighbourhood Plan. However, the great number and scale of new build flats being proposed on the site is not considered acceptable in relation to Policy H4.

- Other than the elements of the existing building, that are to be retained, the remainder of the site is to be replaced 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 would still be taller than the existing building.

- It is considered that the scale of the new build is excessive for the site. It would overwhelm the existing building and detract from its important historic character.

- In line with Countywide parking standards, a provision of a total of 70 parking spaces should be provided for a development of this size. In addition it would also be desirable to have at least some spaces for visitors. The developer has made provision for only 38 spaces, with no space for visitors. This represents an under-provision, amounting to just over half the County requirement and no spaces for visitors. In view of these points, the proposal is considered unacceptable on parking grounds.

The developer has failed to provide clear evidence and justification that the benefits of the scheme would outweigh the harm (by proposing a development contrary to adopted Development Plan policies), therefore the proposal could not be supported in policy terms™.

Further comments received 15.07.2020:

“This current application is of a similar scale of development and same number of units as the previously withdrawn 19/00586/FUL and seeks permission for change of use of the site, a non-designated heritage asset, from retail to residential with a development of 42 no. units, to comprise a mix of apartments and townhouses. The Policy response was for this scheme alone, as described, and was not a formal response to a proposal for a number of Townhouses as suggested in an informal and unsupported illustration of an alternative scheme.

To reiterate: - the Policy response addressed concerns regarding the number of new build flats being proposed, which has not been justified in relation to Policy H4 of the Rushden Neighbourhood Plan:

- Other than the elements of the existing building, that are to be retained, the remainder of the site would be replaced by new build flats and associated car parking - undesirable flatted development.
Furthermore, with the exception of the tower on the current frontage, a significant element of the new flats would be taller than the existing building and the scale of the new build would be excessive for the site. It would overwhelm the existing building and would detract from its important historic character.

With regard to off road parking provision, in line with Countywide parking standards, a total of 70 parking spaces should be provided for a development of this size and it would be desirable to have at least some spaces for visitors. As the development has made provision for only 38 spaces, with no space for visitors. This represents an under-provision, amounting to just over half the County requirement with no spaces for visitors. In view of these points, the proposal is considered unacceptable on parking grounds as it would be contrary to Policy 8 of the JCS, section 9 of the NPPF and Policy T1 of the Rushden Neighbourhood Plan.

Housing supply –

The principle of residential development on the Home Suite Home suite is recognised and supported. The challenge is preparing a suitable scheme that is acceptable in planning terms; i.e. which represents a sustainable development. Given that the site is being actively promoted for development, this is recognised in the Council's latest (2019) Housing Site Schedule, which identifies the Home Suite Home site as being suitable for 16 dwellings (Planning Policy Committee, 8 June 2018, Item 10, Appendix 3: https://www.eastnorthamptonshire.gov.uk/meetings/meeting/1062/planning_policy_committee). This is probably the absolute maximum that could be acceptably accommodated (the actual capacity might be even less), given the extensive constraints that would affect any scheme for the site”.

In summary, as the Policy Response concluded:

"The developer has failed to provide clear evidence and justification that the benefits of the scheme would outweigh the harm (by proposing a development contrary to adopted Development Plan policies), therefore the proposal could not be supported in policy terms”.

6.5 East Northamptonshire Council - Waste Management Officer

Initial comments received 24.07.2020: No objection.

Further Comments received 21.10.2020: No comments on the amendment.

6.6 East Northamptonshire Council - Housing Strategy

Initial comments received 25.06.2020:

"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 13 units under the proposed scheme. We note that the Planning statement (6.21) acknowledges that the development does not include the provision of any affordable units, with all units proposed as market housing. The viability report submitted with this application concludes that it is not viable to produce affordable housing provision on site. The Council's viability report has confirmed this.
As previously stated in response to the earlier application (19/00586), 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 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”.

*Further comments received 30.07.2020:*

“As we understand the purpose of [the applicant’s] enquiry with the Council’s Housing Strategy Team is that he wishes us to support his scheme to provide a number of discounted deposits for people to buy his proposed flats and he states he has registered them with Help to Buy.

Our formal housing team response was submitted on the 25th June 2020 and predates my recent telephone conversations with [the applicant].

The reasons why we objected as set out in our response is that principally the scheme is not proposing to provide any affordable housing as defined in the National Planning Policy Framework. As stated, under Policy 30 of the Joint Core Strategy, the site would be expected to provide a minimum of 30% affordable housing. The applicant has submitted viability information demonstrating why affordable is not viable, which the council has also verified through its own viability assessment. That information does not however alter our objection.

[The applicant] has since advised that the units have been registered with Help to Buy. Though this may assist some buyers to be able to purchase the units, this does not make the units affordable by definition. The Help to Buy scheme is available through most developers and is not therefore an ‘affordable housing’ product. In order to be deemed affordable, the homes would also need to be secured as such in the Section 106 agreement. What is being proposed in this application does not meet any of the definitions of affordable housing as set out in Annex 2: glossary of the NPPF February 2019. They are therefore considered by ourselves to be market housing.

There are likely to be very few applicants on the council’s housing register who would be in a financial position to afford these units, even with Help to Buy and a discounted deposit. I referenced the recent Rushden East Study which included a survey of applicants on the councils housing register. Among respondents, almost 80% had an annual household income of less than £30,000 (59% earned less than £20,000). Most applicants (83%) had no savings at all and those who did had less than £5,000. Less than 2% of respondents had more than £5,000 in savings. The Study indicated that the majority of housing need (88%) is for affordable housing for rent (under the definitions set in the NNPF).

I trust this clarifies our position in regard to our response to the planning application and why we cannot support or recognise the flatted units currently being proposed as affordable housing under the definition or assist with promoting them to applicants on the register".

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Final comments received 13.10.2020:

"Further to our original response dated 25th June 2020, thank you for the opportunity to comment on this re-consultation and amended plans which are now proposing 34 apartments and 3 townhouses.

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 11 units under the redesigned scheme. It is not clear if the revised proposal contains an element of affordable housing. A viability appraisal was submitted with the original proposal which concluded that it was viable to produce affordable housing provision on site. The Council then conducted a viability report, which confirmed this.

As the scheme is now proposing a revised mix, as we understand a revised viability report would need to be produced which demonstrates why the policy requirement for affordable housing remains unviable on this scheme. This again would need to be confirmed by a further independent report conducted by the council.

As previously stated in our previous responses to bot this and the earlier application (19/00586), 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.

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. Maisonettes with their own separate entrances would be preferred from an affordable housing perspective as these avoid communal charges. Two bed flats without separate entrances would also be problematic for Registered Providers to manage within an otherwise privately owned block".

6.7 East Northamptonshire Council - Environmental Protection (Air Quality)

Comments received 16.06.2020:

"I have read through the submitted Syntegra Consulting Air Quality Assessment, March 2020, Ref: 18-4095.

Please ask the applicant to refer to the 'East Midlands Air Quality Network Air Quality and Emissions Mitigation, Guidance for Developers' document which I have attached a link to for their information. This document is in use across the East Midlands and will be incorporated into the East Northamptonshire Council local planning policy. We are requesting all appropriate agents for planning applications to have due regard to it.

Applicants should make reference to Table 2 'Potential Development Impacts' to determine their scheme type and thereby the information required to be submitted with any planning application.

As an authority we are now looking for all developments to support sustainable travel, air quality improvements/traffic reduction as required by the National Planning Policy Framework 2019 (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 impact on local air quality that ongoing development has, rather than looking entirely at significance. Our approach seeks to minimise or offset road transport emissions wherever practicable, by securing reasonable emission mitigation while also seeking to counter the cumulative impacts arising from all developments.

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."

6.8 Northamptonshire County Council - Archaeological Advisor

Initial comments received 10.06.2020:

"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 use 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.

Our standard condition is worded as follows:

Condition:
No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
(i) fieldwork in accordance with the agreed written scheme of investigation;
(ii) post-fieldwork assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority);
(iii) completion of post-fieldwork analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion of an archive report, and submission of a publication report to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason:
To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199. I will be happy to supply a brief for the archaeological programme of works.

Further Comments received on 23.10.2020:

I do not wish to alter my comments dated 10th June 2020 recommending a condition for archaeological work, to comprise building recording prior to demolition and conversion.

6.9 Northamptonshire County Council - Local Highway Authority (LHA)

Initial comments received 09.06.2020:

Thank you for sending us the application plans on the above proposal as the Local Highway Authority (LHA) and I would like to confirm the following observations:

• The LHA would object to this application for the creation of 39 flats and 3 dwellings as this contravenes NCC adopted policy (DM15). The LHA will only accept a maximum of 20 flats from a private access unless the applicant meets the LHA adopted standards

Further comments received 21.07.2020:

The LHA removes the previously made objection to application 20/00445/FUL as long as a suitably worded condition ensures that no trees are within 2.5m of the highway and measures are taken to ensure that no vehicles are able to park on the proposed grass verge at the front of the development as discussed.

Further comments received 30.07.2020:

The LHA would seek a S278 agreement to put the existing redundant access adjacent to Shirley Road back to a full height continuous footway.

The LHA would also be seeking a S184 agreement for the proposed access.

Further comments received 16.10.2020:

Thank you for sending us the application plans on the above proposal as the Local Highway Authority (LHA) and I would like to confirm the following observations:

Please note that a minimum of 6 metres is required for a car to safety exit a parking space without any problems. The applicant will need to provide evidence of this.
The LHA query the dimensions of the entrances to the undercroft parking areas as we are unsure whether 2 cars would be able to pass at the accesses. To allow 2 vehicles to safely pass at the entrances we would require a minimum width of 4.5 metres.

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

Officer Comment:

Further plans received on 24th November 2020 that provides tracking to demonstrate that vehicles can pass on the ramp and also safely exit the parking spaces provided.

Final comments received 25.11.2020:

With regards to the plans attached, provided the LPA are satisfied with the tracking shown, then I have no further objections. But please bear in mind that an estate car measures an average of 4.8 metres as opposed to the 4.2 metres used.

6.10 Northamptonshire County Council - Lead Local Flood Authority (LLFA)

Initial comments received 30.07.2020:

No objection subject to conditions relating to:

- Full details of the surface water drainage scheme.
- Full details of the management and maintenance of the surface water drainage system.
- A Verification Report for the installed surface water drainage system.

Further Comments received 20.10.2020:

Having reviewed the applicant’s submitted information located within:

1) Flood Risk Assessment and Drainage Strategy, document ref. no. 18-4095, Rev. B, dated 20th March 2020, prepared by Syntegra Consulting Ltd.
2) Drawing 6001 rev C entitled Indicative Drainage Strategy dated 21st July 2020 prepared by Syntegra group
3) MicroDrainage file FEH CALC.SRCX

We would advise that if the following planning conditions are included as set out below, the impacts of surface water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of surface water flooding

Condition

No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Drawing 6001 rev C entitled Indicative Drainage Strategy dated 21st July 2020 prepared by Syntegra group have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
ii) Details of the drainage system are to be accompanied by full and appropriately
cross-referenced supporting calculations
iii) Cross sections of the control chamber (including site specific levels mAOD) and
manufacturers' hydraulic curves should be submitted for the hydrobrake.
iv) Full details of permeable paving
v) A qualitative examination of what would happen if any part of the system fails. It
should be demonstrated that flood water will have flow routes through the site without
endangering property and where possible maintaining emergency access/egress
routes

Reason:
To reduce the risk of flooding both on and off site in accordance with the NPPF and
Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory
means of surface water attenuation and discharge from the site.

Condition
No above ground work shall take place until full details of the management and
maintenance of the surface water drainage system has been submitted to and
approved by the Local Planning Authority. Details are required of the organisation or
body responsible for vesting and maintenance of individual aspects of the drainage
system. 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 and a maintenance schedule setting out which assets need to be
maintained, at what intervals and what method is to be used including details of
expected design life of all assets with a schedule of when replacement assets may be
required, should be submitted.

A maintenance schedule should be accompanied by a site plan to include access
points maintenance access easements and outfalls. Maintenance operational areas to
be identified and shown on the plans, to ensure there is room to gain access to the
asset, maintain it with appropriate plant and then handle any arising's generated from
the site.

Reason:
To reduce the risk of flooding both on and off site in accordance with the NPPF and
Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory
means of surface water attenuation and discharge from the site.

Condition
No Occupation shall take place until a Verification Report for the installed surface water
drainage system for the site based on Drawing 6001 rev C entitled Indicative Drainage
Strategy dated 21st July 2020 prepared by Syntegragroup, has been submitted in
writing by a suitably qualified independent drainage engineer and approved by the
Local Planning Authority The details shall include:

a) Any departure from the agreed design is keeping with the approved principles
b) As-Built Drawings and accompanying photos
c) Results of any Performance testing undertaken as a part of the application process
   (if required / necessary)
d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges
   etc.
e) CCTV Confirmation that the system is free from defects, damage and foreign
   objects.
Reason
To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

As you are aware, the discharge of planning conditions rests with the Local Planning Authority. It is, therefore, essential that you are satisfied that the proposed draft conditions above meet the requirements of paragraph 4 of the National Planning Practice Guidance (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested conditions, as we may need to tailor our advice accordingly.

Please note that our comments only cover the surface water drainage implications of the proposed development.

6.11 Natural England

Initial comments received 29.05.2020:

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 and Species Regulations 2017 (as amended).

Further comments received 06.10.2020:

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 29 May 2020 (ref. 318112).

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.
6.12 Anglian Water

Initial comments received 29.05.2020:

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 that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advice them of the most suitable point of connection.

(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 - 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.

(3) 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.

(4) 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.

(5) 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 acceptable. 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 condition if the Local Planning Authority is mindful to grant planning approval.

Condition:
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.

Further Comments received 06.10.2020:

“Having reviewed the new information, our response from 29th May (attached) is still valid for the application”.

6.13 East Northamptonshire Council - Senior Conservation Officer

Initial 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 modern 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."

Further Comments received 16.11.2020:

I have reviewed the amended plans received on 1 October 2020 and the visuals received in November 2020 regarding the above application for planning permission. I acknowledge that the amended plans contain improvements on the original scheme for the conversion and extension of the former Birch Bros Coach Station building, by virtue of the reduction of the proposed extension. As a result I consider that the level of harm to the significance of the non-designated heritage asset has been reduced. I would now classify it as a moderate impact, as opposed to moderate-high.

As stated previously, 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."

6.14 Northamptonshire County Council - Ecological Advisor

Comments received 18.06.2020:

“I'm writing in response to your consultation on the above application for partial demolition and creation of flats at 4 Higham Road Rushden. Based on the ecological survey reports provided I'm satisfied that neither a protected species licence nor mitigation is required in this case. However the bat activity survey is now a year old: if works do not commence within 12 months an updated activity survey will be needed.

I note there is little opportunity for biodiversity enhancement on this site, however integral bird boxes/bricks - in particular for swifts - would be welcome on this site”.

6.15 NHS Clinical Commission Group

Initial comments received 17.06.2020:

“Northamptonshire CCGs/NHSE&I are requesting a contribution from the developer towards the increased primary health care capacity directly attributable to the population of the proposed new development. Northamptonshire CCGs will be working with the Practice/s local to the development, to establish specifically where there is scope to expand/improve capacity to effectively care for the additional patients.”
The cost per sqm has been identified by a quantity surveyor experienced in health care projects.

Based on the number of dwellings proposed the figure requested is: £23,294.17”.

Further Comments Received 20.11.2020:

Financial Contribution Requested

Based on the revised number of dwellings proposed (37) the figure requested is: £20,521.06

6.16 Northamptonshire Police

Comments received 10.06.2020:

“In relation to crime and disorder Northamptonshire Police has no formal objection to this planning application in its present form. We however strongly suggest that the following recommendations are included, which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring.

