

**North Northamptonshire Area Planning Committee
(Thrapston)
10 May 2023**

Application Reference	NE/22/01328/FUL
Case Officer	Chris Hill
Location	First Floor. 95 High Street, Rushden
Development	Change of use of upper floor to C3 residential accommodation comprising 2 x 1 bed apartments and 2 x 2 bed apartments, with new front door and rear amenity space.
Applicant	Glendale Securities Ltd - Mr N Hanspal
Agent	Blueprint Architectural Design - Miss K Davis
Ward	Rushden South Ward
Overall Expiry Date	11.01.2023
Agreed Extension of Time	14.05.2023

Scheme of Delegation

Per the Local Planning Authority's adopted Scheme of Delegation, this application was referred to the Planning Committee Chairman & Vice-chairman due a sustained objection from Rushden Town Council. Both the PCC and PVC have agreed that the application be considered under delegated authority.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Permission is sought for the change of use of a first floor area of an existing Class E commercial premise to that of Use Class C3, residential. The first floor would constitute 2 x 1 bedroom apartments, and 2 x 2 bedroom apartments.
- 2.2 There would be minimal external alterations as a result of the proposed development. A communal entrance presenting on the left side of the High

Street facing elevation would be added, leading to a stairway and landing area/corridor on the first floor. A window would be added on the south-facing elevation at the first floor level for a bedroom. A small window would be added on the north facing elevation, to serve a smaller second bedroom of another apartment. Cycle storage and parking area would be formalised to the north of the site. Outdoor amenity space would be provided for the flats to the west, on the ground floor.

3. Site Description

- 3.1 The site is located within the central area of Rushden town centre and is generally surrounded by properties and uses that one would typically expect to see in a town centre. Specifically, the proposal relates to the 1st floor of no.95 High Street which is currently used as storage for the coffee shop below. The property itself fronts the High Street with access to the upper floors currently being via internal stairs at the rear of the coffee shop.
- 3.2 The site is within Rushden's Conservation Area and within the 3km Zone of Influence for the Nene Valley Gravel Pits Special Protection Area (SPA).

4. Relevant Planning History

- 4.1 None applicable

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 16/12/2022:

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

Parking is our main concern and having read the comments from the LHA it would appear they have the same concerns. We would object most strongly to the public car parks being considered for parking provision for the development. Residential parking within the public car parks has a detrimental effect on the volume of customer parking available and therefore is a negative economic factor for the town. The LHA have also expressed concerns about splays and site lines and the use of tandem to achieve the required parking numbers. There is no capacity to achieve off street parking in the area and therefore we do object on the grounds of insufficient parking.

We also consider the scheme offers inferior, cramped accommodation with very little amenity space for all units. Therefore, giving the problems with parking we would suggest that the number of units are reduced to provide better quality living space and help alleviate the parking issues.

Comments received 27/02/2023:

Your email below was discussed at our last Planning Meeting and members still wish to lodge the same objections.

5.2 Neighbours / Responses to Publicity

No letters have been received from individuals. A letter representing Royal Mail was received, as a neighbouring property, included below:

I am writing on behalf of the Royal Mail, who would like to submit comments to the planning application ref: NE/22/01328/FUL as follows.

The Noise Impact Assessment submitted confirms impact of Royal Mail existing operation on the proposed development, most significantly the residential bedroom overlooking the yard area and provides proposed mitigations to deal with the noise impact. Royal Mail asks that if the planning permission is recommended for approval the planning conditions are recommended to protect future occupiers to avoid any future complaints and protect Royal Mail operations.

We request any planning permission is subject to the following conditions:

No development shall take place until a detailed scheme of noise insulation measures for the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of the future occupiers.

Prior to the occupation of the development, the noise mitigation measures as set out in Environmental Noise Survey (by Noise June 2021) should be installed and agreed in writing with the Local Planning Authority so that future occupiers will not be affected by noise from the existing business in the vicinity. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of the future occupiers.

