

**North Northamptonshire Area Planning Committee
(Thrapston)
13 July 2022**

Application Reference	21/01482/FUL
Case Officer	Peter Baish
Location	4 – 6 Alfred Street, Rushden, Northamptonshire, NN10 9YS
Development	Convert the existing loft space to a single 1 bed flat
Applicant	Mr And Mrs Simmonds
Agent	Smith Jenkins - Mrs Nicola Thompson
Ward	Rushden South Ward
Overall Expiry Date	28 December 2021
Agreed Extension of Time	15 July 2022

Scheme of Delegation

This application is brought before the Area Planning Committee because it falls outside Section 9.2 of the Council's Scheme of Delegation as the proposal has received an objection from Rushden Town Council that constitutes a material planning consideration.

1. Recommendation

- 1.1 That Planning permission is **GRANTED** subject to conditions.

2. The Proposal

- 2.1 The application seeks to gain approval for the conversion of loft space to a single flat including the insertion of conservation style roof lights to the front and rear elevation at 4 – 6 Alfred Street, Rushden. The roof lights will serve the kitchen, bedroom, bathroom and hallway.
- 2.2 In terms of history, both buildings (No.4 & 6), the subject of this planning

application, benefit from permission for four flats each (eight in total) achieved under prior notification applications submitted under Class O of Part 3 Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), for a change of use of an office (Class E) into four residential units/flats (Class C3).

- 2.3 The prior approval applications were submitted to confirm as to whether the change of use of the buildings to residential flats constituted permitted development. It was determined that both proposals fell under the applicants permitted development rights (Ref: 20/01267/PDU & 21/00590/PDU). The current proposal for a one bedroom flat in the roof space is not permitted development and an application has been submitted for consideration.

3. Site Description

- 3.1 The application site forms two semi-detached properties located on Alfred Street in Rushden that were once in office use (Class E). The site lies behind Coffee Tavern Lane, within walking distance of the Town centre and inside the Conservation Area. The building is currently in the process of being converted to eight flats.

4. Relevant Planning History

- 4.1 21/00590/PDU – 6 Alfred Street - Conversion of offices to 4no flats – 01.06.2021
- 4.2 20/01267/PDU – 4 Alfred Street - Conversion of offices to 4no flats – PERMITTED – 26.11.2020
- 4.3 84/01444/FUL - Change of use from house to offices – PERMITTED – 19.11.1984
- 4.4 84/00044/FUL - Conversion of house to two flats – PERMITTED – 01.02.1984

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Rushden Town Council

Rushden Town Council objects to this application as they feel the Highways' (LHA) comments regarding pedestrian visibility splays will be unobtainable and therefore access will not meet LHA standards.

They also object regarding the lack of parking. This area is already heavily congested with on road parking and the poor access into the site will result in residents parking on the road and creating more parking problems.

5.2 Natural England

DESIGNATED SITES [EUROPEAN] – FURTHER INFORMATION

REQUIRED

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.

Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document.

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

5.3 Highway Authority (LHA)

The applicant must provide the necessary 2 metres x 2 metres pedestrian visibility splays required on both sides of the access. These splays must be contained fully within the applicant's site and not include any public highway land, or any other third party owned land. The splays shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.

Any gates across a private drive must be set back a minimum 5.5 metres from the highway boundary to enable a vehicle to stand clear of the highway before gates are opened. Alternatively, they must be operated by electric remote fobs and in this case the setback will not be required. Gates must be hung to open inwards only.

Shared vehicular accesses must have a minimum width of 4.5 metres for the first 10 metres from the highway boundary. This enables two opposing vehicles to pass each other at the point of access. This in turn ensures that a vehicle entering a site does not stop and turn within the highway to allow an emerging vehicle out. Where the access is bounded by structures (e.g. wall, fence, trees, embankment etc.) on one or both sides, the width of the access must be increased to 5.5 metres.

A means of drainage across the back of the highway boundary, across the proposed site access draining to soakaways contained within the applicant's own land is required.

Further comments received:

The access currently serves eight flats and a commercial use. The proposal for an additional flat will demonstrate an intensification of this access, which is substandard in nature and the LHA would object on this basis. Please see below for more detail:

The proposed residential development intends to intensify an access shared

with a commercial interest, this is contrary to North Northamptonshire Council (NNC) adopted highway policy which does not permit a private residential use sharing an access with commercial and or agricultural interests. This policy is made in the interests of highway safety in order to prevent private motorists finding themselves in conflict with, and in opposition to the large vehicles associated with a commercial interest.

The LHA query whether the parking space proposed will result in the loss of parking for the existing flats or commercial use? If this is the case, we would need to see evidence that parking can be provided for the existing uses.