- This development should conform to 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, preferably with third party certification. In addition any side lights adjacent to doors (within 400mm), safety glazing and any easily accessible emergency egress windows with non-lockable hardware should include one pane of laminated safety glass meeting the requirements of BS EN 356:2000 class P1A (minimum).
- All communal doors must have a visitor door entry system and access control system (as described within SBD 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/cycle 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 regs 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 NFRS 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”.

6.17 Campaign for Dark Skies

Initial comments received 05.06.2020:

Thank you for requesting Commission for Dark Skies comments on this revised application. We note that, at this stage, there is little information on any proposed exterior lighting and we would welcome the opportunity to comment on this in due course. We would expect any exterior lighting to be downward directed with minimal glare and upward waste light to enable any exterior lighting to conform to NPPF Paragraph 180 C, NNJPU JCS Policy 4iii and Section 102 CNE Act.

Further Comments received 14.10.2020:

Thank you for requesting Commission for Dark Skies comments on this re-submitted application. We recall commenting on this back in May this year.

Our consideration remains that any proposed exterior lighting relating to this application should be designed and fitted to minimize energy waste from light pollution and minimise light nuisance to occupying and neighbouring residents in line with NNJPU JCS Policy 4iii, NPPF Paragraph 180C and Section 102 CNE Act.

6.18 Northamptonshire County Council - Key Services

Initial comments received 18.06.2020:

Education

Early Years Services

A S106 contribution of £108,244 will be required towards provision of additional Early Years capacity based on the proposed dwelling mix. The County Council will provide details of a specific project for inclusion in any S106 agreement and further discussion with the County Council is recommended on this point to ensure the most up to date information is included.

Primary Education

A Primary Education contribution of £49,164 will be required, based on the proposed dwelling mix. This figure will be reassessed and a suitable project identified once the mix of dwellings proposed to be delivered on the site is confirmed through the planning process.

The County Council recognises that any contribution secured must be spent on mitigating the impact of the development locally; however we reserve the right to specify the project on which it is spent on at a later date when further clarity is known, for example the ability of local schools to expand on their sites.
Secondary Education

A s106 contribution towards Secondary Education of £37,360 may be required, based on the proposed dwelling mix; this figure will be reassessed once the mix of dwellings to be delivered on the site is confirmed through the planning process.

Libraries

A Libraries Contribution of £6,584 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 s106 for the development is entered into.

Fire Hydrants & Sprinklers

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 the precise requirement. It is expected however that this development may require a minimum of 1x fire hydrant to be provided and installed. The capital cost of each hydrant (including its installation) is £892 per hydrant, the cost of which is expected to be met by the developer in full.

Broadband

The vision for the county to be at the leading edge of the global digital economy. To meet this challenge we’ve set an ambitious target of 40% full fibre connectivity across the county by December 2023. To deliver on this, it is essential that new developments (both housing and commercial) are served by high quality full fibre networks. Access to the speeds, 1 gbps or faster, delivered by this technology will bring a multitude of opportunities, savings and benefits. It also adds value to the development and is a major selling point for potential residents and occupiers.

Further Comments received 20.10.2020:

Revised contributions sought as follows:

Education

A S106 contribution of £97,072 will be required towards provision of additional Early Years capacity based on the proposed amended dwelling mix. The County Council will provide details of a specific project for inclusion in any S106 agreement and further discussion with the County Council is recommended on this point to ensure the most up to date information is included.

A Primary Education contribution of £44,322 will be required, based on the proposed amended dwelling mix. This figure will be reassessed and a suitable project identified once the mix of dwellings proposed to be delivered on the site is confirmed through the planning process.

A s106 contribution towards Secondary Education of £33,850 may be required, based on the proposed amended dwelling mix; this figure will be reassessed once the mix of dwellings to be delivered on the site is confirmed through the planning process.
Libraries

A Libraries Contribution of £5,838 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 s106 for the development is entered into.

Fire Hydrants and Sprinklers

'No development shall take place until a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.'

6.19 Environmental Agency

Comments received 26.05.2020:

The Environment Agency considers this application to have low environmental risk. Therefore, we have no comments to make on the application submitted.

6.20 East Northamptonshire Council - Environmental Protection

Initial comments received 25.06.2020:

Noise

As the A5 outlet already exists then I believe that I cannot object to this part of the development. Please let me know if I have wrongly interpreted this. However, I do have concerns about the retention of the hot food outlet which may result in adverse impact from noise and odour. As far as I can tell there has been no information submitted in this respect and as such would raise an objection to the proposed development (the flats) due to lack of information.

Notwithstanding the above, comments were made about noise impacts for a similar development for flats under the withdrawn application 19/00586/FUL for 42 flats. The applicant has submitted an updated noise assessment based on the proposed layout. As per my earlier comments the proposed development is impacted by traffic noise from the busy road network and may be affected by noise from the adjacent petrol filling station. Under the 2019 application an objection was raised due to insufficient information on the acoustic design process for traffic noise and potential adverse noise impact from the petrol filling station.

From the submitted drawings there is little change to the internal layout of the flats with the addition of three town houses in lieu of a number of flats in the old cinema building. There has been some changes to the block of flats at the rear of the site with the addition of balconies to flats adjacent to the petrol filling station.
There has been a recent inspector decision with respect to traffic noise and residents having to keep windows closed to achieve internal noise limits as per relevant guidance. Based on this decision and providing the mitigation measures as suggested in section 9 of the Syntegra report Ref: 18-4095 dated March 2020 are implemented I would not object to the proposed development with respect to traffic noise impacts.

I still have concerns about the potential for adverse impact of noise from the petrol filling station on those flats immediately adjacent to it. Especially as balconies are now proposed. There has been some discussion with the applicant and the acoustic consultant about this. It has been stated that noise from the petrol filling station was assessed in with the traffic noise stating 'Any excessively noisy activities would have been noticeable above the road traffic noise'. Given that the background levels may fall due to barrier affects of the new flats along the High Street façade this may make noise from the petrol filling station more noticeable. Further information should be submitted in this respect.

Any potential for noise impacts from mechanical plant associated with the proposed development, with the exception of the hot food takeaway if already deemed permitted and unchanged, can be dealt with by way of a planning condition.

No objection subject to conditions.

Contamination

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, we have no objection to this planning application subject to conditions.

Further Comments received 08.10.2020:

I have been consulted on changes to the proposed design and layout of this application for a number of flats and I believe three town houses. Having looked at the revised plans the only difference I can see is the loss of the third floor accommodation to the building fronting onto Higham Road. All else remains the same. Given this my comments remain the same and as per my email dated 25.06.20 and 30.07.20.

6.21 Independent Viability Consultant

Initial comments received on 02.09.2020:

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

In summary the following viability inputs are agreed due to changes made during the pre-application process where a number of concerns with the previous scheme viability have been dealt with satisfactorily:
- Base construction costs and external works and contingency levels, even though the applicant has reverted to BCIS Lower quartile rather than lower decile costs.
- The level of professional and design fees.
- Sales and marketing costs.
- Benchmark land value.
- Developer’s profit and finance costs.

Overall, whilst I think that some of the revenues for the larger dwellings are understated, the service costs look high, and the outturn finance costs may be a little high, the appraisals I have provided with the revenue and cost improvements detailed earlier, show that the scheme generates a significant deficit and is unable to provide a policy level of affordable housing and even on an all private sale basis, the sought S106 contributions are not viable.

As such on this occasion and for this submitted scheme, I agree with the applicant’s assessor that even on an all private sale basis, the scheme cannot sustain S106 contributions or affordable housing.

The applicant has also appraised a low-density scheme of 16 homes including 10 new houses, and this also produces a deficit on an all private sale basis, and as such is unviable and unable to provide affordable housing or S106 contributions.

The 42 unit scheme would deliver a developer profit of 13.8% of GDV which is still a profit, albeit not a full profit of 17.5% to 20% of GDV which are the norm for private sale viability appraisals.

The 16 unit scheme would deliver a developer profit of 15.2% of GDV which as above is still a profit, albeit not a full profit.

I did not look at different affordable scenarios for the simple reason that an all private scheme cannot make a full margin for the developer at the benchmark land value, and as such any inclusion of a lower value tenure would widen the gap and reduce the profit further.

*Further Comments received on 22.11.2020:*

Ashby House has considered the impact of reducing the 42 dwelling scheme appraised in June 2020 by 5 dwellings on a like for like basis, without updating all viability revenue and cost inputs to today’s date. No updated viability assessment has been provided by the applicant, and at ENC’s request this report has been commissioned to test whether the changes to the mix would materially affect the previous report’s findings on a like for like basis as a result of the design change, rather than a full re-appraisal of the scheme.

S106 contributions have been updated along with the dwelling mix within this report. ENC requires that the Gravel Pits SPA contribution be payable in any event irrespective of scheme viability should any planning permission be granted.
The following scenarios have been tested for viability:

1. 37 dwellings including 11 affordable dwellings with £213,467 of requested S106 contributions.
2. 37 private sale dwellings with requested S106 contributions of £213,467.
3. 16 private sale houses with estimated S106 contributions of £92,310.

As per the June 2020 report, none of the tested scenarios would be deemed as viable. All scenarios produce a viability shortfall as the scheme is not able to sustain a fair developer profit margin, whilst achieving the agreed benchmark land value and sought S106 contributions of £213,467.

The 37 dwelling scheme is, as you would expect, less viable than the previous 42 dwelling proposal. The lower density housing scheme makes less overall profit (as the overall scheme and revenue are significantly smaller) but is more profitable in terms of profit margin than the flatted scheme and has a smaller viability shortfall. It is crucially the only tested scenario with a positive residual land value.

Policy H4 of the Made Rushden Plan states amongst other criteria that flatted development will only be supported where it can be robustly demonstrated that 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. The appraisals attached to this report show that whilst a housing scheme is not able to substantiate affordable housing, and all tested options fail to meet the viability benchmark land value threshold, it is more profitable in profit margin terms than a flatted development, even if it makes less overall profit due to a much reduced scheme size. Equally the risk of such a scheme would be considerably less than a larger flatted scheme in my opinion, and the lower density housing scheme is the only tested scenario that generates a positive residual land value.

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:

7.2 The statutory term ‘material considerations’ has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of land; Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to it in determining applications. The following considerations are relevant to the determination of this application:
• Principle of development
• Design and visual impact in relation to the street scene
• Impact on neighbouring amenity
• The effect on highway safety and parking
• Flooding
• Ecology
• Archaeology
• Other issues

Principle of Development

7.3 The site is not allocated for any particular development type in either the North Northamptonshire Joint Core Strategy (JCS) or the Rushden Neighbourhood Plan (RNP), but it is previously developed land within the centre of Rushden. 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.

7.4 The National Planning Policy Framework (2019) (NPPF) supports sustainable residential development in the urban areas if it accords with the development plan. In this case, the development plan consists of the JCS and the RNP. Policies 2, 8, 11, 30 (JCS) and H1, H2 and H4 (RNP) are most relevant to the proposal (amongst other policies).

7.5 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.

7.6 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.

7.7 Policy H1 of the RNP 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.

7.8 Policy H2 of the RNP 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.

7.9 The application proposes 37 one, two and three bedroom flats and town houses (11 x 1-bed, 25 x 2-bed and 1 x 3-bed) for market sale, including communal parking and amenity spaces. Policy 30 of the JCS sets out 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 homes with 1-3 bedrooms. The proposal would, on balance, achieve this by providing a range of smaller units. Policy 30 also goes on to state that the internal floor areas of all new dwellings must meet the Nationally Described Space Standards (NDSS) as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities. The proposed units all meet the NDSS.
7.10 Notwithstanding Policy 30 of the JCS, Policy H4 of the RNP deals explicitly with flatted development and states...

"New market housing proposals will be required to provide a balance of property sizes and types to meet market demands in accordance with Policy 30 of the NNJCS.

Notwithstanding the requirement in Policy 30 to provide more smaller households in Rushden, 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.

Proposals that help meet the identified need for older people's accommodation will be supported."

Regarding the lawfulness of Policy H4 in principle, the policy is lawful as it has been through the rigorous test of an Examination and it was held up at that stage with no amendments required.

7.11 The East Northamptonshire Housing Mix Requirements Assessment (ENHMRA) (2016) and Rushden Housing Mix Requirement (RHMR) documents provide relatively recent analysis showing a need for additional smaller dwellings in Rushden over the period to 2031. However, the need is not specifically established to be for flats. The RHMR is explicit that consideration should be given to the development of smaller houses and bungalows rather than flats, in the interests of sustainability and meeting identified local needs. The RNP also sets out that future housing should provide houses, maisonettes or bungalows rather than flats. Whilst the RNP was made before the new NPPF was published (July 2018, as amended February 2019), officers are of the view that RNP policy H4 does not conflict with the Framework's aims in terms of addressing the needs of groups with specific housing requirements.

7.12 In terms of the above, Policy H4 begins with... 'New market housing proposals will be required to provide a balance of property sizes and types to meet market demands in accordance with Policy 30 of the NNJCS'. It could be argued that the proposal does not provide a balance of property types to meet market demand given that the proposal is dominated by a concentration of flats (34 flats and 3 town houses), however the thrust of Policy 30 of the North Northamptonshire Joint Core Strategy is to provide small and medium sized households (1-3 bedrooms) which this proposal would achieve. It is considered that broadly speaking, a more dense development (flats) within an urban town centre location makes the most effective and efficient use of land in line with national planning policy. Notwithstanding this, Policy H4 provides three criteria, of which only one needs to be complied with for a flatted proposal to be considered acceptable.
7.13 Point 1 of Policy H4 states that it needs to be demonstrated that the proposal *meets an identified need*. The Council’s position is that there is insufficient evidence provided to show that, on a Rushden basis, there is a need for flats. The applicant is required to show that there is a need rather than demand for flats. One of the main components of need would be demonstrating that there is an undersupply of this type of unit (i.e. flats). However given the reality of the number of flats in Rushden it would be very difficult to show that there is an undersupply of flats in the area. Nonetheless this has not been robustly demonstrated and the proposal fails to comply with point 1 of the policy.

7.14 Point 2 of Policy H4 states that it needs to be demonstrated that 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*. In this regard, the developer has provided a viability assessment that clearly shows that the scheme can provide them with a profit as either a house / maisonette scheme or a flatted scheme.

7.15 The viability appraisal provides 2 scenarios: a 37 unit flatted private sale scheme and a 16 unit house / maisonette scheme. The 37 unit flatted scheme would deliver a developer profit of £755,526 which is 13.1% of GDV and the 16 unit house scheme would deliver a developer profit of £457,040 which is 15.2% of GDV.

7.16 The viability appraisal itself fails to make it clear that the, “house,” scheme delivers a higher percentage of GDV as profit, however it is accepted that as a total figure the profit from the, “flat,” scheme is higher.

7.17 In the circumstances the Local Planning Authority (LPA) is obliged to judge whether or not, “financial constraints,” mean that undertaking a scheme consisting of houses / maisonettes would “not be possible.” The concept of “viability” is not mentioned in the policy specifically however, “viability,” is a concept that is commonly used to consider financial constraints in the context of planning applications.

7.18 The PPG states the following regarding viability *‘For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies’.* Clearly this statement is in national policy and it refers to a context of determining viability in the context of plan polices. RNP Policy H4 is a part of the ENC development plan and it is worth noting that by the measure contained in the quoted statement only the house / maisonette development can produce a suitable return at 15.2% of GDV.

7.19 There is no reference in the PPG to total profit being the sole measure of the suitability of a developers profit in the context of the viability of local plan policies and there is no reason to consider that the total profit should be the sole measure of determining whether a, “financial constraint,” makes house / maisonette development impossible in the context of policy H4.

7.20 Clearly the house / maisonette scenario can produce a profit for the developer and as such it is not accurate to describe the house / maisonette scenario as subject to a financial constraint that would make it impossible. Therefore on a reasonable reading of the situation it would not be possible for the developer to rely on the financial viability assessment provided to justify a flatted scheme under the second of the bullet points in policy H4.
7.21 It is also worth noting that the viability appraisal has been provided in the context of determining whether it is viable to require the developer to provide the policy requirement of 30% affordable housing provision and financial contributions in the form of health, education and libraries. Following an independent review of the viability assessment (summarised in paragraph 6.21 of the report), it is accepted that it is not viable for the developer to provide affordable housing provision or any other financial contribution for either the flat based development or a house / maisonette development.