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:

Access onto High Street

- 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.

- The distance between structures for a single driveway must be 3.3 metres. This is consistent with internal width dimensions required for a single garage.
- The access appears to be in poor conditions and will require resurfacing. The access must be constructed in a hard bound material for the first 5 metres from the highway boundary in the interests of highway safety. This prevents loose material such as gravel being transferred to the public highway where it is a danger, particularly to cyclists and motorcyclists. Please note that this authority does not accept resin bound gravel as a hard bound material due to the fact that, over time, the gravel often comes away from the binder.
- Tandem parking scenarios should be minimised, and there should be no tandem car parking in blocks of three. Tandem parking scenarios often lead to an increase in on street parking.

Parking Beat Survey

- The number of parking spaces required for the proposed use is 1 space per 1-bed flat, 2 spaces per 2- bed flat and 0.25 spaces per flat for visitors. This results in a total of 7 spaces (6 residential and 1 visitor), so while this can be achieved, the LHA would like to raise concerns that the nearby streets are operating at very high stress levels.
- The LHA would also like to raise concerns with relying on parking spaces which form part of a public car park and that whilst there are currently available for residents this may not be the case for the lifetime of the development.

5.4 Waste Management

No objections or comments from Waste

5.5 Natural England

Standing advice concerning SPA received.

5.6 Environmental Health

I have been asked to comment on the above application which is the proposed change of use to the upper floor of 95 High street, Rushden, into 2x 1 bedroom apartments and 2x 2 bedroom apartments.

I am commenting on the aspects of noise and odour. In respect of noise a BS 4142:2014 assessment was carried out and several recommendations were made by the consultant. The assessment suggests that the noise impact will likely be low. As a result, I am satisfied that there should not be an adverse impact on future residents as a result of noise.

In respect of odour, three field odour surveys were carried out using IAQM methodology. These surveys indicate that considering the worst-case scenario odour is likely to be not significant. I am satisfied that odour should not adversely impact future residents.

In order to ensure that the recommendations made within the document known as Noise Assessment are followed. I would ask, if you are minded to approve the application, that the following conditions are attached and the informative fed back to the applicant.

Conditions:

Commercial/residential noise transmission

Prior to the development hereby permitted an acoustic engineer shall be engaged to determine the level of noise transmission between the ceiling and floor that separates the residential and commercial units. This shall include flanking transmissions. Based on this assessment a scheme for sound insulation between the ceiling and floor (including measures to mitigate against flanking transmission) shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation and retained thereafter in perpetuity.

Reason: In the interests of residential amenity

Ventilation

Prior to the development hereby permitted a scheme for the ventilation system shall be produced to show how each part of the development shall be supplied with appropriate ventilation. This scheme shall comply with the relevant standards and regulations. This scheme shall be submitted and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation and retained thereafter in perpetuity.

Reason: In the interests of residential amenity

Informative:

The type of ventilation system utilised for this development should be carefully considered. There are several issues that can result from the use of active ventilation. For example, noise from associated mechanical ventilation can pose more of a problem than the noise that is causing the windows to be kept closed. Passive ventilation, such as trickle ventilation, should be considered and this should be reflected in the scheme for the proposed ventilation system

5.7 Others

The following were consulted but did offer comments:

- Nature Space Officer
- Community Development Officer
- Council Ecology Officer
- Principal Conservation 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 8 - North Northamptonshire Place Shaping Principles

Policy 9 - Sustainable buildings

Policy 11 - The Network of Urban and Rural Areas

Policy 29 - Distribution of new homes

Policy 30 - Housing Mix and Tenure

6.4 Emerging East Northamptonshire Local Plan (LPP2) (2021)

EN1: Spatial Development Strategy

EN2: Settlement boundary criteria – urban areas

EN12: Health and wellbeing

EN13: Design of Buildings/ Extensions

EN14: Designated Heritage Assets

EN15: Non-Designated Heritage Assets

6.5 Rushden Neighbourhood Plan (NP) (2018)

EN1 - Design in development

EN2 - Landscaping in development

T1 - Development generating a transport impact

H4 - Market housing type and mix

R3 - First floor uses

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

7. Evaluation

7.1 Principle of Development

7.1.1 Provided that all other material considerations can be satisfied, the NPPF operates with a presumption in favour of sustainable development with the

established built up areas of a settlements. Policy 11 and Policy 29 of the JCS identify Rushden as a growth town and highlight the requirement for the town to find space for 3285 dwellings before 2031.

