

**North Northamptonshire Area Planning Committee
(Thrapston)
29 March 2023**

Application Reference	NE/22/00705/FUL
Case Officer	Sunny Bains
Location	11 Higham Road, Rushden, Northamptonshire
Development	Demolition of existing dwelling and erection of 6 dwellings
Applicant	Mr Antonio Di-Fazio
Agent	CC Town Planning - Richard Colson
Ward	Higham Ferrers
Overall Expiry Date	07 April 2023
Agreed Extension of Time	07 April 2023

List of Appendices

Appendix – Appeal Decision (APP/G2815/W/21/3277113)

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because the Case Officer's recommendation is contrary to the Town Council's comments.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 This application seeks full planning permission for the erection of six dwellings with an altered access off Washbrook Road. To enable the proposed development an existing chalet style dwelling on the site would be demolished.

- 2.2 The proposed dwellings would be fronting the streetscene in an inverted 'L' shape layout with the parking court being to the rear of the proposed properties and towards the southern boundary of the site.
- 2.3 The plots 1 and 2 would be of a 2-storey height and Plots 3,4, 5 and 6 would be 2.5 storeys high with accommodation in the roof space.
- 2.4 Plots 1 and 2 would form corner plots and face onto Higham Road and Washbrook Road. These properties would comprise of 3-bedrooms and they would be accessed from Washbrook Road. The parking area would have allocated parking spaces for the respective properties.
- 2.5 Plots 3, 4 5 and 6 would face onto Washbrook Road and would be two pairs of semi-detached properties. They would comprise of 3-bedrooms and would be accessed from Washbrook Road. The parking area would have allocated spaces for the respective properties.
- 2.6 The existing access off Washbrook Road would be utilised and widened to facilitate the proposed development.
- 2.7 This application has been submitted following a recently dismissed appeal decision (APP/G2815/W/21/3277113) on the site for a similar proposal as this application. However, this application seeks to address the concerns of the Inspector, namely:
- Plots 1, 2 and 3 having poor external amenity space due to overlooking.
 - The gardens of plots 2 and 3 being small and awkward shape, limiting its usefulness.
 - Insufficient parking provision.

3. Site Description

- 3.1 The application site is situated within the settlement of Rushden and forms a corner plot at the junction of Higham Road and Washbrook Road. A large chalet bungalow is located on the site which is a sizable plot (0.14 hectares). The chalet bungalow has a rear and side single-storey extension and two outbuildings of which one consists of a garage. The topography of the site is raised towards Higham Road with it gradually lowering into Washbrook Road.
- 3.2 Vehicular access to the site is via Washbrook Road with pedestrian access being via Higham Road. The perimeter of the site consists of a mixed boundary treatment of a low brick wall and hedgerow.
- 3.3 The site is surrounded by a mix of uses of residential and commercial and a mixture of architecture and size of buildings. The northern site boundary, beyond Washbrook Road, faces a row of terrace properties and a commercial property known as 'HiQ'. The eastern boundary, beyond Higham

Road, faces a care home known as 'The Beeches'. The southern boundary abuts No.9 Higham Road (No.9) and the western boundary abuts a commercial property known as 'Subway'.

- 3.4 The site lies within flood zone 1 (low risk) and within 2 kilometres of the Nene Valley Gravel Pits Special Protection Area (SPA).

4. Relevant Planning History

- 4.1 21/00063/FUL - Demolition of dwelling and erection of 7no. Dwellings with new and altered access (Revised submission of 20/00583/FUL) – Refused – 25.03.21. Appeal (APP/G2815/W/21/3277113) – Dismissed – 10.01.22.
- 4.2 20/00583/FUL – Demolition of dwelling and erection of 7no. Dwellings with new and altered access – Refused – 01.10.20.

5. Consultation Responses

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

5.1 Rushden Town Council

Despite the reduction in dwellings we still feel this is an overdevelopment of the site. We still believe our previous comments are valid.' The existing house on the site has been an attractive, iconic feature of this gateway into Rushden and we feel it would be more appropriate to have a less cramped, quality scheme on the site. With imaginative design this prominent corner site could still be an attractive entrance into the town rather than a solid block of houses. The density of this design gives very little amenity space to the proposed dwellings and would not be in keeping with the existing 1920's houses adjacent to the site. The current submitted scheme does therefore not comply with the Rushden Neighbourhood Plan Policy H4 3.2 ' Aside from housing need, the vision for the plan is to ensure that where new houses are built they are appropriate in size and designed so that they integrate acceptably with the existing settlement.'