7.22 In any event, paragraph 57 of the NPPF has the following to say regarding viability assessments:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the planning making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available'.

7.23 Point 2 of Policy H4 also gives an option for the developer to demonstrate that the site is too physically constrained to be able to accommodate houses or maisonettes. The draft option put forward in the viability assessment is for the conversion of the art deco former bus depot building into six flats and the demolition of the more industrial warehouse buildings to the rear and the construction in their place of 10 townhouses.

7.24 It is considered that the site can physically accommodate housing to the levels proposed in the draft option put forward in the viability assessment (16 units – mix of six flats and 10 townhouses). It is acknowledged that the site is on a sloped gradient and is within close proximity to the four storey flats on the southern side of Shirley Road, however it is the Council's opinion that 10 townhouses (up to three storeys in height) could be constructed on the site in a way that enhances the character and appearance of the area without compromising the private residential amenity of the future occupiers.

7.25 Policy H4 requires the applicant to robustly demonstrate that the site cannot physically accommodate houses or maisonettes, but this information has not been submitted despite repeated requests to the applicant. It appears clear that the construction of houses or maisonettes on the site is considered 'not an option' by the applicant as they feel that it is not a desirable location for housing despite the policy requirement as outlined in Policy H4. The applicant wishes to pursue a flatted development only in this location.

7.26 Point 3 of Policy H4 states that flatted development will be supported where an existing non-residential building is being converted for residential use. It is considered that the proposal does not fall within this exception as the amount of conversion is very low and only involves the front art deco building. The bulk of the development is for demolition and complete new build of a block of flats.

7.27 Finally Policy H4 concludes with 'proposals that help meet the identified need for older people's accommodation will be supported'. In this instance the proposal is for market housing and not for older people's accommodation. The proposal can therefore not be considered acceptable under this exception.
7.28 The three criteria in policy H4 are clearly expressed in the alternative through the use of the word 'or'. The proposal therefore needs to be in compliance with just one of the three criteria to comply with the policy as a whole. As discussed above, the applicant has failed to demonstrate that the proposal complies any of the criteria contained within Policy H4 of the Rushden Neighbourhood Plan (2018). The principle of development is therefore not established.

Design and Visual Impact

7.29 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.

7.30 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.

7.31 Significance is derived from an asset's physical presence and its setting. In terms of the physical appearance of the Birch Bros Coach Station building, its significance is derived from the form of the building and the architectural features present today. Following a number of revisions, it is considered that the proposal retains the designated heritage asset and helps safeguard its future. The size and scale of the extension fronting onto Higham road is not considered to dominate the original building and is on balance acceptable in its appearance.

7.32 The simplistic and streamline approach with the art deco features ties in the extension with the landmark building and is considered to be a sensitive form of development that would reflect the moderne design of the original building. It is considered that the materials and overall finish of the building would be an important factor in the successful integration of the extension. The Council are satisfied that materials could be conditioned along with precise fenestration details to ensure the proposal does not detract from the non-designated heritage asset.

7.33 The NPPF requires a balanced judgement when weighing applications that directly affect non-designated heritage assets. The extension and the internal subdivision to create the flats / town houses will undoubtedly have an impact to some degree, however the proposal would ensure that the art deco block will be retained and its restoration secured for the continued used of the building which is to be welcomed given its distinctive style and the contribution it makes to the street scene.
7.34 It is confirmed that although the former warehouse buildings forms part of the whole site and therefore part of the non-designated heritage asset, its loss is not considered harmful enough as to outweigh the benefits of renovating and securing the long term future main art deco building as a landmark building for the town. The new building to the rear, in place of the former warehouse building, would be three storeys in height and would sit on a higher level than the frontage building due to the natural gradient of the land sloping upwards from Higham Road to North Street.

7.35 The new build block of flats would be situated to the rear of the art deco building and be designed in a modern style so as to contrast with the historic building that fronts onto Higham Road. The materials proposed are a combination of render and cladding with the facades broken up by the palette of materials along with variations in building depth.

7.36 The proposal will inevitably change the appearance of the site; however the removal of the warehouses (which appear to be in a state of disrepair and arguably detract from the art deco original building) is seen as a benefit and would tidy up this area of the site which would in turn positively impact upon the surrounding area. The proposed new contemporary block of flats would contrast against the existing building in a manner that both would be read separately and function cheek by jowl without compromising the historic importance of the retained art deco building. This approach ensures that the non-designated asset is still the prominent feature and retains it landmark status.

7.37 The size and bulk of the new build block of flats is considered to be relatively large when viewed against the art deco building, a factor that is exacerbated when the land levels across the site are taken into account. However, one has to assess the proposal and the actual harm it would visually cause to the character and appearance of the area.

7.38 In terms of the impact of the new build block of flats on the character and appearance of the area, the applicant has submitted site sections to demonstrate the relative building heights. It is clear that when standing on Higham Road looking towards the site, the new build block of flats would be obscured by the art deco building, with only glimpsing views possible when looking across the Asda petrol station forecourt or up along Shirley Road.

7.39 From Shirley Road, the whole elevation would be visible at three storeys in height. The site sections confirm that the proposal would be lower than the flats on the opposite side of Shirley Road and the contemporary design helps break up the bulk of the proposal and reduce the tunnelling effect that could potentially be an issue when travelling along this section of Shirley Road. It is acknowledged that Shirley Road would become bordered with development; however it is considered that on balance the design of the building, (including the broken up façade, contemporary design and separation distances) is acceptable in this regard for an urban town centre location.

7.40 The elevation on North Street would turn the corner from Shirley Road and continue the contemporary design. The proposal would be no higher than Nos. 1 to 7 Foxford Court (the property directly opposite the site on North Street). It is considered that this elevation would be acceptable in the street scene.
7.41 In conclusion, although the scheme would change the appearance of the site and introduce an extension to the existing art deco building and a large block of flats to the rear of the site fronting both Shirley Road and North Street, it is considered that, on balance, the proposal would not cause unacceptable harm to the character and appearance of this section of the local area (subject to conditions to secure appropriate materials and landscaping); which is characterised by dense urban development, including four storey blocks of flats, a petrol station and the Asda supermarket.

7.42 Whilst the preference would be a development of a reduced scale with fewer unit numbers, it is considered that due to the location of the site, the nature of the surrounding development and the contemporary design, the proposal is, on balance, acceptable and does not represent over development of the site and provides an opportunity for the efficient use of land within the confines of the settlement. No significant harm is identified to the character and appearance of the area to warrant grounds for refusal.

7.43 The proposal is therefore considered to preserve the character and appearance of the area and have a neutral impact upon the non-designated heritage asset in accordance with NPPF and policies 2, 3 and 8 of the North Northamptonshire Joint Core Strategy (2016) and policies EN1 and EN2 of the Rushden Neighbourhood Plan (2018).

Impact on the Non-Designated Heritage Asset

7.44 Paragraph 197 of the NPPF 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."

7.45 The building is a landmark building within the town and the proposal would result in a low level of harm to its significance, due to the extension to the existing art deco building and the large three storey new build block of flats to the rear. Although some harm is identified, this needs to be weighed against the benefits of the scheme.

7.46 In terms of the extension to the art deco building, it is considered that this element would accord with the streamline moderne design of the existing building whilst the glass corridor will clearly separate the old from the new. The scale and size of the extension is considered to be acceptable and accord with the proportions of the existing art deco building.

7.47 Turning attention to the new build element, it is acknowledged that this requires the demolition of the original warehouses which form part of the non-designated heritage asset. Whilst this is regrettable, it is considered that the warehouses are in a state of disrepair with no real prospect of them ever coming back into use. As such, their demolition is not considered to cause unacceptable harm in the grand scheme of the proposal.
7.48 The size and scale of the new build element is considered to be large. However, as detailed above, the viewpoints from Higham Road are not prominent. In terms of the relationship with the original art deco building, the new build element would appear higher than the main bulk of the building but this is due to the gradient of the site that slopes relatively steeply from Higham Road to North Street. The contemporary contrasting design provides a clear separation from the old and the new, and it is not uncommon for a development to stagger itself as the site levels change. In this particular instance, the height of the building on North Street will remain lower than Nos. 1 – 7 Foxford Court.

7.49 On balance, the development of the site provides an opportunity to retain and safeguard the original art deco former building. The proposed development on the site (the extension and new build block of flats) provides the support to renovate this building and secure its ongoing use as a landmark building for future generations. Taking this into account, it is considered that the moderate level of harm caused to the non-designated heritage asset is outweighed by the retention, renovation and continued use of the original art deco building in accordance with paragraph 197 of the NPPF and Policy 2 of the North Northamptonshire Joint Core Strategy 2016.

Residential Amenity

7.50 The NPPF and the Council’s planning policy 8 of the JCS seek to protect amenity of neighbouring users. The policy also seeks to ensure residential amenity is not harmed as a result of development; the NPPF within the core principles states that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

7.51 In terms of the proposal and its relationship with neighbouring properties, the site has residential properties in all directions with the Asda supermarket and petrol station within close proximity.

7.52 To the west of the site is the Asda supermarket and Nos. 1 & 3 Higham Road. It is considered that the proposal would have no significant impact upon the amenity of these properties due to the separation distance and orientation of the proposal. The properties already experience an existing relationship with the building and proposal is not considered to significantly alter the relationship in a further detrimental manner. There is a main road in between the properties and the proposal and they would not be directly in front of each other with the bulk of the proposal facing onto the side of the Asda supermarket.

7.53 Chichele Court is located to the north east of the site and 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.

7.54 To the east of the site are No.57 North Street and Foxford Court. No.57 North Street is a two storey property and 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.
7.55 Foxford Court is a two storey block of flats situated some 13.5 metres from the proposed building and has what appear to be habitable room windows within the front elevation. Given the submitted cross sections show the proposal at a similar height to Foxford Court, it is considered that a front to front relationship with a road for separation is not uncommon in an urban area and would not cause an undue detrimental level of harm to the occupiers of the adjacent properties in terms of overlooking and overbearing impacts.

7.56 To the south of the site is the block of flats known as Queen Victoria House. 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. The applicant has staggered the building to ensure that there would be no direct looking from the proposal towards the flats in Queen Victoria House. It is therefore unlikely that the proposal would have any detrimental overbearing impacts given the offset position of the proposed new build.

7.57 Also to the south of the site is a block of flats known as Victoria Court, much like Queen Victoria House, the building fronts onto Shirley Road and is, in parts, approximately 13 metres away from the proposed development. As outlined above, the applicant has staggered the building and as a result no direct overlooking would occur between the proposal and flats contained within Victoria Court, furthermore no representations have been received by any occupiers of the block of flats.

7.58 Due to the nature of the proposal (a block of flats) 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 to their living conditions to warrant a reason for refusal. It should be noted that the proposal is located in a dense urban area where flatted development is prevalent; therefore this type of relationship is typical for the locality for those that live in the identified neighbouring blocks of flats.

7.59 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, with the agent confirming that the flats would meet the Nationally Described Space Standards (NDSS). In addition, whilst access to amenity space is available to all flats (via the lift or stairs) to open roof terraces, it is questionable whether this would not realistically be used by all occupiers of the building and no boundary treatment has been identified for the roof terrace to be able to ascertain whether overlooking will occur, it is acknowledged that this is unlikely, however a condition would need to be imposed to secure adequate boundary treatment on the roof terrace.

7.60 Overall, it is considered that the amenity space is not good quality. However, as this is for a block of flats in a town centre location where buyers would not be expecting gardens for example, the roof terraces are considered to be acceptable on balance. Furthermore, the site is located approximately 200 metres away from Spencer Park where the residents would have access to large areas of green space.

7.61 It is acknowledged that the site is located in a relatively busy area of the town with traffic noise and noise from the adjacent petrol station a potential issue along with air quality issues. Following the submission of a noise assessment, the Council's Environmental Protection team has been consulted and offers no objection to the proposal; subject to conditions in relation to noise and air quality which would mitigate the potential issues.
7.62 Due to the former use of the site as a bus depot, there is potential for contamination, the Environmental Protection team has been consulted on this issue and recommend a number of conditions to deal with the potential contamination issues on site.

7.63 It is noted that there is currently a fish and chip takeaway located on the ground floor of the art deco building. The plans show that the takeaway would be retained; however the applicant has also suggested that this would be removed. Nonetheless, the plans do not show where any ventilation equipment would be for the takeaway. If this is to be retained, full details of the ventilation and extraction equipment would need to be secured via condition and submitted to and agreed in writing by the LPA.

7.64 In terms of waste storage and collection, the bin store would be located in a suitable location so as not to unduly impact upon neighbouring amenity. The waste shall be in the form of large euro bins which shall be collected from either the Council or an approved waste carrier. The Council's Waste Management team has been consulted and offer no objection to these arrangements.

7.65 Overall, it is concluded that the effect on the living conditions for both existing residents near the site and future occupiers of the proposed development would, on balance, be acceptable. Furthermore, given the scale and orientation of the proposal when viewed against the neighbouring properties, it is deemed that there will be no significant impact in regards to overlooking or overshadowing.

7.66 Accordingly the proposal is considered to have no significant detrimental impact upon neighbouring amenity and is therefore in accordance with the NPPF (Paragraph 127), Policy 8 of the North Northamptonshire Joint Core Strategy 2016 and Policy EN1 of the Rushden Neighbourhood Plan (2018).

**Highway Safety and Parking**

7.67 Access would be made from Shirley Road in between the original art deco building and the proposed new build block of flats. A total of 38 parking spaces would be provided, along with a 42 bike cycle store. It is noted that 38 parking spaces is grossly below the Northamptonshire Highway Authority standards, which would require approximately 70 spaces (excluding visitor parking) for a development of this size. The applicant has however, submitted a parking beat survey dated January 2019 that demonstrates that there is sufficient on street parking to cater for the shortfall in numbers (mainly along North Street and Shirley Road), and it should also be noted that the site is located within a sustainable town centre location with a good range of services and amenities. It is likely that residents will walk or use other sustainable modes of travel to access services and facilities that are only a short distance away. The development of this site in a highly sustainable location would reduce reliance on the motor car and encourage sustainable journeys.

7.68 Although it is unfortunate that the scheme does not deliver more on site parking, the Council finds itself in a position where the site is located in a highly sustainable location. The Local Highway Authority, having assessed the proposed parking numbers and parking beat survey, offer no objection to the proposal. For these reasons, it is considered that the proposed parking numbers are acceptable.
7.69 The Local Highway Authority requested that the applicant demonstrate that vehicles could manoeuvre around the site, in particular safely park and access the ramped area. The LHA commented that the ramp should be 4.5m in width, however the plan shows that it would be 4.345m in width at its narrowest part. This is a deficit of approximately 15cm, but the submitted tracking plan does however show that two vehicles can safely pass. On this basis the applicant has demonstrated that the arrangement is acceptable.

7.70 The LHA also state that distances between parking spaces should be 6m to allow for vehicles to safely pull in and out of spaces. The majority of the separation distances fall below the requested 6m, however the applicant has provided tracking plans that show a vehicle being able to safely navigate the site and park safely within the parking spaces. On this basis the applicant has demonstrated that the layout is acceptable and a vehicle can park in the spaces provided. The LHA confirmed in a consultation response received on the 25th November 2020 that they are satisfied with the tracking provided and have no objections on this basis.

7.71 Policy T1 of the RNP states that planning permission should be granted if the development would not result in a significant residual impact on the transport network. Representations have been received stating that the highway network outside of the site is busy and the proposal will significantly add to the traffic. Whilst it is acknowledged that the proposal would generate traffic, given the sustainable location of the site, there is no evidence to suggest that the proposal will have a severe detrimental impact upon the wider highway network. Although the scheme is likely to generate a significant amount of vehicles, it is likely that residents will also walk or use other sustainable modes of travel to access services and facilities that are only a short distance away. The development of this site in a highly sustainable location would reduce reliance on the motor car and encourage sustainable journeys.