- 7.1.2 The Rushden Neighbourhood Plan recognises this requirement, however (as per Policy EN1) requires all new development to be high quality in design and respectful of the local character, prevailing density and pattern of development.
- 7.1.3 Housing Mix/Tenure - Policy 30 a) ii) of the Joint Core Strategy requires the mix of house types within a development to reflect the existing housing stock in the settlement or neighbourhood/ward "in order to address any gaps in provision and to avoid an overconcentration of a single type of housing where this would adversely affect the character or infrastructure of the area". Due to the large number of flatted developments in the town, the Rushden Neighbourhood Plan seeks to ensure that more flats are only brought forward where a need can be robustly demonstrated.
- 7.1.4 Policy H4 of the Rushden Neighbourhood Plan, in particular, states that notwithstanding the requirement in Policy 30 (JCS) for providing smaller households in Rushden, flatted development will only be permitted where this meets an identified local need, where the constraints of a site are such that it is not possible to provide small one or two bedroom houses or maisonettes, or where an existing non-residential building is being converted.
- 7.1.5 As the building is an existing non-residential building that is being partly converted for residential use with the ground floor retained as a commercial premise on a high street, the proposed development is considered to comply with this policy. There are no other planning policies that would constrain the principle of residential development on this site and in addition to this, planning permission has also been granted for a number of other similar conversions in the nearby area. The proposed development is therefore considered to be acceptable in principle, subject to other material planning considerations.

7.2 **Visual Impact**

- 7.2.1 Policy 8 of the JCS requires development to respond to the overall form and character of the local area as well as the site's immediate and wider context. Similarly, Policy EN1 of the Rushden Neighbourhood Plan requires development to understand the local character, prevailing density and pattern of the surrounding area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.
- 7.2.2 The proposed external changes the building are minimal, with the additional unblocked/new access to the side of the commercial premise facing the high street and the two new windows on the north and south facing elevations. None of these new openings would result in an architectural rhythm change to their elevations that could be considered negative to either the host building or the special character of the Conservation Area.

- 7.2.3 The submitted plans and application form indicate that the new access door would be 'Black/grey aluminium or pvc' both of which would be acceptable against the existing materials in use for the commercial ground floor premises. The application form and Design & Access Statement that new and replacement windows would be 'Double or triple glazed upvc or aluminium'. Typically within a Conservation Area such a type of window would be resisted. However, the existing windows are not of a particular high quality or historical appearance and both neighbouring properties and similar properties in the immediate vicinity make use of similar windows to that which are proposed. Given this, the introduction of such windows on the first floor of this building is not considered to diminish the special character of the Conservation Area nor result in an unacceptable appearance for the host building.
- 7.2.4 As such, the overall design is considered acceptable with there being limited impact on the character of the Conservation Area and the resultant appearance of the building not being dissimilar to that which presently exists.

