

**North Northamptonshire Area Planning Committee
(Thrapston)
1 February 2023**

Application Reference	NE/22/00940/FUL
Case Officer	Peter Baish
Location	2 Birchall Road, Rushden, NN10 9RQ
Development	Change of Use from Residential to 3 No 1 Bedroom Flats
Applicant	Mr Jitan Patel
Agent	Mr Philip Horne - Architectural Services
Ward	Rushden Pemberton West Ward
Overall Expiry Date	23 November 2022
Agreed Extension of Time	3 February 2023

Scheme of Delegation

This application is brought before the Area Planning Committee because it falls outside of the Council's Scheme of Delegation as the proposal has received more than 5 neighbour objections and 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 an existing four bedroom dwelling to 3 individual one bedroom flats at No. 2 Birchall Road, Rushden.
- 2.2 In terms of history, in 2007 the building gained planning permission to change from a shop to a residential dwelling. The current proposal is to make more efficient and effective use of the building by dividing it into 3 one bedroom flats.

- 2.3 In terms of appearance, there would be minimal changes to the exterior of the building, other than some upgrading to the windows and doors.

3. Site Description

- 3.1 The application site consists of a single detached dwelling with a garden to the rear and a single parking space to the side. Birchall Road is predominately a residential area and the site is surrounded by housing in all directions.
- 3.2 The building is not listed and is not located within a Conservation Area. In terms of flood risk, the site is identified as being located within Flood Zone 1 and not at risk of flooding.

4. Relevant Planning History

- 4.1 07/00393/FUL – Change of use from Shop to Residential (Retrospective) - PERMITTED – 14.06.2007

5. Consultation Responses

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

5.1 Rushden Town Council

Comments received 04.11.2022:

Rushden Town Council objects to this application for the following reasons:-

The proposals development is contrary the Rushden Neighbourhood Plan policy H4.

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: 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.

This application is clearly in direct conflict with the Rushden Neighbourhood Plan and should be supported by NNC

- We note the comments from Waste Management and would request that a further management plan for waste is submitted.
- We note all the comments from neighbours and feel that all the comments regarding a lack of parking are fully justified. We would request that a further parking beat survey is carried out as on site inspection in the evening it would appear that off road parking is very limited and should not be considered as an option for this development.

- Rushden already has an over provision of small one bedroom flats and we strongly object to a family home being taken away to provide further inferior, cramped living space.

5.2 Natural England

Comments received 25.10.2022:

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Upper Nene Valley Gravel Pits. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. The strategic solution may or may not have been adopted within the local plan but must be agreed to by Natural England.

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

5.3 Highway Authority

Comments received 14.10.2022:

In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and recommendations:

Please note that 11th September would fall within the parking beat survey down times (as listed below). However, in this instance give the large amount of on-street parking spaces available and that the proposal would only require 1 space per 1-bedroom flat, with 0.25 visitor spaces per flat, we can accept this parking beat survey and have no further objections to this application.

5.4 Environmental Protection

Comments received 10.10.2022:

No comments to make with respect to this planning application.

5.5 Waste Management

Comments received 04.10.2022:

Concerns regarding the storage of waste between collections. Each flat will require a wheeled bin for both refuse and recycling - not the three bins illustrated on the floor plan. This will leave little space in the allocated area. I am also concerned regarding the likelihood of cross contamination between the bins for the different flats.

5.6 Neighbours / Responses to Publicity

36 objections were received stating the following concerns:

- Lack of parking provided
- Increase in waste – not enough room for bins
- Loss of a family home
- Flats not suitable in this location
- Noise from flats
- Access for refuse and emergency vehicles problematic

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
- 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
- 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 1, 8 & 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 the conversion of a 4 bedroom dwelling into 3 x 1 bedroom flat, an increase of 2 residential units on site. 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 smaller 1 bedroom units. 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 units all meet 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 dwelling and the proposal is to utilise the internal space to provide the 3 x 1 bedroom flats.

7.2.9 In summary the building is a residential dwelling. 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 additional residential development upon the site.