7.72 Policy T1 also states that, where viable, all new developments of greater than 10 dwellings should incorporate infrastructure to facilitate the charging of electric vehicles. No details of electric charging has been submitted, however a scheme for the provision of electric vehicle charging infrastructure would need to be secured via condition.

7.73 As stated above, the LHA offers no objection to the proposal. The proposal is therefore deemed to provide suitable and safe access to the site that would be similar in nature to the surrounding dwellings and also provide sufficient parking on site in accordance with the guidance contained within the Northamptonshire County Council Local Highway Authority Standing Advice for Local Planning Authorities and Policy T1 of the Rushden Neighbourhood Plan 2018.

Flooding and Drainage

7.74 The application site is in Flood Zone 1, which means it has a low probability of flooding. In terms of drainage the proposal is for a major development with increased levels of hardstanding, to ensure that there no additional surface water run-off impacts within the locality a surface water management strategy would be secured via condition. The proposal is therefore considered acceptable and complies with Policy 5 of the North Northamptonshire Joint Core Strategy (2016).

Ecology

7.75 The site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area. In such cases, the Council has a requirement linked to the adopted Biodiversity Supplementary Planning Document which requires a contribution of £296.55 per dwelling to mitigate any impact. The applicant has not paid the required fee.
7.76 An ecological survey was submitted alongside the application. The County ecology officer has reviewed the survey and is satisfied that neither a protected species licence nor mitigation is required in this case. However, the bat activity survey is now a year old: if works do not commence within 12 months an updated activity survey will be needed.

7.77 All developments are required to provide biodiversity enhancements in line with Policy 4 of the North Northamptonshire Joint Core Strategy 2016. In this instance the site has very little ecological value being mainly of hard standing and warehouse buildings with no real opportunity for biodiversity other than bird boxes etc. It is considered that any biodiversity enhancements could be secured via condition. However, due to the failure to pay the SPA mitigation payment the proposal is not considered to be in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2016.

Archaeology

7.78 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 would 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.

7.79 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. 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. The Archaeological Advisor at Northamptonshire County Council therefore offers no objection subject to a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

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 Planning Obligations - No developer contributions are proposed and this has been assessed earlier in the viability section of the report (paragraph 7.21).
9 Conclusion / Planning Balance

9.1 The proposal for demolition of the rear industrial warehouses and conversion and extension of the original art deco former bus depot into 37 dwellings (34 flats and 3 townhouses) fails to comply with Policy H4 of the Rushden Neighbourhood Plan (2018) which states that flatted development will only be supported where it meets one of the criteria contained within the policy. The applicant has therefore failed to robustly demonstrate that the proposal complies with Policy H4 of the Rushden Neighbourhood Plan (2018) and on this basis the principle of developing the site for flats is not acceptable.

9.2 There are concerns with the scale of the proposal and its resulting impact upon the character and appearance of the area and the identified non-designated heritage asset, however as discussed in the report the impact of the proposal upon the character and appearance of the area on this specific urban site in Rushden (surrounded by similar development of arguably a poorer quality) is considered to be on balance acceptable. The development of the site has also weighed against the renovation and safeguarding of the original art deco building and is considered the only realistic option of preserving the continued use of the site as a landmark building for the town.

9.3 It is also noted that the parking situation and the layout of the spaces is not purely in line with the LHA standards, however it must be noted that these standards are not adopted and the applicant has demonstrated that the parking provision is sufficient given the parking beat survey shows ample capacity on the nearby public highways. The applicant has also adequately demonstrated that vehicles can navigate the site and park safely. The LHA are also satisfied with the on site tracking provided. On this basis it is considered that there is insufficient harm to be able to sustain a reason for a refusal on highways grounds.

9.4 The site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area. In such cases, the Council has a requirement linked to the adopted Biodiversity Supplementary Planning Document which requires a contribution of £296.55 per dwelling to mitigate any impact. The applicant has not paid the required fee. The proposal therefore fails to mitigate against the impact of the development upon the Upper Nene Valley Gravel Pits Special Protection Area.

10 Recommendation

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

11 Reasons

1. Notwithstanding Policy 30 of the North Northamptonshire Joint Core Strategy (2016), the applicant has failed to robustly demonstrate compliance with any of the criteria contained within Policy H4 of the Rushden Neighbourhood Plan (2018) which deals explicitly with flatted development. The principle of developing the site for flats is therefore unacceptable and contrary to guidance within Policy H4 of the Rushden Neighbourhood Plan (2018).

2. 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 £296.55 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.
Appendix 1: Habitat Regulations Appropriate Assessment

Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

<table>
<thead>
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<th>Application reference:</th>
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<tbody>
<tr>
<td>Application address:</td>
<td>4 Higham Road,</td>
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<tr>
<td></td>
<td>Rushden,</td>
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<tr>
<td></td>
<td>Northamptonshire,</td>
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<tr>
<td></td>
<td>NN10 6DZ</td>
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<tr>
<td>Application description:</td>
<td>Creation of 34 Flats and 3 dwellings. Demolition of some buildings on site. Change of use of the majority of the site from retail to residential</td>
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<tr>
<td>Status of Application:</td>
<td>Pending Decision</td>
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<tr>
<td>Proximity to SPA:</td>
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Lead Planning Officer: Peter Baish

### Stage 1 - details of the plan or project

<table>
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<th>European site potentially impacted by planning application, plan or project:</th>
<th>YES</th>
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<tbody>
<tr>
<td>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)?</td>
<td>NO</td>
</tr>
<tr>
<td>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)?</td>
<td>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</td>
</tr>
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45
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.

(If yes, continue to Stage 3; if no, continue to Stage 4).

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 is set out in the SPA SPD to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA by securing financial contributions 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.

The applicant has failed to pay the relevant mitigation.

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. In this instance the applicant has failed to make the SPA payment.

Natural England Officer:

Summary of Natural England’s (NE) comments:

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. A mitigation Strategy has been developed as a Supplementary Planning Document and identifies the required mitigation as a financial contribution of £296.55 per new dwelling within the 3km zone. This will contribute towards a package of Strategic Access Management and Monitoring to include fencing, screening and wardens to manage visitors within the SPA.

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.
Case Officer: Jennifer Wallis

Date received: 9 July 2020
Date valid: 24 July 2020
Overall Expiry: 18 September 2020
Ext of time 11 December 2020
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 6 additional bedroom suites with ancillary facilities. Parking for 13 cars.

This application has been brought to the Planning Management Committee at the discretion of the Head of Planning Services under Section 1(a) H of the Council's Scheme of Delegation, following a call-in request by Councillor David Jenney.

1. Summary of Recommendation

1.1 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 six bedrooms to the existing eight contained within the building, as well as a residential lounge / therapy room, office and store. 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 256.66 sq metres (from 555 sq metres to 811.66 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 position of the front wall, save for a small recess at the point where it will join the existing building. The extension would match the eaves of the existing building with the height of the extension is set down from the ridge line. The extension will measure around 5.6m in width and 9.3m in depth. Internally the southern extension will provide four of the additional bedrooms along with a therapy room / lounge.

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 two bedrooms at first floor level, with a bin store, boiler room, back entrance 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.
2.4 This application is a resubmission of a previous application which was reported to Planning Management Committee on the 2nd October 2019. The application was refused and subsequently dismissed at appeal. This application presents a reduced scheme with the amendments set out in detail within the report.

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 storeys 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 faces 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 with a total of 18 full time equivalent staff, depending on the level of care required, with 2 members of staff on "waking nights".

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)
National Design Guide (NDG)

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

4.3 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 19/00784/FUL - 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 – REFUSED 04.10.19 – Dismissed at appeal

5.2 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. PERMITTED 09.08.2016

5.3 07/01234/FUL - Construction of decked seating area and balustrading for use by residents of care home. PERMITTED 08.10.2007

5.4 01/00080/FUL - Two storey side extension. PERMITTED 19.04.2001
6 Consultations and Representations

6.1 Neighbours

Letters sent to 19 properties and one letter of objection has been received, points raised are summarised as follows;

- Reduction in light to surrounding properties.
- Cumulative impact of development at 1 Essex Road and 2 Essex Road.
- Position of the windows will overlook the property on the opposite side of the road.
- The last planning consent agreed to make the windows opaque and the rooms overlooking the garden opposite would be store rooms. This was changed immediately and the room became an office and impacted the privacy of the residents opposite.

6.2 Rushden Town Council

Comments received 19.08.20: Rushden Town Council has no objections to this application.

6.3 Natural England

Comments received 24.08.20: 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 (LHA)

Comments received 18.08.20: The LHA queries the largest vehicle that will require access to the site, for example a large van may be required for food delivery or laundry collection. If this is the case, then the following conditions will be required; gates, parking, visibility splays and construction management plan.

6.5 East Northamptonshire Council - Environmental Protection Officer

Comments received 27.08.20: This application is for demolition of part of the existing care home with new extension and additional parking. There are no obvious environmental reasons why the development should not proceed. However, to ensure the residential amenity of existing development is protected during development request conditions.

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:

Background

7.2 Planning permission, 19/00784/FUL (Appendix 1), was refused for the demolition of a 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 at 2 Essex Road, Rushden on the 4th October 2019 for the following reasons;
1. By virtue of the design and massing of the extensions, the proposal would lead to an over development of the site and would harm the character and appearance of the streetscape as a result of the visually overbearing impact contrary to JCS policy 8d and NPPF 130.

2. The development would have an inadequate level of external amenity space and consequently would fail to provide satisfactory living accommodation for residents and would not promote their wellbeing, contrary to JCS 8vi and NPPF para 127f.

7.3 This application was then the subject of an appeal which was dismissed on the 24th March 2020, appeal reference APP/G2815/W/19/3242320 (Appendix 2). The Inspector dismissed the appeal on the grounds that the proposed development would be harmful to the character and appearance of the area and would adversely affect the living conditions of current and future occupiers of the care home with particular regard to outdoor amenity space.

7.4 In response to the reasons for refusal the application has been amended and resubmitted with the following revisions;

- The number of bedrooms proposed has been reduced from 8 to 6;
- The width of the southern extension has been reduced from 8.6m to 5.6m;
- The depth of the southern extension has been reduced from 17.3m to 9.3m;
- The ridge height of the southern extension has been reduced to match the ridge height of the original Victorian house and not the previous extension on Park Road;
- There would be a reduction in floor area proposed, from 380 sq metres down to 256.66 sq metres; and
- The amount of external amenity space has been increased and most of the existing trees on the site are to be retained.

7.5 An assessment as to whether the revised scheme has overcome the previous grounds for refusal will be set out in detail within the report below.

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

7.6 National guidance contained within the NPPF states that Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy 1 of the North Northamptonshire Joint Core Strategy seeks to secure sustainable development and Policy 8 requires new development to comply with a number of sustainable principles including being of a high standard of design and not impacting on the amenities of neighbours.

7.7 The property is relatively prominent and visible from both Park Road and Essex Road to which it is adjacent. The building was originally a 2-storey detached brick dwelling which has previously been significantly enlarged by an extension along Park Road, set forward from the original building. This application proposes to demolish existing outbuildings within the site and the erection of two further extensions. These extensions will be visible from the public realm.

7.8 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 northern side. The northern extension would front Essex Road and will continue along the same line, save for a small recess at the point at which it would adjoin the existing central part. No alterations are
proposed to the northern extension from the previous scheme, with the exception of the repositioning of a ground floor window and an additional first floor window on the frontage elevation, as well as a rear rooflight.

7.9 No objection was raised to the northern extension on the previous application and the Inspector concluded that; ‘there is no dispute between the parties regarding the visual impact of the proposed northern extension by Essex Road, the design, height and massing of which would be subservient to the original building.’

7.10 The proposed minor alterations to the fenestration of the northern extension would not have any adverse impact on the character of the development and would not have any detrimental impact on the surrounding area.

7.11 Therefore, the proposed extension to the north of the site fronting Essex Road is acceptable and would not have any adverse impact on the character of the area.

7.12 The proposed extension by Park Road was previously the subject for refusal as it was considered to be over development of the site that would harm the character and appearance of the streetscene and be visually overbearing.

7.13 The Inspector, on assessing the southern extension, concluded that;

‘...the height, massing and position of the proposed southern extension would be an over-dominant addition to an already significantly extended building. It would be readily visible from Park Road, near to the smaller-scale modern flat development by Devon Walk’.

They go on to further state that;

‘The visual impact of the proposal would be further accentuated by the sloping topography of the area, resulting in an unduly prominent feature that would be detrimental to the streetscene’.

7.14 In order to address this reason for refusal the southern extension has been significantly reduced in size and scale. The depth and width of the extension has been reduced and the height of the proposal set down from the ridge height of the previous extension. The extension would have simpler lines and smaller proportions than the previous scheme.

7.15 The reduction in footprint of the extension will also enable the retention of some of the amenity area to the south and retention of existing trees providing a break between the proposed extension and the development on Devon Walk.

7.16 The extension has been designed to be simpler in appearance than the existing Victorian house but with details to reflect the Victorian character, such as stone banding, window proportions and materials to match the existing property.

7.17 It is considered that the reduction in height, massing and scale of the proposed southern extension would be sympathetic to the existing property. Whilst visible to Park Road the proposal would be subordinate. With the proposed reduced ridge height, hipped roof and landscaped area of separation to Devon Walk the proposal is considered to overcome the previous reason for refusal.
7.18 Overall, it is considered that the reduction in scale and massing of the proposed extension has overcome the previous reason for refusal and the design and massing of the extensions would not lead to an overbearing impact or over development of the site and therefore would not harm the character and appearance of the streetscene.

**Impact on Residential Amenity**

7.19 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. The relationship to adjoining residential properties was assessed in the consideration of the original application, 19/00784/FUL, and the subsequent appeal which concluded that there would be no detrimental impact on the residential amenities of adjoining properties.

7.20 This application has been amended and would result in a proposed extension to the south which is significantly reduced and separated by a greater distance to the residents on Devon Walk.

7.21 It is noted that in the assessment of the previous application that the relationship of the proposed first floor windows in the south elevation and the potential for overlooking was raised. The relationship to Devon Walk was considered acceptable subject to a condition that the three first floor windows should be obscurely glazed below viewing height to ensure no overlooking. The southern elevation has been amended with only one bedroom window proposed. Two further windows would be on the first floor which serve en-suite bathrooms, which could be conditioned to be obscurely glazed. The amended plan reduces the number of bedroom windows on this elevation and the southern elevation now only includes a single bedroom window central to the end elevation. The separation distance between the end elevation and Devon Walk has also been increased and due to the location of the window and angle of the two buildings no direct overlooking would occur.

7.22 Subject to the suggested condition, it is reasonable to reach the same conclusion as the previous application in that the proposal would not have any adverse impact on the residential amenity of adjoining properties.

7.23 The proposed extension has been amended and reduced in scale and as a result the internal layout has been reconfigured. There would be a new bedroom to the ground floor of the southern extension with the main outlook over the landscaped area to the south. Three bedrooms are proposed at first floor with outlook to Park Road, to the southern aspect and to the northwest. The northern extension would have two additional bedrooms with the main aspect to Essex Road. None of the rooms would have the main outlook over the car parking area and due to the location and positioning of the rooms any future resident would have a satisfactory degree of residential amenity.

7.24 Application 19/00784/FUL was refused by the local authority on the grounds that the development would have an inadequate level of external amenity space and consequently would fail to provide satisfactory living accommodation for residents and would not promote their wellbeing. The Inspector considered this reason for refusal and concluded that it had not been demonstrated to their satisfaction that "the loss of this outdoor amenity space would not adversely affect current or future occupiers".