7.3 **Impact on Neighbouring Amenity**

- 7.3.1 The installation of a new first floor window on the southern elevation would introduce an additional level of overlooking, however, given that the ground floors of the overlooked properties are commercial it would not introduce an unacceptable impact on residential amenity. The north facing elevation contains a number of windows at present, and the introduction of a singular additional small window would not result in a material change on this elevation.
- 7.3.2 The Council's Environmental Health Officer has commented on the application and the submitted Noise & Odour assessments. They agree with the conclusions drawn and are satisfied that there should not be an adverse impact on future residents as a result of noise or odour. They recommended conditions concerning noise transmission and ventilation as part of any granted permission, which are considered reasonable and proportionate to the scale of development. Comments submitted by the Royal Mail are considered to be covered by this assessment and conditions.
- 7.3.3 The proposed flats all meet the adopted Nationally Described Space Standards, per the requirement of JCS Policy 30. The inclusion of external private amenity space allocated to the flats is considered a positive element for the proposed development.
- 7.3.4 Some concern has been expressed concerning the internal light for the flats, given that they face north and are at times served by a single window with relatively deep floor plans. The existing windows on this north elevation are large, measuring approximately 1.9 metres in height and a minimum of 1.4 metres in width. 'Flat 1' includes east facing windows and an additional window serving a single bedroom measuring just 4 metres in depth, and is not considered to be subject to this concern.
- 7.3.5 'Flat 2' includes a bedroom served by two of the aforementioned large windows, with a depth of just 3.66 metres. The living space is also served

by the same large windows, but does have a depth of approximately 7.39 metres. It is considered that the height, width and overall size of these windows would provide the living space with more than adequate light for good levels of internal amenity for future residents.

- 7.3.6 'Flat 3' has a single bedroom, served by a very large window, in this instance a triple paned window of the same height. As the depth is just 2.85 metres this is considered more than adequate. The living space is served by a similar, very large window. Whilst it is of the same depth as the aforementioned living space of 'Flat 2' it is of the triple panel design, being approximately 2.1 metres in width. Whilst the levels of daylight would be diminished by the north facing aspect, it is considered that the size of the aperture would provide access to more than adequate daylight for future residents.
- 7.3.7 'Flat 4' includes a west facing, large window of the same type seen on the north facing elevation for the double bedroom. The single bedroom includes a south facing window of the same type. In both of these instances, more than adequate daylight would be experienced. The living space is dual aspect, with both a double and triple panel window servicing it, providing a plentiful amount of daylight for future residents.
- 7.3.8 Whilst the north facing nature of the proposed development and single aspect nature of the flats would be of concern in most instances, the size of the existing and retaining windows is such that future residents would enjoy reasonable to plentiful levels of daylight for both sleeping and living spaces, such that a refusal on these grounds would not be reasonable.
- 7.3.9 Overall the proposed development is not considered to impinge on the amenity of neighbouring properties and affords a positive degree of amenity both externally and internally for future residents.

7.4 Impact upon Highway Safety and Parking

- 7.4.1 Vehicular access for the dwellings would be to the north of the application property (adjacent no.97 High Street). From visiting the site, it was established that this space is currently used for alternative access to no.95 and 97, external storage space and informal parking.
- 7.4.2 Policy T1 of the Rushden Neighbourhood states proposed will take into the Highways team comments and that "Planning permission will only be granted for development that generates a transport impact if the development would not result in a significant residual impact on any aspect of the transport network".
- 7.4.3 The LHA have submitted comments regarding the provision of parking and the number of parking spaces required for the proposed use. They specify that it is:
- 1 space per 1-bed flat
 - 2 spaces per 2- bed flat
 - 0.25 spaces per flat for visitors
 - Total of 7 spaces (6 residential and 1 visitor)