7.3 Impact on the Character and Appearance of the Area

7.3.1 The proposal is for the conversion of the existing dwelling into 3 x 1 bedroom flats. Externally there will be very little change other than the replacement of some window and doors and the blocking up of a door on the rear elevation. No significant external alterations are proposed. It is considered that the impact of the development on the character and appearance of the area itself is minor and negligible.

7.3.2 Accordingly the proposal is considered to preserve the character and appearance of the area in accordance with the NPPF and Policy 8 of the North Northamptonshire Joint Core Strategy (2016), Policy EN13 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 proposal would replace a 4 bedroom with 3 x 1 bedroom flats. In bedroom numbers this is a reduction of 1 bedroom in the building. It has been demonstrated that the unit meets the national space standards for a 1 bedroom flat and they would experience adequate daylight and sunlight. Each flat would have access to a rear courtyard garden which is deemed suitable for the proposed development.

7.4.3 The current use of the site is residential and the proposed use of the site is residential, albeit for 3 smaller units. It is considered that a residential use is suitable on the site as it conforms to the existing and surrounding development which is predominately residential in nature. Objections have been received stating that flats are not suitable for the area with concerns

raised in regards to noise or the shift pattern work of the occupants. However these have no planning grounding and are assumptions with no evidence to corroborate that people who live in flats cause unacceptable noise or are employed in 'shift work'.

- 7.4.4 Overall, the relationship with the neighbouring properties is considered to be acceptable, and 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 Highway Safety and Parking

- 7.5.1 The site currently holds a 4 bedroom dwelling. The Northamptonshire Parking Standards would expect a 4 bedroom dwelling to provide 3 off road parking spaces. A 1 bedroom flat would be expected to provide 1 parking space. Therefore 3 x 1 bedroom flats would also be expected to provide 3 parking spaces.

- 7.5.2 The proposed scheme provides 1 parking space which is no different to the current situation. In both situations, the parking provision has a deficit of 2 spaces. The proposed scheme is therefore no worse than the existing situation in terms of the guidance contained with the Northamptonshire Parking Standards, nonetheless the applicant has provided a parking beat survey that demonstrates ample on street capacity for the shortfall in parking spaces. The Highway Authority have been consulted and offer no objection on this basis.

- 7.5.3 In conclusion it should also be noted that the site is located within a sustainable 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 sustainable location would reduce reliance on the motor car and encourage sustainable journey. A bicycle store is to be provided on site. Although it is unfortunate that the scheme does not deliver the required parking spaces (3 spaces), the current dwelling also does not provide the required number of parking spaces. The Council also finds itself in a position where the applicant has successfully demonstrated that there is adequate on street parking to cater for the shortfall of spaces. On this basis 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 area on site as indicated on the submitted plans. The Waste Officer and neighbours have highlighted a concern that the allocated space for bins looks tight as each flat would be required to have 2 bins each (6 in total). Although it appears tight, it is clear that 6 bins can be accommodated on site. These bins would be moved towards the highway on the bin collection day as per the current arrangement for all other dwellings along the road.

7.8 Ecology

7.8.1 Policy 4 of the North Northamptonshire Joint Core Strategy 2016 requires all development to safeguard existing biodiversity. The site is located within 3km of the Upper Nene Valley Gravel Pits Special Protection Area and as such a mitigation fee is required to provide for mitigation against any harm caused as a result of the proposal. This fee has been paid.

7.8.2 Due to the conversion nature of the proposal it would have a neutral impact upon biodiversity, the proposal is therefore considered to be in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy 2016.

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 4 bedroom dwelling into 3 x 1 bedroom flats 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 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
- 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:

- 22/2646/100 - Site Location Plan and Site Plan (20.07.2022)
- 22/2646/01 – Existing Floor Plans (20.07.2022)
- 22/2646/03 – Proposed Floor Plans (20.07.2022)
- 22/2646/02 – Existing Elevations (20.07.2022)
- 22/2646/04 – Proposed Elevations (20.07.2022)

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

3. The development hereby permitted shall be constructed in accordance with the materials as specified within the Application Form submitted as part of this application for planning permission (received 20.07.2022) unless submitted to and agreed otherwise in writing by the Local Planning Authority

Reason: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.