7.25 The existing premises has a gravelled area suitable for car parking, a timber shelter, various benches together with a lawn. There are also a number of semi-mature and mature trees, bushes and hedges.
7.26 The refused scheme would have resulted in the loss of the lawn and most of the vegetation within the site removed with the sole area of private outdoor amenity space for the residents being an area of raised timber decking to the front of the building. This was judged to be unsatisfactory to the Inspectorate and would have an adverse effect on the living conditions of current and future occupiers.

7.27 This application proposes various amendments to the proposal in order to overcome the previous grounds for refusal. The proposed extension fronting Park Road has been significantly reduced and as a result an area of landscaping to the south of the site, between the proposed extension and Devon Walk, is to be retained. The hedge is to be retained and the majority of the trees along the south eastern boundary will also be retained. The amenity area would have a width of 5.75m and would extend up to the proposed parking area.

7.28 Internally alterations have been made to the layout with the proposed second lounge / therapy room being repositioned from the first floor to the ground floor within the southern extension. The relocated therapy room would have a flush raised decking area which would be accessible via double doors, providing easy access for the residents. The existing raised decking adjacent to the current lounge is to be retained. Furthermore, an area of planting to the north east is proposed along the boundary with No. 4 Essex Road.

7.29 Within the car park three spaces (parking spaces 5 to 7) would be under a canopy serving the first floor wing and will have a soft surface suitable for external parking and covered activities. The agent has advised that these 3 covered car spaces would have a soft tarmac surface, similar to that used in children's playgrounds making it suitable for parking on, but could also be used as a protected covered area for outside activities with the residents on days when the weather is suitable. The area proposed would be some 50 sq metres and would be easily accessible from the building. The agent has further advised that the use of this covered space would be managed by the staff, who would be instructed to park in the open air spaces first, rather than in the covered area, leaving this covered space clear for use by the residents. Notices could be affixed to the walls of this area too, to inform visitors of this use. They further state that this outdoor covered space would have been invaluable during the Covid-19 crisis, allowing much better sheltered and ventilated visiting facilities for the residents' visitors, an important part of their recovery.

7.30 In the Inspector's consideration of the appeal it is noted that limited information is provided with regards to the condition of the residents, their treatment and rehabilitation, and what amenity space provision would be needed for them. Additional information has been submitted as part of this subsequent application and the agent has advised that the care home provides support to people with varied and complex needs primarily arising from an acquired brain injury and, or, neurological disability. The agent has further advised that

'Residents generally stay for at least 12 – 18 months, rather than being long term / permanent residents. The home provides "slow stream rehabilitation", monitoring and assessing the residents, to see how their lives can be improved, rather than long term care. It is expected that at the end of this time, the rehabilitation treatment provided by the Home will allow the residents to either return home with a greater degree of independence, or else move on to another form of more independent but still supported living accommodation, such as a supported flat.'

The supporting statement advises that 'in reality, the condition of many of the residents means that they are largely house-bound and would be unable to use the garden'.
7.31 The Inspector further commented on the outlook from the building over the landscaped garden area and that this would be *'conductive to the general well-being of residents than views over a surfaced car park'*. In response to this the proposal has been amended by removing any new carpark-facing bedrooms and the omission of a previously proposed carpark-facing ground floor bedroom. A ground floor bedroom is still proposed which would now overlook part of the retained south-facing garden area. The reduction in the width of the proposed southern extension allows for a south-facing garden to be retained along with the existing trees and landscaping.

7.32 In order to overcome the previous reason for refusal and the Inspector’s conclusions the scheme has been significantly amended. An amenity area is to be retained to the south of the site, trees retained, a new external decking area and a covered shared space for parking and outdoor activities. Internally the proposed layout and amenity areas have been reconfigured to improve the usability of the space for the benefit of the occupiers of the care home.

7.33 Overall, it is considered that the reduction in scale of the proposed extension and the resulting internal and external amenity areas has overcome the previous reason for refusal and the proposal would not adversely affect the living conditions of current and future occupiers of the care home.

Ecology

7.34 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.

7.35 In the committee report for the previous application, 19/00784/FUL, the case officer advised that; ‘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 dwellings. The proposal is therefore acceptable in ecological terms.’ The application subsequently went to appeal and whilst the lack of SPA payment did not form a reason for refusal the Inspector concluded that the potential for likely significant effects cannot be excluded in this case. However, the Inspector stated that as they were dismissing the appeal for other reasons they did not need to consider this matter further.

7.36 The comments of the Inspector have been noted and it is acknowledged that the care home would see an increase in the number of bedrooms at the facility and subsequently an increase in the number of residents. Further information has been submitted by the applicant in relation to the residents of the care home and they have advised that the residents are generally disabled or have brain injuries who stay at the home short term. As such the occupiers of the care home are highly unlikely to leave the care home for recreational purposes and the request for the SPA payment would seem unreasonable in these circumstances. Due to the nature of the development, in this instance, the proposal is considered to be acceptable in ecological terms.
Highway Safety and Parking

7.37 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 14 bedrooms.

7.38 The previous application, 19/00784/FUL, proposed to extend the care home to provide 16 bedrooms. This scheme also provided 13 parking spaces and no objection was raised to the level of parking or the access and highway safety did not form a reason for refusal. The Inspector at appeal concluded that there would be an improved provision of spaces relative to the parking standards for Class C2 ‘Residential Institutions’ than the existing. Parking and highway safety did not form part of the Inspector’s reasons for dismissing the appeal.

7.39 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.

7.40 The Local Highway Authority has queried the size of the largest vehicle that will require access to the site and has requested conditions relating to any gates, parking, visibility splays and construction management plan. The proposed access and parking will remain as per the previous application and no objection was raised by the highway authority to this proposal where it was concluded 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’. This application also presents a reduction in the number of bedrooms proposed but retains the same number of parking space.

7.41 Therefore, it is considered that there is sufficient off street parking within the site and satisfactory access and accordingly the development would not impact upon highway safety.

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 **Pre-commencement Conditions:** The applicant has agreed to the proposed pre-commencement conditions.

9 Conclusion / Planning Balance

9.1 This application relates to a resubmission of a previous scheme which was refused on the grounds of the impact on the character and appearance of the area and the impact on the living conditions of current and future occupiers, with particular regard to outdoor amenity space. These reasons for refusal were upheld at appeal.

9.2 As outlined above, the further information provided by the application relating to the typical impairments of the care home residents, the proposed amendments to the scheme; the reduction in scale and mass and provision of external amenity area, have satisfactorily overcome the previous reasons for refusal.

8.3 The proposal is also considered to be acceptable in terms of the design, parking and access, residential amenity and ecological impacts.
8.4 Therefore, on balance, the proposal would provide six C2 care home bedroom spaces which represent a valuable benefit to the community. The site is sustainably located and would accord with the relevant policies of the adopted development plan and the National Planning Policy Framework and as such, is recommended for approval.

10 Recommendation

10.1 That Planning Permission be GRANTED subject to conditions.

11 Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this consent.  
**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 strictly in accordance with the following documents:
   - Site Plan as proposed PL-005 Rev B received 12th November 2020
   - Ground and First Floor Plans as Proposed ref. PL-006 received 9th July 2020
   - Second Floor and Roof Plans as Proposed PL-007 received 9th July 2020
   - Elevations and Section as Proposed PL-008 Rev A received 24th July 2020
   - Location Plan ref. PL-004 received 9th July 2020.

**Reason:** In order to clarify the terms of this consent and to ensure that the development is carried out as permitted.

3 Before the first occupation of the extensions hereby approved the windows to the first floor en-suite bathrooms in the southern elevation shall be fitted with obscured glazing to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent, and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

**Reason:** To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

4 Prior to the commencement of building construction above ground level hereby permitted a scheme of external finishes to be used in the extensions 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 Before the first occupation of the extensions hereby approved 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 prior to the occupation of the development hereby permitted. 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 All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the extension or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

**Reason:** To ensure a reasonably satisfactory standard of development which is not detrimental to the visual amenity of the area.

7 Prior to the occupation of the extensions, the thirteen parking spaces shown on plan ref. PL-005 Rev B Block 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.

8 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.

9 Residential occupancy of the extension to the care home hereby permitted shall be limited to those residents who require support with varied and complex needs primarily arising from an acquired brain injury and, or, neurological disability.

**Reason:** The requirement for an SPA payment has been waived on the basis that this is a specialist care home and as such the occupiers of the care home are highly unlikely to leave the care home for recreational purposes. Any change to the type of care home operation would require further assessment by the Local Planning Authority.
12 Informatives

1 Condition 8 is necessary to make the development acceptable in planning terms, and has been agreed with the applicant.
Case Officer: Patrick Reid

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
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>Bed</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rooms</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Staff</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Parking Standards requirement</td>
<td>21</td>
<td>24</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 obscurely glazed to limit any potential overlooking possible 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 height ensures 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.
Site visit made on 9 March 2020
by A Parkin BA (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State
Decision date: 24 March 2020

Appeal Ref: APP/G2815/W/19/3242320
2 Essex Road, Rushden NN10 0LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Freddy Collman of Kingly Care Partnership against the decision of East Northants District Council.
- The application Ref 19/00784/FUL, dated 25 April 2019, was refused by notice dated 4 October 2019.
- The development proposed is the demolition of a detached two storey outbuilding; the extension of existing 8 bedroom Care Home to create 8 additional bedroom suites with ancillary facilities and parking for 13 cars.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A late representation was submitted by a third party in relation to this appeal, which I exceptionally agreed to consider, given the circumstances. The main parties were given the opportunity to comment on this late representation and I have had regard to all comments made in determining this appeal.

3. The proposed development is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (UNVGSPA). In determining this appeal, I am the competent authority identified at Section 7(1)(c) of the Conservation of Habitats and Species Regulations 2017 (the Regulations). I shall return to this matter later in my decision.

Main Issues

4. The main issues are the effect of the proposal on:
   - The character and appearance of the area
   - The living conditions of current and future occupiers, with particular regard to outdoor amenity space.

Reasons

Character and appearance

5. The appeal building is located within a predominantly residential area containing a mix of dwelling sizes, types and designs, with mature landscaping both in private gardens and the public realm. It was originally a 2-storey,
detached brick dwelling, which has been significantly enlarged by an extension along Park Road, set forward from the original building. This extension is 2-storeys in height with a pitched roof, the ridgeline of which is higher than the ridgeline of the original building.

6. A brick boundary wall, augmented in places by timber panel fencing and a hedge, largely surrounds the site, with some brick outbuildings and a gateway by Essex Road. To the rear of the building is a hard-surfaced/gravelled area, with a larger, maturely landscaped private amenity space beyond.

7. The building is currently used as an 8-bedroomed residential care home. The appeal development would entail the demolition of the existing outbuildings and the erection of two further extensions. This would provide eight additional bedrooms and a number of additional rooms, a net increase of internal floorspace of some 355sqm or 64%. The remaining rear area would be converted into car parking spaces for 13 vehicles.

8. There is no dispute between the parties regarding the visual impact of the proposed northern extension by Essex Road, the design, height and massing of which would be subservient to the original building.

9. However, the proposed southern extension, by Park Road and extending to the rear, would be of a considerably larger scale. It would be attached to the existing 2-storey extension, continuing its roof ridgeline and eaves and ending in a part-hipped roof at the southern end, close to the site boundary by Devon Walk.

10. To the rear, a first floor extension would project over part of the proposed car parking area on support columns, set back a short distance from the southern end of the building. This would have a hipped roof with a flat crown, which would be lower than the height of the main roof of the extension.

11. Park Road contains a variety of different building designs and sizes including bungalows, 2-storey dwellings and 2-3 storey townhouses and flats. Nevertheless, the height, massing and position of the proposed southern extension would be an over-dominant addition to an already significantly extended building. It would be readily visible from Park Road, near to the smaller-scale modern flat development by Devon Walk.

12. Whilst the existing boundary walls and fencing around the site would be retained, together with some of the hedges, many of the semi-mature trees and bushes, which currently provide some screening in views from the south, would be removed. The visual impact of the proposal would be further accentuated by the sloping topography of the area, resulting in an unduly prominent feature that would be detrimental to the streetscene.

13. For these reasons the proposed development would be harmful to the character and appearance of the area. It would, therefore, conflict with Policy 8 (Place Shaping Principles) of the North Northamptonshire Joint Core Strategy 2016 (NNJCS), which seeks to promote distinctive local character in new development, and with Paragraph 130 of the National Planning Policy Framework 2019 (the Framework), which seeks to deliver well-designed places.
Living Conditions

14. The rear amenity space at the property has many of the characteristics of a large domestic garden. In addition to a gravelled area suitable for limited car parking, it includes a detached timber shelter and various benches, together with a lawn. A number of semi-mature and mature trees, bushes and hedges are to be found there, supplemented by shrubs and border plants.

15. The proposed development would see the lawn and most of the existing vegetation removed. The submitted drawings show that some new planting would be provided around part of the edge of the proposed car park, and that the existing boundary hedge by Devon Walk would be retained, along with the fence. However, there would still be a significant net loss of vegetation at the property.

16. The raised area of timber decking to the front of the building, at the junction of Essex Road and Park Road, would be unaffected by the proposed development and would be the sole area of private outdoor amenity space for the expanded use.

17. I note the appellant's comments that the rear amenity space is currently under-used, and that the nature of the residents' conditions means that they are unable to adequately utilise external amenity space as part of their care. The submitted evidence is unclear in this regard, with the Design and Access Statement (DAS) noting that a fenced garden would be provided for residents' use. The DAS also states that mature boundary trees and hedging would be retained, which is only partly correct.

18. Limited information is provided with regard to the conditions of the residents, their treatment and rehabilitation, and what amenity space provision would be needed for them. It is not clear to me that residents could not derive benefit from pleasant outdoor amenity space, particularly during summer months, and I also note that the timber decking area would be retained, in part, for this purpose.

19. The proposed development would double the number of residents at the property. Whilst some new indoor amenity space would be provided for residents, this would be significantly less than the outdoor space that would be lost.

20. Furthermore, the outlook from the building over a landscaped garden area would be more likely to be conducive to the general well-being of residents than views over a surface car park. It has not been demonstrated to my satisfaction that the loss of this outdoor amenity space would not adversely affect current or future occupiers.

21. I note the Council's comments regarding the potential needs of an alternative care home provider in terms of outdoor amenity space. The proposal, by removing almost all of the private amenity space at the property, could make it less suitable for an alternative provider. However, there is no evidence that the current user is seeking to vacate the site, and so I give this only limited weight.
22. On-street car parking provision is said to be a problem in this area. However, there are no on-street parking restrictions in the vicinity of the appeal site to address any such problems as may exist. The proposed development would expand the use of the property and provide more off-street parking spaces than exist at present. There would be an improved provision of spaces relative to the parking standards for Class C2 'Residential Institutions' than the existing\(^1\). However, whilst many staff are said to walk to work, the provision is still significantly below that required by the County Council in their standards document. I therefore give this only limited weight.

23. For these reasons the proposed development would adversely affect the living conditions of current and future occupiers, with particular regard to outdoor amenity space. It would therefore conflict with Policy 8 of the NNJCS and with paragraph 127 f) of the Framework, which, amongst other things, seek to create places with good access to amenity space and which promote health and well-being.

**Other Matters**

24. As set out above, the proposed development would be within the zone of influence of the UNVGPSA, and according to Natural England, would therefore be expected to contribute to recreational disturbance impacts to the bird populations for which the UNVGPSA has been notified\(^2\).

25. The Council disputes Natural England’s assessment. With reference to the UNVGPSA Supplementary Planning Document 2015 (SPD), the Council states that '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'.

26. The Town and Country Planning (Use Classes) Order 1987, as amended, defines a Class C2 use as a 'Residential Institution', which includes a range of different residential uses, such as care homes, nursing homes, boarding schools, or colleges, where people reside for periods of time. The appeal development would see a doubling of the number of bedrooms at the residential care home.