The applicant must provide the necessary 2 metres x 2 metres pedestrian visibility splays required on both sides of the access. These splays must be contained fully within the applicant's site and not include any public highway land, or any other third party owned land. The splays shall be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access / footway level.

Any gates across a private drive must be set back a minimum 5.5 metres from the highway boundary to enable a vehicle to stand clear of the highway before gates are opened. Alternatively, they must be operated by electric remote fobs and in this case the setback will not be required. Gates must be hung to open inwards only.

Shared vehicular accesses must have a minimum width of 4.5 metres for the first 10 metres from the highway boundary. This enables two opposing vehicles to pass each other at the point of access. This in turn ensures that a vehicle entering a site does not stop and turn within the highway to allow an emerging vehicle out. Where the access is bounded by structures (e.g. wall, fence, trees, embankment etc.) on one or both sides, the width of the access must be increased to 5.5 metres.

Further comments received:

Should the LPA be minded to grant planning permission, they should be aware no off-street parking is being proposed as part of this application and public car parks will be used instead. Please note whilst there are public car parks nearby these cannot be secured for the lifetime of such development as they may be replaced or become charged.

5.4 Environmental Protection

In support of the application and confirm there are no obvious environmental issues. Conditions should be added to control burning and construction times.

5.5 Waste Management

No comments to make.

5.6 Neighbours / Responses to Publicity

One objection was received stating the following concerns:

- Area is not safe, scruffy and used for anti-social activities;
- Access driveway is too narrow for vehicles;
- On street parking issues; and
- Door numbers of flats are confusing delivery drivers.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy and Guidance

National Planning Policy Framework (NPPF) (2021)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG) (2019)

6.3 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

6.4 East Northamptonshire Local Plan Part 2: Submission Plan March 2021 (2011 – 2031)

Policy EN1 – Spatial Development Strategy

Policy EN2 – Settlement Boundary Criteria – Urban Areas

Policy EN13 – Design of Buildings/Extensions

Policy EN14 – Designated Heritage Assets

6.5 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 T1 – Development Generating a Transport Impact

Policy T2 – Car Park Provision

Policy R1 – Town Centre Uses

6.6 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)

Joint Planning Unit – Design Supplementary Planning Document (March 2009)

Biodiversity Supplementary Planning Document (February 2016)

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

Technical Housing Standards – Nationally Described Space Standards

7. Evaluation

7.1 Evaluation of Evidence

7.1.1 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
- Character and Appearance of the Area
- Residential Amenity
- Highway Safety and Parking
- Flood Risk
- Waste
- Ecology

7.2 Principle of Development

7.2.1 The National Planning Policy Framework (2021) (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 North Northamptonshire Joint Core Strategy 2016 (JCS) and the Rushden Neighbourhood Plan 2018 (RNP). Policies 2, 8, 11, 30 (JCS) and H1, H2 and H4 (RNP) are most relevant to the proposal (amongst other policies).

7.2.2 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.

7.2.3 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.

- 7.2.4 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.
- 7.2.5 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. 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.
- 7.2.6 The application proposes a single 1 bedroom flat in the roof space of an already approved flatted scheme containing eight flats, thus bringing the overall numbers up to nine residential units. 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 achieve this by providing a smaller 1 bedroom unit. Policy 30 also goes on to state that the internal floor areas of all new dwellings must meet the Nationally Described Space Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities. The proposed unit meets these space standards.
- 7.2.7 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.

- 7.2.8 It is considered that the proposal meets point 2 of Policy H4 in that the physical constraints of the site are such that it is not possible to provide houses or maisonettes. The building is an existing block of flats and the

proposal is to utilise the roof space to provide an additional 1 bedroom unit.

7.2.9 In summary, permission was confirmed through the permitted development route to change its use from office to residential. In doing so, the principle of residential development upon the site is firmly established. The current application looks to make efficient and effective use of land within the built environment and provide an additional flat in an existing block of resident flats.

7.3 Impact on the Character and Appearance of the Area

7.3.1 The proposal is for a change of use and the conversion of the existing attic space into a one bedroom flat. Externally, there will be very little change other than the inclusion of three conservation style velux rooflights on the front roof pitch and four conservation style velux rooflights on the rear roof pitch. No significant external alterations are proposed. It is considered that the impact of the development on the conservation area itself is minor and negligible.

7.3.2 Accordingly, the proposal is considered to preserve the character and appearance of the area and the setting of the identified heritage asset (Conservation Area) in accordance with the NPPF and Policies 2 & 8 of the North Northamptonshire Joint Core Strategy (2016), Policies EN13 & EN14 of the East Northamptonshire Local Plan Part 2: Submission Plan March 2021 (2011 – 2031) and Policy EN1 of the Rushden Neighbourhood Plan (2018).