We also fully support the objections from Highways and we note the layout that would be required to make an adopted road would leave less space on the site and would make the scheme very cramped. Therefore, we still recommend that the quantity of dwellings is reduced to create a quality, well designed scheme on the site.

5.2 Neighbours / Responses to Publicity

No representation has been received.

5.3 Local Highway Authority (LHA)

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

- The LHA formally objects to more than 5 dwellings taking access from a shared private driveway as this would contravene Northamptonshire County councils adopted policy DM15. To serve over 5 dwellings the applicant must provide an adoptable highway layout. For short sections of road serving a maximum 20 dwellings a 4.8-metre-wide carriageway with 2no. 1.5 metre service strips on either side is required. the road will also need to be suitably lit and have a functioning turning head for the use of refuse vehicles.
- With regards to paragraph 6 of the previous appeal decision (NE/21/00063/FUL), we assess each application on its own merits and regardless of the Inspector comments the current layout is still contrary to NNC Adopted Policy DM15.

Please also note some further observations below:

- 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.
- Please note the required number of parking spaces per number of bedrooms (in accordance with the NNC Parking Standard Documents dated September 2016);
 - Parking for a 1 Bed = 1 Space,
 - Parking for a 2 Bed = 2 Spaces,
 - Parking for a 3 Bed = 2 Spaces,
 - Parking for a 4+ Bed = 3 spaces,
 - Visitor Parking provision is at 0.25 spaces/dwelling,
 - Residential Spaces must be a minimum of 3 metres x 5.5 metres in size,
- Should the access remain private, any gates across it 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.
- 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.
- In line with all other development proposals, the applicant must obtain accident data from Northamptonshire Highways Road Safety Team, Crashmap website data is not accepted by this authority.

5.4 Northamptonshire Police

Northamptonshire Police have no objection in principle however we do have some concerns with the application as proposed. The National Planning Policy Framework (NPPF 2021) defines three fundamental objectives to achieving a sustainable development: economic, social and environmental (NPPF, page 5, paragraph 8). Crime has a direct impact on all three objectives. To help ensure compliance with the NPPF 2021 contained under paragraphs 92 (a-c) and 130 (a and f), the NPPG guidance Healthy and Safe Communities Section, policy 8 (e iv) of the local North Northamptonshire Joint Core Strategy (2016) the applicant/developer must follow the agreed guidance within 'Secured by Design' principles. National and local policies should ensure that crime prevention measures are a material consideration when determining planning applications.

Prior to determining this application the following observations/recommendations should be considered and if implemented will reduce any future likelihood of crime, disorder and anti-social behaviour occurring.

- The rear parking court lacks adequate surveillance. At minimum the entry/exit road should be gated. This will deter both unauthorised pedestrian and vehicular access, make the parked vehicles less vulnerable to crime and help protect the vulnerable rear plot access gates from potential offenders. A pedestrian and vehicular gate should be installed a minimum of 5.5m back from the highway. I suggest wooden gates similar to a 5 bar type. Ideally surveillance over the vehicles should be from habitable active rooms e.g. rooms in building elevations from which there is direct and regular visual connection between the room and the vehicles. Such visual connection can be expected from rooms such as kitchens and living rooms and not from more private rooms, such as bedrooms and bathrooms. Rear fencing will currently block any view to parking plots.
- Plot 6 should have some fenestration from habitable active rooms over the entry/exit road.
- The parking court should be lit for both security and safety. Please note Northamptonshire police will not normally accept bollard lighting as a means of illuminating communal areas as an effective means of reducing the fear of crime or detecting crime. This type of illumination does not project sufficient light at the right height to aid facial recognition. However, although not ideal these will be accepted on this application to assist with detecting the presence of persons and health and safety concerns and whilst excepting the fact that the communal access road has installed pedestrian and vehicular gates.
- All rear gates should be lockable. They should have the ability to lock with a key from both sides as most of the egress from the plots is envisaged to be to the parking area.
- Lighting is required to each dwelling elevation that contains a doorset.