27. Regardless of this or the content of the SPD, with reference to the Regulations, the potential for likely significant effects cannot be excluded in this case. Consequently, if I was minded to allow the appeal, I would need to seek further information and undertake an appropriate assessment of the appeal development in relation to the UNVGPSA\(^3\). However, as I am dismissing the appeal for other reasons, I do not need to consider these matters further.

**Conclusion**

28. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin
INSPECTOR

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\(^1\) Northamptonshire Parking Standards September 2016, Northamptonshire County Council.
\(^2\) Including Bitterns, Golden Plovers, Gadwalls, Great Crested Grebes, Wigeons, Tufted Ducks and Mute Swans.
\(^3\) Section 63(1) of the Regulations.
The application is brought before the Planning Management Committee because of an objection by Raunds Town Council meaning that the application falls outside of the Scheme of Delegation in Part 3.2 1(b) of the Council’s Constitution (2019).

1 Summary of Recommendation

1.1 That Planning Permission be GRANTED subject to conditions.

2 The Proposal

2.1 This application seeks full planning permission for the expansion of an existing B1 (now class E under the new Use Classes Order) office complex known as Blotts Barn Business Centre. Associated parking and landscaping is proposed, alongside the addition of a detached storage unit (B8) to support one of the prospective occupiers. The existing access point would remain as is but it is proposed to install passing bays along Brooks Road at the request of the Local Highway Authority (LHA).

2.2 The proposed additional office space would be in the form of a detached building positioned to the north of the existing business centre. The proposed building would be single storey but with a partial first floor (similar to the existing office building) and designed in a barn-like style to create three offices with independent toilet and kitchen facilities. Small courtyards would be created close to the building for landscaping and staff amenity space and 32 parking spaces would be created to serve the new offices.

2.3 The offices proposed will be self-contained, with each having its own front door, toilets and kitchen, as well as dedicated parking, and differing from the serviced/start-up accommodation available elsewhere, such as in the Enterprise Centre.

2.4 The applicant has stated that as all the existing small business units are currently occupied, they seek expansion to allow for the growth of new business, given the continued number of enquiries for further occupation. The applicant has submitted justification for the need for such office space and this is attached at Appendix 1.
2.5 The application is supported by the following documents:

- Design and Access Statement
- Sustainability Energy Statement;
- Ecological Impact Assessment;
- Landscaping Plan;
- Phase I Environmental Risk Assessment;
- Transport Statement; and
- Arboricultural Impact Assessment.

3 The Site and Surroundings

3.1 The application site is positioned in a peripheral location approximately 1.3km to the north east of Raunds. September Hall farm, a large detached dwelling, lies to the south, Pecks Lodge and Brookfield Farm lie to the east and there is open land to the north with sporadic residential development. Further to the south is residential development making up the north eastern edge of Raunds.

3.2 The existing buildings at Blotts Barn Business Centre are arranged in a farm courtyard and consist of a series of linear form stone barns under red pantile roofs. The western side of the site is used for the storage of shipping containers (formal use is the subject of a recent appeal) and the eastern side of the site is occupied by the Blotts Barn business centre buildings. There is a hedgerow around the entire site and the land slopes gently from east to west by approximately 5 metres from the western boundary towards the access into the site.

3.3 Access to the site would be gained via Brooks Road which links Denford to Raunds. Brooks Road is hard surfaced and single width for most of its length with grassed verges. There is a public right of way which runs to the west of the site and the nearest bus stop is approximately 1 mile away (15 - 20 minutes walking distance) on Brick Kiln Road.

3.4 The site is within Flood Zone 1 and falls within 3km of Upper Nene Gravel Pits Special Protection Area.

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 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 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 10 - Provision of Infrastructure
Policy 11 - The Network of Urban and Rural Areas
Policy 12 - Town Centres and Town Centre Uses
Policy 15 - Well Connected Towns, Villages and Neighbourhoods
Policy 19 - The Delivery of Green Infrastructure
Policy 22 - Delivering Economic Prosperity
Policy 23 - Distribution of New Jobs
Policy 25 - Rural Economic Development and Diversification
Policy 26 - Renewable Energy

4.3 **Raunds Neighbourhood Plan (Made November 2017)**
Policy R2 – Promoting Good Design
Policy R10 – Traffic and Transport in Raunds
Policy R14 – Supporting New Employment Development
Policy R16 – Built and Natural Environment
Policy R17 – Greening the Town
Policy R19 – Upper Nene Valley Gravel Pits SPA/SSSI

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 - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

5 ** Relevant Planning History **

5.1 95/045/FUL – Change of use of buildings to industrial use (B1/B2) – Allowed at appeal (03.04.1995)

The inspector noted that Brooks Road, although single width, would adequately cater for the proposed use without seriously prejudicing highway safety and that the grass verges would provide refuge for the very few pedestrians using the road.

5.2 02/00665/OUT - Extension of existing studio / office – REFUSED (10.06.2003)

5.3 04/01158/OUT - Extension of existing studio / offices – REFUSED (01.09.2004)

5.4 18/01387/LDE - Use of the site as a builder's yard for more than 10 years including the siting of 3 storage containers and external storage of building materials- REFUSED (10.09.2018)

The applicant appealed the refusal but the appeal was dismissed on the grounds that the applicant could not demonstrate that the site had been used for the storage of building materials for the preceding ten years. (partial costs awarded to the appellant).

**Other Relevant Applications Close to the Site**

5.5 19/01630/OUT - Outline: Erection of five dwellings (All matters reserved) – REFUSED (by Planning Management Committee) (11.06.2020) for the following reason:

The proposed development of five dwellings would be served by Brooks Road, which would not provide a safe means of pedestrian access for walkers between the dwellings, the local neighbourhood and the town centre. The increase in vehicular use of Brooks Road would also be to the detriment of the safety of users of the highway, including motorists, cyclists and pedestrians due to its narrow width and condition. The width of the road at the point of access into the site may be limited by cars parked on the opposite side of Brooks Road, making manoeuvring into and out of the site potentially difficult. Due to the unacceptable accessibility of the site, the proposal is considered to conflict with Policy 8, a (iv)
and b (i) and (ii) of the North Northamptonshire Joint Core Strategy (2016). The proposal is considered to cause an unacceptable impact on highway safety, and therefore does not meet the requirements of paragraph 109 of the National Planning Policy Framework. The social, economic and environmental benefits associated with the development are considered to be outweighed by the harm identified.

5.6 19/01633/OUT - Outline: Erection of two dwellings (All matters reserved) – REFUSED (By Planning Management Committee) (11.06.2020) for the following reason:

The proposed development of two dwellings would be served by Brooks Road, which would provide a safe means of pedestrian access for walkers between the dwellings, the local neighbourhood and the town centre. Due to the unacceptable pedestrian accessibility of the site, the proposal is considered to conflict with Policy 8, a (iv) and b (i) and (ii) of the North Northamptonshire Joint Core Strategy (2016). The proposal is considered to cause an unacceptable impact on pedestrian safety, and therefore does not meet the requirements of paragraph 109 of the National Planning Policy Framework. The social, economic and environmental benefits associated with the development are considered to be outweighed by the harm identified.

6 Consultations and Representations

6.1 Neighbours

3 objections received, raising the following concerns:

- Increase in traffic.
- Brooks Road is not well maintained, sometimes floods and is not lit. It is used by cyclists, horse riders and pedestrians and there is no footpath.
- The proposed building would be 1 metre taller than the existing building.
- There are other sites that would be more suitable.

6.2 Raunds Town Council

Comments received 29.05.20: Object for the following reasons:

- The area is not designated as an employment site within the Raunds Neighbourhood Plan policy R13.
- The development contravenes policy R14 a-e.
- This is an overdevelopment of the site.
- The access road, Brooks Road, is liable to flooding
- The increased traffic imposes a significant risk due to lack of pathways for pedestrians, the road is already busy with tractors cyclists and horse riders and there is a riding stable in close the proximity. There is a lack of passing points on the road, which is already busy with tractors, cyclists and horse riders. This is a single track road and entirely unsuitable for the proposed traffic volumes.
- The Town Council understand that the Local Highway Authority will not adopt the road as it no longer conforms to acceptable standards.

6.3 Natural England

Comments received 13.05.20: No comments to make.
6.4 Environment Agency

Comments received 28.05.20: No comments to make. Add advisory informative regarding environmental permits.

6.5 Northamptonshire Fire and Rescue

Comments received 11.05.2020: No objection. Please ensure the access road is at least 3.7m wide to within 45m of the furthest point of the proposed new building.

6.6 Northamptonshire County Council - Lead Local Flood Authority (LLFA)

Comments Received on 03.09.2020: No objection subject to the following conditions being used:

No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy ref 100225/WO/June-20/01 rev B dated June 2020 prepared by Dice Consulting Engineers Ltd have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations
iii) Cross sections of the control chamber (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for the hydrobrake.
iv) A qualitative examination of what would happen if any part of the system fails. It should be demonstrated that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes.

Reason
To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

No above ground work shall take place until full details of the management and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. 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 and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted.

A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.
Reason
To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on Flood Risk Assessment and Drainage Strategy ref 100225/WO/June-20/01 rev B dated June 2020 prepared by Dice Consulting Engineers Ltd has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority. The details shall include:

a) Any departure from the agreed design is keeping with the approved principles
b) As-Built Drawings and accompanying photos
c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
e) CCTV Confirmation that the system is free from defects, damage and foreign objects.

Reason
To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

6.7 Northamptonshire County Council – Ecological Advisor

Comments received on 04.06.2020: No objection. As the proposal could affect the great crested newts on site a licence will be required and I would therefore recommend the following condition from BS42020:

The development hereby permitted shall not in any circumstances commence unless the local planning authority has been provided with either:
a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
b) Written confirmation from Natural England that the application site has been registered with the Great Crested Newt Low Impact Class Licence scheme; or
c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

A scheme for soft landscaping should also be conditioned; this should incorporate the mitigation and enhancement recommendations in the Ecological Impact Assessment report (RammSanderson ref RSE_2046_01_V1 dated October 2019). A Landscape Ecological Management Plan (LEMP) should also be conditioned to ensure the measures are appropriately managed.

6.8 Northamptonshire County Council - Local Highway Authority (LHA)

Initial comments received 15.05.19: Objection, for the following reasons:

The LHA has concerns with the increased number of traffic movements on a sub-standard road in terms the width and condition of Brooks Road, there is also no footpath or public transport links making this an unsustainable location for office staff.

The LHA requires the identifying of all available passing places and clarifying if these are formal arrangements or merely vehicles running over the highway verge (clarify highway
extents with the Northamptonshire definitive map team.

The LHA requires that the applicant demonstrates a suitable measure to ensure surface water does not flow in to the public highway and vice-versa, the LHA does note that a drainage ditch is present in the verge passing under the proposed access and if this is to be used for the reason above then the applicant will require approval from the Bedford drainage board.

Following the comments above, the applicant discussed the proposal with the LHA, pointing out the content of the submitted Transport Assessment, and submitted additional details to show that passing bays would be installed in nine locations along Brooks Road.

*Further comments received from the LHA on 13.10.20:*

We are content regarding the proposed passing places – they will require securing via a suitably worded planning condition with the indicative drawing referenced. The works will be carried out by the applicant via a Section 278 Agreement.

A condition is required to ensure that the applicant enters into a Section 278 agreement with the LHA.

*Final comments received from the LHA on 23.10.2020:*

I will address each point in turn relating to our previous objection and explain the position we have now reached:

In relation to the sub – standard road named Brooks Road we are now satisfied that a nil-detritment scheme is being provided in the order of improved formal passing provisions that will be secured via a S278 Agreement at the cost of the applicant.

I note that this mitigation does not satisfy our previous concerns relating to sustainable modes of transport to the site however any improvements that could achieve this would be significantly disproportionate to the quantum of development being proposed here therefore we do not feel we could sustain an objection on this basis.

With regards to detail relating to surface water drainage of the access and how this will be diverted from outfalling onto the highway we are yet to see the required detail (note: this can be required by condition).

6.9 **Northamptonshire Country Council – Archaeological Advisor**

*Comments received 26.05.2020:* No objection subject to an archaeological programme of works.

6.10 **East Northamptonshire Council - Environmental Protection Officer**

*Comments received 14.04.19:* No objection.
6.11 East Northamptonshire Council – Planning Policy

Comments received on 08.10.2020: No objection - comment as follows:

Based on the information provided and the considerations discussed above:
- The principle of development is supported.
- The Raunds Neighbourhood Development Plan supports future regeneration, diversification and expansion of employment opportunities.
- Whilst the site lies beyond the settlement boundary, it would be an extension of an existing development/ use and has been designed to be in keeping with its rural character.
- The applicant has provided evidence to support the proposal; justification that the benefits of the scheme would outweigh the harm and that the proposal should be supported in policy terms.

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 Development Plan relevant to the consideration of this application comprises:

- North Northamptonshire Joint Core Strategy (2016)
- Raunds Neighbourhood Plan (2017)

The following considerations are relevant to the determination of this application:

Principle of Development

7.2 In addition to the policy contained within the Development Plan, regard must be given to the policy contained within the National Planning Policy Framework (NPPF), alongside the National Planning Practice Guidance (NPPG).

7.3 Paragraph 7 of the NPPF outlines the purpose of the planning system, which is to contribute to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: an economic objective; a social objective; and an environmental objective.

7.4 The economic objective is to help build a strong, responsive and competitive economy by ensuring that sufficient land is available at the right time and place to support growth, innovation and improved productivity. The social objective is to support strong, vibrant and healthy communities by fostering a well designed built environment. The environmental objective states that decisions must contribute to protecting and enhancing our natural, built and historic environment: including making effective use of land as well as improving biodiversity, minimising waste and pollution, and adapting to climate change. This proposal would broadly support the economic objective to help build a strong, responsive and competitive economy.

7.5 Paragraph 11 of the NPPF sets out a presumption in favour of development.
7.6 Paragraph 83 of the NPPF states that planning policies and decisions should enable “the sustainable growth and expansion of all types of business in rural areas, through both conversion of existing buildings and well-designed new buildings”. The proposal would fit this criterion, as it would be expanding a business in a rural area and the design of the units would emulate the existing farmyard conversion on the site, with an additional storage barn designed to give the appearance of an agricultural building.

7.7 Paragraph 84 of the NPPF is clear that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. Paragraph 84 also adds that the use of previously developed land, and sites that are well related to existing settlements should be encouraged where suitable opportunities exist.

7.8 Paragraph 84 is crucial in the determination of this application as it directly addresses the location of the proposed development and guides the decision maker when assessing applications for business related developments in peripheral locations. Paragraph 84 is very clear and notes that an application should not be refused simply because it is positioned outside of a settlement and / or because a site is not served by public transport. Instead, the decision maker should consider the impact on the surrounding area, including roads, and exploit any opportunities to ensure that a development is the catalyst for securing improvements to make a location more sustainable.

7.9 In this particular case, whilst being relatively small scale, the proposed development would result in the improvement of Brooks Road with the addition of passing bays in a manner that makes the development itself acceptable and in a way that all users - not just those at the application site - could benefit from.

7.10 Moving to the North Northamptonshire Joint Core Strategy (JCS), Policy 1 reiterates the presumption in favour of development set out in the NPPF. In the context of the JCS, development should contribute to delivering the plan, visions and outcomes through compliance with its relevant policies. Development that conflicts with the policies of the Local Plan will be refused unless material considerations indicate otherwise.

7.11 Policy 8: North Northamptonshire Place Shaping Principles criteria (d) ensures that proposals create a distinctive local character by responding to the site’s immediate and wider context. The proposed extension of the rural business centre, designed to replicate the form and scale of existing conversions, would be compliant with criteria (d) of this policy.