7.4 Residential Amenity

7.4.1 The NPPF and Policy 8 of the Joint Core Strategy (2016) 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".

7.4.2 The proposed unit would form part of a block of nine residential flats and as such would conform to the existing use. It has been demonstrated that the unit meets the national space standards for a 1 bedroom flat and it would experience adequate daylight and sunlight via the seven rooflights that serve the living areas of the unit.

7.4.3 Overall, the relationship with the neighbouring properties is considered to be acceptable. Accordingly, the proposal is considered to have no significant detrimental impact upon neighbouring amenity and is therefore in accordance with the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

7.5.1 Highway Safety and Parking

7.5.2 A one bedroom flat would normally be expected to provide one car parking space, however under this application the applicant has removed the parking element all together.

- 7.5.3 Under the prior approval application process (20/01267/PDU & 21/00590/PDU) the Local Planning Authority is limited in what it can consider for the purposes of determining whether the scheme represents permitted development. The previous prior approval applications were granted on the basis that the change of use from office to residential demonstrated a reduction in vehicular movements and demand for parking spaces. The Local Highway Authority confirmed that the change of use represented a reduction in the use of the substandard access and less parking would need to be provided. On this basis the prior approval was granted.
- 7.5.4 The current proposal is to convert the roof space into a one bedroom flat in a building that is now classified as C3 (residential) and as such the Local Planning Authority are able to consider the impact of highway safety and parking in relation to the existing use. It is clear that the access is substandard and there is no option of bringing it up to standard. The additional flat would therefore constitute an intensification of this access, which would be unacceptable.
- 7.5.5 Given the highly sustainable location of the site in the town centre of Rushden, the applicant removed the parking initially proposed and has submitted a document justifying its removal. The requirement associated with a one bedroomed flat is only one parking space and it is considered that if the occupants of the flat did have a car then there are a number of free car parks and on street parking options available 24 hours a day within the vicinity. The closest free car parks are John Street (78m from the site) and Duck Street (170m from the site) which provide 188 parking spaces.
- 7.5.6 In conclusion, 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. Although it is unfortunate that the scheme does not deliver the required parking space, the Council finds itself in a position where the site is located in a highly sustainable location and the shortfall is only minor (one space). It is considered that the lack of provision of one space is unlikely to have a severe impact on the highway network (the test as set out in the NPPF). On this basis, given the specific location of the site in a town centre environment and balanced against the identified need for small dwelling units, the proposal is deemed to be acceptable in terms of its impacts upon highway safety and parking.

7.6 Flood Risk

- 7.6.1 The application site is in Flood Zone 1, which means it has a low probability of flooding. In terms of drainage, the proposal would result in no additional hard surfaces; there should therefore be no additional impact from surface water run-off due to the conversion nature of the proposal. The proposal is therefore considered acceptable and complies with Policy 5 of the North Northamptonshire Joint Core Strategy 2016.

7.7 Waste

- 7.7.1 Bins would be stored within the communal courtyard area to the rear of the application building as indicated on the submitted plans. These would be moved towards the highway on bin collection day.

7.8 Ecology

- 7.8.1 Policy 4 of the North Northamptonshire Joint Core Strategy 2016 requires all development to safeguard existing biodiversity. The proposal would have a neutral impact upon biodiversity, therefore the proposal is considered to be in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2016.
- 7.8.2 As the site lies within 3km of the Nene Valley Gravel Pits Special Protection Area (SPA). An SPA Mitigation payment is required. This fee was paid. As a result, the impact of the proposed development on the Special Protection Area is considered to 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 In this instance the proposal to convert the existing loft space to a single 1 bed flat is not considered to cause significant harm that would 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:
- Is of an appropriate scale and design;
 - Would not have a harmful impact upon the character and appearance of the area;
 - Would not have a harmful impact upon identified heritage assets;
 - Would not have a significantly detrimental impact upon the amenity of neighbours;
 - Would not have a harmful impact upon highways safety;
 - Would be acceptable in terms of flood risk;
 - Would safeguard existing biodiversity; and
 - There are no other material planning considerations which have a significant bearing on the determination of this application

10. Recommendation

- 10.1 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is therefore 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 following plans received by the Local Planning Authority on the following dates:

- Site Location Plan (01.06.2022)
- Block Plan (01.06.2022)
- (-9) A001 - Existing Elevations (04.10.2021)
- (20) A001 Rev A – Proposed Elevations (04.10.2021)
- (20) A002 – Existing Plans (04.10.2021)
- (20) A002 – Proposed Plans (04.10.2021)

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

3. There shall be no burning of any material during construction, demolition or site preparation works.

Reason: To minimise the threat of pollution and disturbance to local amenity.

4. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays, Bank Holidays or Public holidays.

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

12. Informatives

N/A