- All openings (doors and windows) will be in accordance with building regs for new dwellings and include the enforcement of AD 'Q' - Security of Dwellings - Q1 Unauthorised access i.e. certified products to BS PAS24:2016. In addition to Building Regs requirements any side lights adjacent to doors (within 400mm), safety glazing and easily accessible emergency egress windows with non-lockable hardware must include one pane of laminated safety glass meeting the requirements of BS EN 356:2000 class P1A (minimum).
- The shed or similar providing secure cycle space should ideally meet the following specification: No window - Door hinges need to be bolted through the shed fabric - Two Hasp and Staples that meet Sold Secure 'Silver' approval should be used, they should be positioned 200-300mm from the top and bottom of the door, and should be fitted with coach bolts - Any Padlocks should meet Sold Secure 'Silver' accreditation. - a security anchor should be fitted inside the shed meeting Sold Secure 'Silver' accreditation and securely fitted to the manufacturer's specification.
- The existing pedestrian gate on Higham Road must either be permanently secured or fitted with a lock operable from both sides.
- I recommend that a 1.2 m high metal gate or similar is installed at the entrance to the semi-private footpath off Washbrook Road. This will deter unauthorised persons entering and causing nuisance.

As an additional informative for this site it is worth noting that the dwellings are family dwellings and parking should allow access between vehicles to allow for ease of access for those with limited mobility, those with young children and those with larger vehicles to access their vehicle without damaging the vehicle next to it. It also give clear demarcation of parking spaces to reduce neighbour dispute and encroachment parking. It should allow for bikes, pushchairs, wheelchairs, bins etc. to be able to move through the spaces without damaging the vehicles. Due to the location of the site being a busy thoroughfare for children leaving the school and local residents making their way into the town, it could make the site more vulnerable to crime and anti-social behaviour.

5.5 Environmental Protection

No objection subject to the suggested conditions (internal layout, burning of materials, construction operational times, dust mitigation, prevention of mud onto the highway and construction traffic).

5.6 Nature Space

The Newt Officer is satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.

5.7 Northamptonshire Fire and Rescue Service

No comments to make on this application.

5.8 Waste Management

Waste Management is concerned regarding the safety of a waste collection vehicle stopping to collect from so many properties so close to the traffic lights on the Washbrook/Higham Road junction and the Asda Superstore.

I also note that the bin presentation point is on the opposite side of the access to the properties - residents may well leave their collection containers on the side adjacent to plot 6 if there is space there.

5.9 Natural England

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.

5.10 No representation received from the following consultees:

- Minerals and Waste Officer
- Principal Ecological Officer
- Senior Tree and Landscape Officer

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

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 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 28 - Housing Requirements and Strategic Opportunities
Policy 29 - Distribution of New homes
Policy 30 - Housing Mix and Tenure

- 6.4 Rushden Neighbourhood Plan (NP) (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
- 6.5 Other Relevant 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 - Domestic Waste Storage and Collection Supplementary Planning Document (2012)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Character, Layout and Appearance
- Housing Mix
- Residential Amenity
- Highway Safety and Parking
- Natural Environment
- Crime Prevention

7.1 Principle of Development

- 7.1.1 The proposed residential development would be located within the built form of Rushden, which is identified as a 'Growth Town' where its spatial role is to provide the focus for growth in housing amongst other developments, as denoted within the JCS. Policies 11 and 29 of the JCS supports residential development within the settlement which is also echoed by Policy H2 of the RNP and Paragraph 68 of the NPPF.
- 7.1.2 The proposed development would reuse an existing developed site which currently consists of a large dwelling on a sizeable plot. Policy 6 of the JCS and Paragraph 118 of the NPPF support developments that make effective use of brownfield land.
- 7.1.3 The principle of development is therefore considered to be acceptable subject to the below policy considerations.

7.2 Character, Layout and Appearance

7.2.1 Policy 8(d) of the JCS seeks for new developments to not cause adverse harm to the character of the local area which is also reflected in Policy EN1 of the RNP and Paragraph 127 of the NPPF as well as within NDG.

7.2.2 Higham Road and Washbrook Road has a mixed character of residential and commercial properties of varied architecture, scale and mass. The setting immediate to the application site is of 2-storey height buildings that are predominantly residential dwellings of detached and terrace design with differentiating external materials, window sizes, roof lines and plot sizes. However, a distinctive design feature of the local area is properties with chimneys.