7.12 JCS Policy 8 criteria (e) encourages development which supports a good quality of life and safer and healthier communities, and it seeks to ensure that the development is of an acceptable design with no significant impact on neighbouring amenity or highway safety. The physical separation between the application site and existing dwellings and the proposed landscaping scheme would partially meet this criterion, however at some 1.3km north of the town, there would be some dependence on car ownership. As noted above, the NPPF makes it clear that development outside of settlements and that which would not be served by public transport is not automatically considered unacceptable. There is an opportunity for the development to lead to a proportionate improvement to Brooks Road. Advice has been sought from the Local Highway Authority in this respect and will be discussed in more detail below.
7.13 **Policy 25 of the JCS: Rural Economic Development and Diversification** sets out that sustainable opportunities to develop and diversify the rural economy, that are of an appropriate scale for their location and respect the environmental quality and character of the rural area, will be supported. This proposal seeks to expand an established rural business therefore the principle of development is established. Given that the scale and form of the business units would reflect the existing; this policy would support the proposed scheme.

7.14 The Raunds Neighbourhood Plan (2017) (RNP) is relevant to the assessment of the proposal. Objective 2 of the RNP seeks to ensure that all new development is of good design, in-keeping with the area’s character. Objective 5 seeks to “protect existing employment provision and support future regeneration, diversification and expansion of employment opportunities”. The proposed development would provide long term accommodation for small businesses (as opposed to short term ‘starter’ accommodation) within a previously developed site close to Raunds.

7.15 **Policy R10 of the RNP** seeks to achieve a safer, more accessible environment for pedestrians, cyclists and other road users. It encourages development proposals to demonstrate how they contribute to the creation of safer roads and streets for pedestrians and cyclists.

7.16 **Policy R14 supports proposals for new offices, business (B1) (now Class E under the new Use Classes Order), as well as general industrial (B2) and warehousing uses (B8). These proposals will be encouraged where they:**

a) prioritise previously develop land;
b) re-use existing buildings;
c) do not adversely impact on the amenity of existing and future residents;
d) they do not lead to loss of protected open space;
e) they do not lead to significant traffic or highway safety issues; and
f) they do not adversely impact on primary or secondary retail areas.

7.17 It is important to recognise that a development does not have to comply with all of the criteria of Policy R14 to comply with it. The wording states that proposals will be ‘encouraged’ where the criteria is met, not refused if the development does not meet some or all of the criteria.

7.18 **The proposed scheme is for new offices (B1) with ancillary storage (B8) (now Class E of the Town and Country Planning (Use Classes) Order (as amended)), which is supported in principle by Policy R14, and the proposal would make use of previously developed land, as well as not leading to a loss of protected open space or adversely affecting the primary or secondary retail area. The proposed development is therefore, on balance, considered acceptable in principle. The impact on highway safety will be explored in detail below.**

7.19 It is acknowledged by Officers that some elements of the proposed scheme may not match the aspirations of Members for development in the Brooks Road area with regard to access and location aspects. However, when the benefits of the proposed scheme are weighed against the less favourable elements, the planning balance tilts in favour of the development.
Design, Layout and Impact on the Character and Appearance of the Area

7.20 The proposed development has been designed with the scale, layout and appearance of the adjacent Blotts Barn buildings in mind. The proposed office building would be constructed in stone with a pantile roof to complement the character of the site and would appear as though it is part of an original barn complex, together with the existing buildings on the site. A condition is recommended to ensure that the proposed materials are submitted for written approval.

7.21 The proposed office building would be a similar height to the existing buildings on site (less than 1 m) but this would not be a discernible difference; particularly as the proposed office building would be positioned towards the rear of the site.

7.22 The proposed storage building, with a ridge height of 6.5 metres, would be positioned adjacent to the rear boundary of the site and would be designed in an ancillary agricultural style to fit with the character of the site. No visual harm would result from this element of the proposal, subject to suitable materials being agreed.

7.23 Overall, the visual impact of the proposed development would be acceptable.


7.24 The proposed development would result in an intensification of the site, and the access point off Brooks Road. Following feedback from the LHA, the applicant proposes to widen the existing access point from 6.2 metres to 7.3 metres, as shown on drawing ref: 100225_01_000_02. The LHA support this element of the proposal. Locked cycle and motorbike storage is also proposed.

7.25 The submitted Transport Assessment (TA) concludes that the proposed office units have the ability to generate up to 19 peak hour vehicular movements during a standard weekday, with a worst case ‘tidal flow’ of 17 vehicles in one direction, opposed by 2 in the opposite direction.

7.26 When adding the proposed generation to the existing movements, the gross trip movement increases to 40 movements, with a worst case tidal flow of 36 in one direction opposed by 4 in the opposite direction in peak flow.

7.27 Although this is not a high number of trips in general terms, on a single width road, this would increase the likelihood of vehicles needing to pass each other on Brooks Road.

7.28 The applicant notes that there are 8 existing informal passing places along a 780m single width stretch of Brooks Road. Vehicles are able to see each other from each passing place.

7.29 In order to improve passage and safety, the applicant, in agreement with the LHA, proposes to create 9 formal passing places along Brooks Road, making each passing place easier to negotiate and improving the overall safety of the road; even with the proposed increase in use. A condition is required to ensure that the applicant enters into a Section 278 agreement with the LHA to secure the passing places.

7.30 In recognition of the sites peripheral location and the increased need to travel to the site by car, the applicant is proposing the required number of parking spaces (22 spaces) as set out by the LHA Local Highway Authority Parking Standards (2016) plus an additional 10 spaces.
7.31 It is proposed to turn some of the least convenient of the 32 existing car parking spaces into landscaping but these spaces would be recreated closer to the office area, resulting in a net gain of 37 spaces across the site. Therefore, the overall parking provision proposed as part of the development far exceeds the number required by the LHA.

7.32 Going back to the policy assessment section above, it is a requirement of the NPPF (paragraph 84), JCS Policy 8 and Policies R10 and R14 of the Raunds Neighbourhood Plan that developments do not lead to significant traffic or highway safety issues. It is reiterated that sustainable development is not defined simply by its location but also by the possibility for improvements to local facilities- including the local roads- and opportunities to secure improvements to the highway network as a result of development should be secured. However, it must be remembered that improvements so secured must also be reasonable, related to the development and proportionate to the development.

7.33 The applicant has proposed to upgrade the existing access point, provide in excess of the required parking provision and make physical improvements to the passing provision along Brooks Road. Further, the applicant has demonstrated that, whilst the proposal would result in an increase in trips to and from the site, the proposed installation of passing bays would accommodate that increase safely and improve the use of Brooks Road for others.

7.34 A neighbour has raised concerns over the lack of a pavement between the application site and the built up part of Brooks Road, to give access into the Town. The Applicant has been asked to consider this suggestion and states that:

"the general cost of a standard tarmac footpath with concrete edges is £65/sqm, which results in a cost of circa £169,000 for a footpath extending along Brooks Road from the site to Midland Road. Clearly, such cost is not commensurate to the scale of development proposed in this instance or to the likely numbers of people using such a path to travel to and from the site on foot and will result in obvious viability issues for the scheme. Furthermore, this cost is related to the development of a footpath in isolation to all other necessary considerations, including land ownerships; surveys; ground conditions/contamination; site clearance/tree removal; and service diversions/protection."

7.35 The Local Highway Authority does not support the proposal for the installation of a footpath (with the necessary kerbing and surfacing works) as this would cost more than could be considered reasonable for a development of this scale and would likely render the scheme unviable. The LHA considers the proposed passing bays to be a considerable improvement in the safety of the road for all which should be accepted as proportionate.

7.36 The Local Highway Authority has now withdrawn its objection and is satisfied that the proposal would not have a significant adverse impact upon the safety of Brooks Road. As such, the proposal is considered acceptable in terms of its impact on highway safety and parking.

Impact on Residential Amenity

7.37 The application site is positioned close to a number of residential sites (76 m to the closest dwelling at September Hall Farm and 111 m to the next closest dwelling at Brookfield Farm) but not so close that the proposed increase in activity at the site would have a negative impact upon the residential amenity of occupiers. The owner of the nearest dwelling, September Hall, is associated with the application site and would have some control over operations within the site. Furthermore, it is important to note that the
site has been used in the very recent past for storage- attracting larger vehicles and non-domestic activities- alongside the existing office use. The proposed use would not have any more of an impact on neighbouring occupiers than that experienced at present.

7.38 Occupiers along Brooks Road may experience an increase in the number of vehicles using Brooks Road. However, the increase in number would not be significant from a nuisance point of view and none of the existing dwellings are positioned close enough to the road to experience a significant impact in terms of noise.

7.39 The proposed development would not be positioned close enough to any buildings outside the site to result in any overlooking, overshadowing or overbearing impact.

7.40 As noted above, a condition is recommended to ensure that the proposed storage building is used in conjunction with the office use (B1) and not as a separate B8 unit, or for any other purpose.

7.41 Overall, the proposed development is considered acceptable in terms of its impact on residential amenity.

Ecology

7.42 The application is supported by an Ecological Impact Assessment (EIA) and consideration has been given to the local wildlife present in and around the site. The existing pond within the site has been identified as supporting a population of Great Crested Newts and the proposed development could therefore have an impact upon their above ground habitat.

7.43 In order to mitigate against the potential impacts, the proposed scheme includes a number of ecological enhancements as summarised in Section 7 of the EIA.

7.44 The impact upon other protected species has been demonstrated as negligible, subject to mitigation measures and best practice standards being adhered to.

7.45 The Ecologist at Northamptonshire County Council has been consulted on the proposed development and associated mitigation measures. No objection is raised subject to conditions regarding mitigation and licence responsibilities, a management programme and further details of soft landscaping.

Landscaping

7.46 The existing site is a mix of grass, tarmac, gravel and there is an existing pond on site which offers visual interest and ecological gain.

7.47 The applicant has submitted landscaping details as part of the detailed site plan. These details show that other than the newly created parking spaces, the site would be mainly laid to grass. There is some scope for planting and as the applicant has not submitted a detailed planting schedule as part of the landscaping details, further information will be required by condition.

7.48 An Arboricultural Impact Assessment (AIA), Method Statement and Tree Protection Plan has been submitted. The AIA identifies 28 individual trees, 2 groups of trees and 4 hedgerows and points out that none of the trees detailed are subject to statutory protection.
7.49 The AIA notes that the proposed development would require the removal of two low quality horse chestnut trees which are of limited future value. The submitted Method Statement details how the remaining trees are to be protected throughout the construction process. A condition is recommended to ensure that the development is carried out in accordance with the methodology in the statement and the associated Tree Protection Plan.

Flood Risk and Drainage

7.50 The application site falls within Flood Zone 1 where risk of flooding is low. The Drainage Strategy submitted with the application details the provision of a swale to accommodate any additional surface water. The development would then attenuate the flow to cater for a 1 in 100 year storm event plus the required 40% for climate change.

7.51 The Lead Local Flood Authority (LLFA) is content with the proposed development and suggests a series of conditions which are recommended as part of this report. The LLFA has not raised any concerns regarding flooding on Brooks Road, as mentioned by a neighbour.

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 Sustainable Construction: The Design and Access Statement demonstrates that the design of the scheme has taken into account the need to minimise the use of resources and creation of waste. A condition is recommended to ensure water use is limited to that specified by JCS Policy 9, as the site lies in an area of water stress.

8.3 Waste: The proposed development would be served by a private commercial waste contractor, rather than the Council’s domestic waste collection service.

8.4 Fire and Rescue: The proposed access would be at least 3.7m wide to a point within 45m of the proposed building, as requested by Northants Fire and Rescue.

8.5 Other Matters Raised: Neighbours concerns that cannot be addressed elsewhere in the report e.g. non-material considerations such as party wall act, loss of views etc.

8.6 Pre-commencement Conditions: The applicant has agreed to the proposed pre-commencement conditions.

8.7 Adoption: It is true that the Local Highway Authority has no intention to adopt Brooks Road at the present time. However, this is not necessarily due to its condition or location. In any case, this would not be a reason to refuse this planning application.

9 Conclusion / Planning Balance

9.1 The presumption in favour of sustainable development requires proposals to achieve economic, social and environmental gains; as such a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages. When considered in the round, the proposal would contribute to the economic and social dimensions of sustainability. The scheme offers some environmental benefits but it is acknowledged that the site is positioned outside the settlement boundary of Raunds and that the access to the site is not ideal. Overall, the harm identified is not considered to outweigh the scheme’s benefits when assessed against the policies in the NPPF taken as
a whole. This is a significant material consideration which outweighs the conflict with the Development Plan. In this instance the proposal to extend an existing and well-established office accommodation is not considered to cause harm to outweigh the economic, social and environmental benefits of the proposal. Therefore given the current policy position, the proposed development is considered to be compliant with relevant national and local planning policy as:

- The principle of the development of this site for office accommodation is acceptable
- The proposed development would provide long term accommodation for small businesses (as opposed to short term 'starter' accommodation) within a previously developed site close to Raunds. This complies with Objective 5 of the Raunds Neighbourhood Plan which seeks to "protect existing employment provision and support future regeneration, diversification and expansion of employment opportunities".
- The proposal would not have a significant impact on the character and appearance of the area by virtue of its sympathetic character and design.
- The proposal would satisfactorily safeguard the amenities of neighbouring dwellings.
- There are no unresolved highway issues and the proposal would result in a benefit to all users of the highway (passing places)
- There are no other material planning considerations which have a significant bearing on the determination of this application.

9.2 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore recommended that planning permission should be granted.

10 **Recommendation**

10.1 That planning permission is GRANTED subject to conditions.

11 **Conditions**

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

*Reason:* To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.

2 Prior to the commencement of development above damp proof course level, details and samples of the external roofing and facing materials to be used in the development (office building and storage building) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

*Reason:* To achieve a satisfactory appearance for the development.
3 The development hereby permitted shall not in any circumstances commence unless the local planning authority has been provided with either:

a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
b) Written confirmation from Natural England that the application site has been registered with the Great Crested Newt Low Impact Class Licence scheme; or
c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

Reason: In order to prevent a detrimental impact on ecology protected species.

4 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g) Details of the body or organization responsible for implementation of the plan.
h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan must be implemented in accordance with the approved details prior to the first use of the development hereby approved.

Reason: In the interests of biodiversity in accordance with the NPPF.

5 Prior to the first occupation of the buildings hereby permitted, a soft landscaping plan which incorporates the mitigation and enhancement recommendations in the Ecological Impact Assessment report (RammSanderson ref RSE_2046_01_V1 dated October 2019) shall have been submitted to and approved by the local planning authority. All soft landscaping identified in the agreed landscaping plan (listed above) shall be planted in the first available planting season following the completion or first use of the development (whichever comes first), and shall be maintained for a period of 5 years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.
Reason: In the interests of ecology and visual amenity.

6 The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the submitted Environmental Impact Assessment carried out by RammSanderson dated October 2019 prior to the first occupation of the development hereby approved.

Reason: To protect ecology and Great Crested Newts.

7 Full details of any external lighting to the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Works shall only take place in accordance with the approved details, which shall be retained and maintained in the agreed manner thereafter.

Reason: In the interests of visual amenity and to prevent unnecessary light pollution in the surrounding area.

8 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF Paragraph 199.

9 Prior to the first use of the buildings hereby permitted, the proposed staff and visitor parking spaces (including 5 disabled spaces), as stated in this application and shown on drawing number: 18-062-03B, shall have been completed and brought into use. The parking spaces shall thereafter be maintained and retained for parking purposes only.

Reason: In the interest of highway safety.

10 Prior to the first use of the development hereby permitted, the vehicular access point shall have been upgraded (and the upgrade completed) in accordance with the details shown on plan ref: 100225_01_000_02. The access shall thereafter be retained and maintained in the approved manner in perpetuity.

Reason: In the interests of highway safety.

11 No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment and Drainage Strategy ref 100225/WO/June-20/01 rev B dated June 2020 prepared by Dice Consulting Engineers Ltd have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

i) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations
iii) Cross sections of the control chamber (including site specific levels mAOD) and
manufacturers' hydraulic curves should be submitted for the hydrobrake.

iv) A qualitative examination of what would happen if any part of the system fails. It should be demonstrated that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes.