7.2.3 It is noted that Rushden Town Council consider the existing house on the site to be an attractive and iconic feature which forms a gateway into Rushden. However, to the contrary, the Planning Inspector found that the existing dwelling had a neutral contribution to the character of the local area, stating:

'The appeal site consists of a detached dormer bungalow with a series of connected rear extensions forming a wide and deep building. It is slightly elevated from the highway especially with respect to its boundary with Washbrook Road. The dwelling is recessed from both adjacent highways and has a simple design. As such, the site makes a neutral contribution to the character and appearance of the area'.

7.2.4 The design (including the layout) is very similar to the refused scheme, except for the increase in garden size for plots 1 and 2, removal of 1 dwelling so the scheme is for 6 dwellings instead of 7 dwellings and the addition of parking spaces. It is noted that the Town Council considers the proposed scheme to be an overdevelopment of the site and an unattractive design with small amenity spaces. However, to the contrary, the Planning Inspector found that the design of the refused scheme including the quantum of development would complement the local character, stating:

'The proposed scheme would result in a pattern of development that would be prominent in comparison to the existing dwelling due to its increased height, proximity to the road and elevated position. The scale and proposed materials of the proposal would be commensurate with the form and appearance of local buildings. Consequently, the scale and general density of the proposal would suit the local context.

The proposed rear gardens would be arranged adjacent to the car parking area. These would be smaller than the size of most gardens in the local vicinity. Nevertheless, being to the rear the gardens would not be overt in the streetscene. Consequently, the arrangement and size of the proposed rear gardens and the development, as a whole, would complement the character and appearance of the surrounding area'.

7.2.5 Overall, the proposed scheme is an improvement compared to the refused scheme and whilst the views of the Town Council are noted, the findings of the Planning Inspector afford significant weight. Subsequently, the proposed scheme would not cause adverse harm to the character of the local area and instead would complement it. Thus, the proposed development complies with Policy 8(d) of the JCS, Policy EN1 of the RNP and Paragraph 130 of the NPPF.

7.3 **Housing Mix**

7.3.1 Policy 30(a) of the JCS stipulates that new developments should reflect the need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people; and the existing housing stock within the settlement or neighbourhood in order to address any gaps in provision and to avoid an over-concentration of a single type of housing where this would adversely affect the character or infrastructure of the area. Policy H4 of the RNP also echoes Policy 30(a) of the JCS.

7.3.2 The proposed development would provide 6no market houses of 3-bedrooms. As such, the proposed development complies with the aforementioned policies.

7.4 **Residential Amenity**

7.4.1 Policy 8(e) of the JCS as well as Policy EN1 of the RNP and Paragraph 127 of the NPPF seeks for new development to not adversely impact the amenity of neighbouring properties and future occupants.

172 Washbrook Road (No.172)

7.4.2 No.172 comprises of a commercial use on the ground-floor, occupied by 'Subway' and a two bedroom flat on the first floor (recently approved under application 22/00695/FUL). A strip of green space followed by the proposed widened access and parking court would abut the side elevation of No.172, with the closest proposed dwelling (plot 6) being sited circa 7.4 metres. The side elevation of No.172 consists of a flank gable wall with opening on the first-floor currently closed up, however, under the recently consented scheme (22/00695/FUL) these small windows would be reopened. The first small window closest to the site access would serve the kitchen / dining area and the second small window towards the rear extension would serve a hallway.

7.4.3 Plot 6 would have two windows on the ground-floor (serving a lounge and w.c) and one on the first-floor (serving an ensuite). The window to window distance between the proposed windows on plot 6 and the first small window on No.172 would be circa 10 metres. The small window on No.172 would have a limited viewpoint which would limit the degree of overlooking and outlook, however, notwithstanding this, a condition can be imposed to obscure the ensuite windows to prohibit overlooking and protect privacy.

7.4.4 The noise levels generated by the proposal is not considered to be considerably greater than what would be experienced from the surrounding environment.