**Reason:** To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

12 No above ground work shall take place until full details of the management and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. 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 and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted.

A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

**Reason:** To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

13 No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on Flood Risk Assessment and Drainage Strategy ref 100225/WO/June-20/01 rev B dated June 2020 prepared by Dice Consulting Engineers Ltd has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority. The details shall include:

a) Any departure from the agreed design is keeping with the approved principles
b) As-Built Drawings and accompanying photos
c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
e) CCTV Confirmation that the system is free from defects, damage and foreign objects.

**Reason:** To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

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14 No development shall commence until the applicant has entered into a Section 278 agreement with the Local Highway Authority to secure the necessary passing places shown on plan ref: 100225_03_0100_04 Rev P01. The works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place. The approved passing places shall be implemented in full and thereafter maintained in accordance with a maintenance scheme to be agreed in writing by the Local Planning Authority; both prior to the first use of the development hereby permitted, and shall thereafter be maintained and retained in perpetuity in accordance with the approved details.

Reason: To ensure that the proposed passing places are secured and implemented in the correct manner.

15 Prior to the first use of the development hereby permitted, the drainage strategy (including access drainage) shown on submitted plan ref: 100225_03_0500_01 Rev B shall have been installed in full. The agreed drainage strategy shall thereafter be maintained and retained in accordance with the agreed details in perpetuity.

Reason: In the interest of highway safety.

16 The proposed development must be carried out in accordance with the measures stated in the submitted Tree Survey: Arboricultural Statement, Method Statement and Tree Protection Plan carried out by RammSanderson Reference: RSE_2046_02_ dated September 2019. All long term measures shall be maintained and retained in accordance with the approved details.

Reason: In the interests of protecting valuable trees.

17 The development hereby permitted shall be used as office accommodation only (save for the approved storage unit) and shall be used for no other use within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To clarify the terms of this permission.

18 The development hereby permitted shall be carried out in strict accordance with the following approved plans, received on 12.10.2020, 01.05.2020 and 20.04.2020:

100225_01_000_02
100225_03_0500_01
18-062-02 - Existing
18-062-03B
18-062-04-Elevations
18-062-05A-Barn and Elevations
18-062-06A
18-062-07A- 3D visuals
18-062-08-3D
18-062-09-Fence and Gate
200
8-062-01A
12  **Informatives**

1  In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

2  Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

3  A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

4  Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

5  Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules.
03 November 2020

Mr
Sterling Safetywear Ltd
Crown House
310 Wellingborough Road
Rushden
Northants
NN10 6PP

Dear [Name]

Re: Demand / Supply for business (office) space within the East Northants / North Northants Region

Following your call to me, I write to outline the currently evolving demand for business (office) space within this region (and wider afield).

Traditionally, occupier demand for office accommodation within the County has focused on Northampton and Kettering with lessor demand for Wellingborough, East Northants and Corby. The gradual deterioration of the built environment, facilities and demographic profile of Northampton town centre led to a shift in occupier demand to Milton Keynes. More recently, NBC has moved to address this situation and today, there is an improvement in occupier interest in the town but MK still commands a preference with mid to large format occupiers.

Occupier demand is a key factor in values and whilst East Northants provided desirable residential options, people traditionally used to migrate out of the District to work (travelling to Northampton, Kettering and Wellingborough). East Northants Council sought to address this issue over 15 years ago, with the appointment of a dedicated Economic Development Officer and a proactive approach to encouraging and delivering the development of significant employment opportunities, to the point where today, East Northants leads the County by example.

However, the one sector that proved unviable, was that of the office market. Rents and capital values for office accommodation outside of MK and Northampton have always lagged behind the two lead locations, to the point where it simply wasn’t viable to build office space. Typically, the residual value of a newly built office was lower than the cost of building them. For example, even today, rents for new offices in MK are circa £25.00 psf, yet the highest rent achieved for a ‘new’ office unit in East Northants is £11.00 psf (Sapphire House, Crown Park, Rushden – a building originally built by the developer (Deejak) for its own occupation – as such, at a heavily discounted/subsidised cost).

This scenario is only magnified when applied to small / starter office units, where build costs are significantly higher but rents are not.
However, we are now seeing some evidence of an evolution in light of the C19 epidemic.

Occupiers of large open plan floorplates are beginning to review their requirements, needing to accommodate fewer people through flexible working days. Cellularisation (partitioning) is now being seriously considered. Reconsideration is being given to occupation of multi-tenanted buildings where sharing lifts, toilets and kitchens is becoming less desirable. So too, are locations in Cities or major conurbations.

The apparent effect of this is a move to consider smaller office buildings in locations outside of large conurbations. The ability to combine working in an office, with working from home (2 or 3 days a week in each) and to drive to work (not using public transport) within a reasonably commutable distance.

The availability of good broadband capacity and parking (ideally with charging points) will also play an important role in a move out of more established locations.

It's clear that the above scenario combined with a historical lack of office development is helping drive demand and will (as one would expect) increase values.

We see other evidence of migration from large conurbations. Conversations with volume house builders within the region confirm that they have seen a 'noticeable increase' in the number of enquiries from London, Birmingham and Cambridge.

In terms of existing stock, whilst we're not able to cite every single office available within East Northants, we are familiar with the majority. Raunds Town Council has some individual rooms available from time to time within the Town Council offices (opposite the Co-op). However, these are effectively serviced office rooms. ENC of course, has the new Innovation Centre at Warth Park but again, these are serviced offices and aimed at starter business (so it does not offer a permanent 'home' for occupiers) furthermore, there are businesses that prefer not to be located in LA owned property. There is some serviced office space at Ringstead, but again, a collection of small individual rooms. At Irthlingborough, there is a converted chapel offering serviced office accommodation but we believe this is fully occupied and again only offers small rooms. We're not aware of any small office accommodation available in Rushden.

Further afield, there is smaller office accommodation available in Wellingborough and Kettering, albeit that demand is reasonable and most of this accommodation is occupied.

So the provision of un-serviced small office accommodation (individual units with their own front door, dedicated parking toilets and kitchen) in less dense conurbations or rural locations seems to have weight to it, assuming it's viable for the developer.
I trust this brief overview is useful but as always, should you require further advice, then please don’t hesitate to contact me.

Kind regards

Yours sincerely

[Name]

Director

prop-search.com
All plans and documents can be viewed using the link here using the Case Ref. No.

<table>
<thead>
<tr>
<th>Case Ref. No. and Page No.</th>
<th>Location</th>
<th>Officers Rec.</th>
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<tbody>
<tr>
<td>20/00445/FUL Page 2</td>
<td>4 Higham Road, Rushden, Northamptonshire</td>
<td></td>
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<tr>
<td></td>
<td>Updates</td>
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<td>Natural England SPA</td>
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<td></td>
<td>Payment has been made in full. This reason for refusal is therefore removed (Reason No.2).</td>
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<td>Updated Viability Assessment Received Monday 7th December 2020</td>
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<tr>
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<td>An updated viability assessment was received (07.12.2020) in which the applicant tried to demonstrate that the housing scheme (16 units) would be not financially possible on the site.</td>
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<tr>
<td></td>
<td>The Local Planning Authority has had the updated viability assessment independently assessed and it is concluded that based on the information contained within the updated assessment that it is still financially possible to provide either housing or maisonnettes on the site.</td>
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<td>The Local Planning Authority have given the applicant the opportunity to provide evidence and substantiate the contamination costs of the site through allowing an extension of time until the end of February, however, at the time of writing the applicant has not agreed to this approach and has not confirmed that they will provide the substantive evidence required.</td>
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<td>As such the application has remained on the December 9th committee agenda.</td>
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</table>
A verbal update will be provided on this.

Fire Protection response received 02.10.2020

‘Please ensure access is available to all parts of all flats within 45 metres of a pumping appliance’

Planning Policy confirmation on 5 year housing land supply

In order to give full weighting to relevant policies relating to the supply of housing land it is necessary for the Council to demonstrate five years supply of deliverable housing sites. The Council’s latest five year land supply position, agreed by the Planning Policy Committee on 8th June 2020, as at 1st April 2019 (2018-2019 monitoring year) is 6.16 years, applying a 5% buffer.

The five year housing land supply is not a relevant consideration if the Committee wishes to grant planning permission. However, in a scenario that the Committee concludes that there are sufficient material factors that justify a refusal of planning permission it is important that the Council is able to demonstrate a deliverable five year housing land supply at appeal.

Letter Received from Cllr Maxwell

A letter of objection was received from Cllr Maxwell on Friday 4th December 2020. A full copy of the letter is appended to the update sheet.

20/00840/FUL
Page 48

2 Essex Road, Rushden, Northamptonshire

Updates

No further comments received

20/00486/FUL
Page 61

Blotts Barn, Brooks Road, Raunds, Northamptonshire

Updates

Correction to report:
As per the email sent to Members on Friday (04.12.20), there is a correction to the comments made in 6.8 (second paragraph on page 67) and in paragraph 7.29 of the report which currently state that nine of...
the informal passing places would be upgraded. This shall be corrected to inform that four of the passing places would be upgraded, rather than nine. The Local Highway Authority confirms that their comments relate to the concept of only four out of the nine being upgraded in any case, so their comments still stand and the recommendation does not change as a result.

For information, and to demonstrate the proximity of the application site to the main built up area of Raunds, the library is a 22 minute walk away, the closest shop is a 24 minute walk and Raunds post office is a 27 minute walk: all of which are considered to be within a reasonable walking distance of the site. The main residential area of Raunds begins at a point which is 15 minutes walk from the site (approximately).

**Condition 14 – Passing Places:**

Condition 14 is to be amended to include an additional reference to ‘and their successors in title’ so that it reads as follows:

> No development shall commence until the applicant has entered into a Section 278 agreement with the Local Highway Authority to secure the necessary passing places shown on plan ref: 100225_03_0100_04 Rev P01. The approved passing places shall be implemented in full prior to the first occupation of the development hereby permitted and thereafter maintained (by the applicant or their successors in title) in accordance with a maintenance scheme to be agreed in writing by the Local Planning Authority, and shall thereafter be maintained and retained in perpetuity in accordance with the approved details. The works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contractor; who has the required and necessary public liability insurance in place.

**Reason:** To ensure that the proposed passing places are secured and implemented in the correct manner.

**Condition 14 – Passing Places**

The trigger point in the condition for the four passing places to be implemented is prior to the first use of the building as approved. Members have suggested that this trigger point is changed to prior to commencement. Members may decide to include this as part of any approval.
Passing Places - Culvert

The Local Highway Authority is content with the location of the proposed upgraded passing places and no concerns are raised in relation to the space available to provide the upgrades, with reference to the adjacent culvert. Officers note that the verge on the opposite side of Brooks Road to the application site is wider than the verge on the application site side.

A condition requiring the submission of a Construction Management Plan is recommended at the request of Members, which also includes the need for a routing agreement for HGVs:

Notwithstanding the details submitted and prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to, and approved in writing by the Local Planning Authority. The CMP shall include and specify the provision to be made for site procedures to be adopted during the course of construction, including:

- measures to control the emission of dust and dirt;
- control of noise emanating from the site;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- storage of plant and materials used in construction;
- a routing agreement to discourage HGV’s from travelling to and from the site via Denford Ash

Reason: In the interests of highway safety and residential amenity.

Site History:

The following historic applications relating to the application site were refused the reasons given thereafter:

02/00665/OUT – Refused due to scale (being larger than the current proposal), insufficient information to ascertain impact on highway and as the site is not within the settlement boundary as defined by the East Northamptonshire District Council Local Plan (1996).

04/01158/OUT – Refused due to two storey height and overall scale and as the site is not within the settlement boundary as defined by the East Northamptonshire District Council Local Plan (1996).
Dear [Name],

Re: 20/00445/FUL 4 Higham Road, 34 flats, 3 Dwellings

I write to object to this planning application, on the grounds of mass-overdevelopment, parking, traffic conditions in Shirley Road and Higham Road, and because there are already too many flats in Rushden.

This application, as you will know, was discussed 3 years ago in a pre-app meeting with local councillors, when we pointed out our concerns over the proposed development. Why has the owner of this site not listened to the concerns from the Officers over: Policy 30 of the North Northamptonshire Joint Core Strategy 2016; Policy H4 Rushden Neighbourhood Plan 2018.

1) 34 flats and 3 dwellings is a mass-overdevelopment on this site. The petrol station is next door, which creates noise every day of the week and we have a condition in place which states that residents have to be considered. This development proposal clearly means that these residents would be subject to noise 7 days a week, 365 days a year. This has to be a major concern as ASDA have pointed out in their letter.

2) Parking would be a massive issue: 34 flats and 3 dwelling could mean 74 cars and there is only parking for 37 cars, and 6 car parking spaces are tandem parking. How would this work? Where would they park? Northamptonshire Highways have refused this application over North Street and Shirley Road access leading to Higham Road. This junction already has massive problems due to the garage, bus stops, which have no layby, and traffic lights. This is a major problem every day of the week regardless of the time of day. There is gridlock from Washbrook Road into Higham Road. This development would be the thin end of the wedge for residents as
it would be a nightmare for them. We also have large trucks and tankers who use this road to get to the A45.

3) Why do we need more flats? There is an overprovision of flats in Rushden. It's like flat city! Rushden and surrounding area are ringed with flats and this development does not create a balanced housing mix, and is therefore contrary to Policy H4 Rushden Neighbourhood Plan. These flats are too small for families. Where are the children supposed to play? There is no play area (COVID 19)!. The infrastructure is not in place. GPs are oversubscribed: some residents now have to go to Wellingborough to see a doctor or dentist. Schools are overcrowded so children would have to travel to Bedford Road for infants and junior schools. This clearly has to be considered as a major issue.

4) These 1 & 2 bed flats clearly do not meet the National Standards for space and Policy 8 of the JCS states that such developments should meet an acceptable standard and these flats do not. They are too small and how do children manage with no space to play.

Parking would be a massive issue and this clearly has not been taken into account with the number of flats requiring 74 spaces and no visitors' parking. Tandem parking is not the answer as this creates more issues. Northamptonshire County Council has stated that this is not acceptable and therefore this has to be seriously considered as a major issue. When exiting from Shirley Street into Higham Road, there is also a major problem as the traffic is gridlocked every day back to Washbrook Road traffic lights. They state a minimum of 6 metres is required to safely exit a parking space. The applicant needs to show evidence of this!

ASDA's letter clearly states the problems over noise, pollution, air quality and constant flow of traffic into the garage and there are no plans to protect these residents from this and surely national guidelines prevent this type of development next to a petrol station. Would you live here?

We welcome the refusal of this planning application as it would have a detrimental impact on this area due to parking, traffic, noise for residents nearby, and pollution. Lastly, it does not comply with Northamptonshire Fire legislation and we know what happened to Grenfell Tower where massive mistakes were made and people lost their lives due to unacceptable design and Council mistakes. We cannot let this happen here and put lives at risk for the sake of poor design, overcrowding, lack of parking and no space for children to play.

I do hope sense prevails and that the developers and architects accept that the priority should not be profit. The objective should be to improve residents' lives and living conditions.
The developer has only made provision for 38 car parking spaces and 70 should be provided for a development of this size. There are no visitors' spaces and this site has no car park nearby. This is classed by officers as unacceptable parking. Therefore it is contrary to (Development Policies).

Policy Response:
The developer fails to provide clear evidence and justification that the benefits of the scheme would outweigh the harm. Therefore, the officer states that this proposal could not be supported in policy terms.

The applicant has registered these flats with 'Help to Buy'. In this climate of COVID 19, how many people on the council register would have income of £30,000 (59% earned less than £20,000, and 83% of applicants had less then £5,000 saved). Therefore, how does he think in today's economic climate with people losing their jobs, a further 500 in Higham Ferrers/Rushden in April 2021, local residents are supposed to afford these flats?

Therefore, this application has to be refused as recommended by the Planning Officer to protect the area and the people who live here.

With kind regards,

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