7.4.5 The proposal is also not considered to cause harm in terms of overshadowing and overbearing.

9 Higham Road (No.9)

7.4.6 No.9 is a 2-storey semi-detached dwelling. A first-floor bedroom window and a bathroom window are located on the side elevation of No.9. The view from the bedroom window would be the proposed car parking area and therefore it is considered that the outlook from these windows would not be severely harmed.

7.4.7 Also, it is not considered that the proposed dwellings would cause adverse harm to the amenity of No.9 in terms of overshadowing, overbearing and overlooking due to the orientation of the built form and distances.

7.4.8 The proposed car park area would be sited next to the rear curtilage of No.9 and whilst the 'comings and goings' of cars and door openings would be intensified with the proposed development, the noise levels generated from this is not considered to be greater than the noise levels from the surrounding environment given Washbrook Road and Higham Road are heavily used by vehicles at all times of the day, the commercial premises surrounding the site including 'ASDA' supermarket and petrol station within very close proximity and Spencer Park. Environmental Protection has also not raised concerns in regards to noise levels.

Proposed dwellings

7.4.9 The Planning Inspector found with the refused scheme that Plots 1, 2 and 3 would have a poor residential amenity, especially the rear private gardens due to being overlooked by the respective properties as well as No.9 Higham Road. In addition, Plots 2 and 3 had small and awkward shaped garden which limited its usefulness and contributed to the poor amenity space. This was further exacerbated by the insufficient parking provision.

7.4.10 It is noted that the Town Council considers the proposed scheme to still have small gardens. However, the garden sizes for plots 1 and 2 have been increased beyond the garden sizes of the rest of the plots, which the Planning Inspector found to be of an acceptable size.

7.4.11 The proposed scheme has also omitted the dwelling (plot 1 within the refused scheme) closest to No.9 thereby mitigate the overlooking harm. In regard to the parking provision, this is discussed within the below section of the report ('Highways Safety and Parking'), however, in short the proposed scheme provided adequate provision in line with Northamptonshire Parking Standards.

7.4.12 The proposed scheme therefore addresses the concerns expressed by the Planning Inspector and thus would not cause adverse harm in respect to the aforementioned matters.

- 7.4.13 Furthermore, the proposed dwellings would adequately provide internal amenity space in line with the National Space Standards and is not considered to be affected by the operations of the surrounding commercial premises nor by the two small windows on the side elevation of No.175, which the secondary small window would overlook the rear amenity space of Plot 6, but at an overt angle and with a limited viewpoint.

Subsection Conclusion

- 7.4.14 Overall, the proposed scheme is not considered to cause adverse harm to the residential amenity of the neighbouring properties and vice versa. The concerns of the Planning Inspector have been addressed and whilst the Town Council has concerns with the proposed scheme, these would not substantiate a reason or refusal. Subsequently, the proposed development complies with Policy 8(e) of the JCS as well as Policy EN1 of the RNP and Paragraph 130 of the NPPF

7.5 Highway Safety and Parking

- 7.5.1 Policy 8(b) of the JCS seeks for new developments to provide safe, convenient and well-designed accesses and parking provisions as well as for new developments to not cause adverse harm to the highway network and users. This is also reflected by Policy T1 of the RNP and Paragraph 110 of the NPPF.
- 7.5.2 The application site currently has a vehicular access off Washbrook Road which the proposed scheme intends to widen to 4.5 metres to allow for the intensified use and provides a footpath 1.2 metres wide which would be a continuation from the public footpath off Washbrook Road into the site.
- 7.5.3 Highways comments are noted which are similar to their comments for the refused application. The Town Council also supports Highways comments which contributes to their reason for objecting to the proposed scheme.
- 7.5.4 Taking into consideration Highways previous comments, the Planning Inspector stated:

‘Turning to the proposed access, the footway adjacent to the highway is of sufficient depth to enable good visibility for motorists exiting the site. Nevertheless, the access would not meet the requirements of the County’s standing advice in terms of its width. This requires residential development, of over 5 dwellings, to include an access of sufficient width to be of an adoptable standard. Nonetheless, the access would be able to accommodate two-way traffic movements and would include a separate pedestrian path. As such, whilst the shared driveway may present some challenging management and maintenance issues, this could be addressed by a suitably worded condition. Accordingly, the access would be able to provide for the requirements of the proposed development without causing detriment to its users’.

- 7.5.5 As such, the proposed access which is very similar to the access proposed under the refused scheme, has been found to not cause adverse harm to highway users or the road network, and therefore a reason for refusal on this ground cannot be substantiated.
- 7.5.6 The Northamptonshire Parking Standards stipulates that dwellings with 3 bedrooms should provide 2 car parking spaces onsite. As such, the proposed scheme would be required to provide 14 car parking spaces (12 spaces for future occupiers and 2 spaces (1.5 rounded up) for visitors. In total the proposed scheme would provide 16 spaces, of which 12 spaces would be allocated for future occupiers and 4 spaces would be for visitors.
- 7.5.7 Highways comments are noted regarding the tandem parking spaces however, given that these would be allocated to plots 1 and 2 rather than a free-for-all and that there are adequate parking spaces, it is considered that minimal conflicts would occur.
- 7.5.8 A tracking plan (SP02A) has also be submitted demonstrating that vehicles would be able to manoeuvre into the parking spaces satisfactorily. The parking spaces would be in accordance to dimensions noted within the Northamptonshire Parking Standards.
- 7.5.9 Waste Management has concerns with refuse trucks waiting on Washbrook Road while carrying out their operation and causing implications in terms of highway safety and congestion. However, Highways has not expressed concerns in this regard and nor do they consider there to be an impact on the highway network due to the waste arrangement. Also, the Planning Inspector had no concerns with the waste arrangement. Therefore, a reason for refusal on this ground would not be substantiated.
- 7.5.10 Waste Management concerns regarding the bins being displaced on the footpath adjacent to Plot 6 is noted, however, the site plan (0001B) denotes a bin collection area near the access which can be conditioned to be demarcated so the allocation of this area for bins is clear to residents and a reasonable degree of responsibility lies with the future occupant to ensure the bins are placed in the collection area in an orderly manner.
- 7.5.11 Overall, the proposed scheme has addressed the concerns of the Planning Inspector and a reason for refusal could not be substantiated on highway grounds. Thus, the proposed development complies with Policy 8(b) of the JCS Policy T1 of the RNP and Paragraph 110 of the NPPF.

7.6 **Natural Environment**

- 7.6.1 Policy 4 of the JCS seeks for new development to provide a net gain in biodiversity with features of geological interests being protected and enhanced. Policy 4 also seeks for developments to not cause adverse harm to the Upper Nene Valley Gravel Pits Special Protection Area (SPA). Paragraph 170 of the NPPF also echoes Policy 4 of the JCS.
- 7.6.2 In addition, Policy 3 of the JCS and Policy EN2 of the RNP seek for new developments to deliver well integrated hard and soft landscaping. And, Policy 8(e) seeks to prevent new and existing development from contributing

to or being adversely affected by unacceptable levels of soil, air, light, water or noise pollution or land instability.

- 7.6.3 The proposed site plan (20-187-01E) illustrates the existing front boundary hedgerow would be retained with the proposed development and a balanced soft and hard landscaping being achieved so the proposed scheme is not dominated by hardstanding.
- 7.6.4 Details of biodiversity enhancement features have not been provided with this application and therefore to ensure that the proposed scheme delivers biodiversity enhancement a condition can be imposed should planning permission be granted.
- 7.6.5 The application site lies within 2 kilometres of the SPA which the SPA supplementary planning document (SPD) states that there is a strong body of evidence that increasing levels of development, even when well outside the boundary of protected sites, can have negative effects on these sites. As a means of mitigation a financial contribution of £322.41 (index linked) per dwelling should be sought from developments. The Applicant has provided the financial contribution and thus mitigated its harm on the SPA.
- 7.6.6 The Newt Officer also states the proposal would not have an impact on great crested newts and their habitat.
- 7.6.7 Environmental Protection also have no objection to the proposed scheme subject to the suggested conditions (internal layout, burning of materials, construction operational times, dust mitigation, prevention of mud onto the highway and construction traffic), which can be imposed should permission be granted.
- 7.6.8 As such, the proposal complies with Policy 4 of the JCS and Paragraph 170 of the NPPF.

7.7 **Crime Prevention**

- 7.7.1 Policy 8(e) of the JCS seeks for new development to design out antisocial behaviour and crime and reduce the fear of crime through creation of safe environments that benefits from natural surveillance, defensible spaces and other security measures having regard to the principles of the 'Secure by Design'. This is also reflected in Paragraph 95 of the NPPF.
- 7.7.2 The Police Community Safety Officer has no objection to the proposed scheme in principle subject to the scheme incorporating the crime prevention measures recommended. These matters can be conditioned should planning permission be granted and the applicant has also agreed to this.

8. **Other Matters**

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

- 8.2 Sustainable Construction: The Sustainable Design Statement demonstrates that the design of the scheme has taken into account the surrounding context of the local environment but does not demonstrate how the proposed scheme would minimise the use of resources and creation of waste. A condition is recommended to ensure sustainable measure are adopted as part of the scheme in line with Policy 9 of the JCS, should planning permission be granted.
- 8.3 Other Matters Raised: Concerns raised by Rushden Town Council and the objectors have been noted and addressed within the above sections of this report.

9. Conclusion / Planning Balance

- 9.1 The proposed development would be located within the settlement of Rushden and would utilise previously developed land which is supported by local policy and thus the principle of development is considered to be acceptable.
- 9.2 Since the refused scheme (21/00063/FUL) and the appeal decision (APP/G2815/W/21/3277113), the proposed scheme has been amended to address the concerns of the Planning Inspector. In doing so, it is considered that the proposed scheme would not cause adverse harm in terms of the character of the local area, residential amenity of the future occupants and nearby residents, highway users and the road network and the natural environment.
- 9.3 Whilst, the Town Council and Highways have expressed concerns with proposed scheme, their concerns would not substantiate a reason for refusal, especially given consideration to the appeal decision which holds significant weight.
- 9.4 In addition, the proposed scheme would provide a housing mix (medium sized) to meet the local housing need.
- 9.5 As such, the proposed development complies with Local and National Policies and it is therefore recommended that planning permission is granted, subject to conditions.

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 3 years from the date of this permission.

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

- 2 Prior to development above slab level for the development hereby permitted, details of the external materials of the proposed dwellings shall have been submitted to and approved by the local planning authority and the development shall thereafter be carried out in accordance with the approved details. The details shall include full product information as well as sample panels onsite.

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

- 3 Prior to the first occupation of the development hereby permitted, the access (including the footpath) shall be completed as per the site plan (0001 rev B) and drainage away from the public highway.

Reason: In the interest of highway safety and ensure satisfactory means of access.

- 4 Prior to the first occupation of the development hereby permitted, a maintenance and management plan for the access (including the footpath and parking court) shall be submitted to and approved in writing by the local planning authority. Thereafter, the proposed development shall be carried out in accordance with the approved details and maintain and retained in perpetuity.

Reason: To ensure adequate means of access and parking standards are maintained.

- 5 Prior to the first occupation of the development hereby permitted, full details of the pedestrian and vehicular gates shall be submitted to and approved by the Local Planning Authority. Thereafter the proposed development shall be carried out in accordance with the approved details. The submitted details shall include product details and elevations.

Reason: In the interest of highway safety.

- 6 No gates shall be placed within 5.5 metres of the public highway.

Reason: In the interest of highway safety.

- 7 Prior to the first occupation of the development hereby permitted, the parking court as per the site plan (0001B) shall be completed and demarcated for the relevant plots as well as visitors. Thereafter, it will be maintained and retained in perpetuity.

Reason: To ensure adequate amenity and proper parking provision.

- 8 Prior to the first occupation of the development hereby permitted, full details of the external lighting shall be submitted to and approved by the local planning authority. Thereafter the proposed development shall be carried out

in accordance with the approved details. The submitted details shall include a location plan of the lighting position, product detail and elevation plan.

Reason: In the interest of crime prevention and safe amenity.

- 9 Prior to the development above slab level of the development hereby permitted, full details of the security measures pertaining to windows, doors and gates shall be submitted to and approved in writing by the local planning authority. Thereafter, the proposed development shall be carried out in accordance with the approved details.

Reason: In the interest of crime prevention and safety.

- 10 Prior to the development above slab level, details of the cycle store shall be submitted to and approved by writing by the local planning authority. Thereafter, the proposed development shall be carried out in accordance with the approved details. The submitted details shall include product details, elevation and floor plans and security measures.

Reason: In the interest of crime prevention and safety.

- 11 The internal layout of the properties hereby permitted shall be as detailed in drawing numbers 0002C and 0003B. No changes shall be made unless agreed in writing with the local planning authority.

Reason: To protect future residents of the development from external environmental noise.

- 12 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.

- 13 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 unless otherwise agreed with the local planning authority.

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

- 14 During the demolition and construction phase the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes, or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.

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

- 15 Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

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

- 16 Vehicles, including delivery vehicles, must not park outside the development site at any time of the day or night unless specifically agreed in writing with the Local Planning Authority. Vehicles must enter the site immediately and must leave the site in a safe and controlled manner. The public highway shall not be used as a holding area for deliveries. There shall be no contractor parking on the public highway at any time.

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

- 17 Prior to the first occupation of the development hereby permitted, the refuse collection point shall be demarcated and maintained and retained in perpetuity.

Reason: To ensure satisfactory placements for the storage of bins.

- 18 Prior to the first occupation of the development hereby approved, the ensuite windows on the west elevation of Plot 6; 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 window (s) 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.

- 19 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for the following developments or alterations:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
- ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);
- iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
- iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);

Reason: To prevent overlooking of neighbouring properties and to retain control over the future extension and alterations of the development, in the interest of its architectural and visual integrity and character of the local area as well as residential amenity.

- 20 Prior to the development above slab level of the development hereby permitted, details of biodiversity enhancement features including location and product detail shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and maintained and retained in perpetuity.

Reason: To protect and enhance biodiversity.

- 21 Prior to development above slab level of the development hereby permitted, details of sustainable measures to be incorporated within the proposed dwellings, shall be submitted to and approved by the local planning authority. Thereafter, the proposed development shall be constructed in accordance with approved details. The details should include electrical vehicle charging points and water and energy efficiency measures to demonstrate compliance with Policy 9 of the North Northamptonshire Joint Core Strategy 2016.

Reason: In the interest of climate change and environmental protection.

- 22 The development hereby permitted shall be carried out in accordance with the approved plans as follows:

Location plan
Proposed site layout plan – 0001B
Proposed Street Scene Plan – 0005B
Proposed Elevation and Floor Plan – 0003B
Proposed Elevation and Floor Plan – 0002C

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

12. Informatives

- 1 All openings (doors and windows) will be in accordance with building regs for new dwellings and include the enforcement of AD 'Q' - Security of Dwellings - Q1 Unauthorised access i.e. certified products to BS PAS24:2016. In addition to Building Regs requirements any side lights adjacent to doors (within 400mm), safety glazing and easily accessible emergency egress windows with non-lockable hardware must include one pane of laminated safety glass meeting the requirements of BS EN 356:2000 class P1A (minimum).
- 2 The Applicant / Developer is required to secure a 278 Agreement and provide a Road Safety Audit (RSA1) to the Local Highway Authority prior to carrying out works on the public highway.

- 3 The North Northamptonshire Joint Core Spatial Strategy 2011-2031 policy 10 (e), Provision of Infrastructure, encourages developers to provide for fast broadband to new buildings (including but not exclusive to housing, commercial, retail or leisure). This should be gigabit capable and where possible, full fibre broadband connectivity. Early agreement with a telecoms provider is key to being able to enhance your asset. The network capability delivered by full fibre technology supports the fastest broadband speeds available, is considered future proof, and will bring a multitude of opportunities, savings and benefits. It may also add value to the development and is a major selling point to attract potential homebuyers and occupiers, with many people now regarding fast broadband as one of the most important considerations. Proposals should be compliant with Part R, Schedule 1 of the Building Regulations 2010 (soon to be amended to strengthen requirements for gigabit connectivity to new dwellings) and the Approved Document R.

Some telecoms network providers have dedicated online portals providing advice for developers, including:

Openreach Developer Portal (openreach.co.uk)

Virgin Media <http://www.virginmedia.com/lightning/network-expansion/property-developers>

Gigaclearnetworkbuildcare@gigaclear.com (rural areas and some market towns)

OFNL (GTC) <http://www.ofnl.co.uk/developers>

CityFibre <http://cityfibre.com/property-developers>

Details of other fibre network providers operating locally can be found here <http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx>.

For help and advice on broadband connectivity in North Northamptonshire please email bigidea.ncc@northnorthants.gov.uk