- 7.4.4 The Town Council's objection to the scheme is predominantly concerned with that of parking and highways safety. Having visited the site, reviewed the submitted Design & Access Statement and undertaken an assessment, it is considered that the existing area to the rear of Costa is not formally associated with the commercial unit. It is therefore considered unconstrained regarding its future use and would not negatively impact the commercial operations at this location.
- 7.4.5 As the site lies within Rushden town centre, there is greater potential for residents to access and utilise more sustainable modes of transport such as walking and public transport. Given that the Rushden Neighbourhood Plan and JCS seek to encourage the use of more sustainable modes of transport, there is scope to diverge from the strict off-road parking provision identified within the Parking Standards. Were the first floor area to come back into commercial usage, it would likely warrant a comparable number of parking spaces. Additionally, the existing space is not formally allocated parking to either the first floor or commercial ground floor. It would not therefore necessarily warrant the provision of parking to the same extent to which the LHA suggests. Therefore, the provision of 3 car parking spaces, of which two are tandem and associated with the same flat thereby preventing conflict, is an appropriate car parking provision at this location.
- 7.4.6 Regarding safety, the existing rear access surface is in a poor state of repair and would require improvement for the first 5m from the highway boundary as part of any granted permission. Visibility splays would not be achievable owing to neighbouring dwellings, but the formal creation and improvement of this access, including improved highway markings, would be considered a net improvement over the informal rear access that presently exists. Additionally, the High Street at this location is a one way street and to the North of the site is an amenity space with a 1-metre high bar fence which would allow for a degree of visibility. Submitted vehicle tracking demonstrates manoeuvrability within the space allocated such that all vehicles could exit the site in a forward gear. It would not therefore be reasonable to resist the application on highways access alone.
- 7.4.7 Adequate means of drainage to avoid runaway onto the Highway is shown on plan. This would be secured as part of the described improvement to the access surfacing.
- 7.4.8 Overall, given the existing informal parking arrangements, net highways safety improvements from formalisation and surfacing secured via permission and sustainable location, matters concerning highways parking and safety are considered satisfactory in this instance.

7.5 Ecology

- 7.5.1 There is a planning policy requirement from Natural England and Policy 4 of the North Northamptonshire Joint Core Strategy for all new residential development within 2km of the River Nene Special Protection Area (SPA) to mitigate against impact on that area.

7.5.2 This proposal is located within 2km of the Upper Nene Valley Gravel Pits Protection Area. This is a protected site from a nature conservation point of view under the terms of European Legislation. The Council has a requirement linked to an adopted Supplementary Planning Document which at present requires a contribution of £322.41 per dwelling to mitigate against any impact. If this payment (or other mitigation) is not secured, it will form a reason for refusal.

7.5.3 In this instance both a SPA Mitigation Form and SPA fee have been submitted and paid and therefore the application complies with policy concerning such.

8. Other Matters

8.1 Waste: The Council's Waste Management team have agreed they are satisfied with the proposals.

8.2 Equality Act (2010): The proposed development is not considered to have a negative impact in terms of equality.

9. Conclusion / Planning Balance

9.1 The proposed development is considered to be acceptable in relation to the impact on highway safety, neighbour amenity, design and conservation and noise and disturbance. There are no other material planning considerations that would justify a refusal of planning permission for the proposed development and it is therefore recommended that planning permission is granted.

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

2. The development only be carried out in strict accordance with the following approved plans:

Application Form – Dated 17/10/2022

Dwg. No. 21 187 011A - LOCATION PLAN

Dwg. No. 21-187-11B - LOCATION AND BLOCK PLANS

Dwg. No. 21 187 010A OPTION 2 ELEVATION - PROPOSED

Dwg. No. 21-187-09D PROPOSED FLOOR PLANS OPTION 2 – PROPOSED

Reason: Reason: To define the terms of the planning permission.

3. The development hereby permitted shall be constructed using materials as described within the submitted and approved plans and application form.

Reason: In the interests of visual 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 or Bank Holidays unless otherwise agreed with the local planning authority.

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

5. There shall be no burning of any material from site preparation works (i.e. clearance of trees, scrub, vegetation, internal fittings etc).

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

6. Prior to the development hereby permitted an acoustic engineer shall be engaged to determine the level of noise transmission between the ceiling and floor that separates the residential and commercial units. This shall include flanking transmissions. Based on this assessment a scheme for sound insulation between the ceiling and floor (including measures to mitigate against flanking transmission) shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation and retained thereafter in perpetuity.

Reason: In the interests of residential amenity

7. Prior to the development hereby permitted a scheme for the ventilation system shall be produced to show how each part of the development shall be supplied with appropriate ventilation. This scheme shall comply with the relevant standards and regulations. This scheme shall be submitted and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation and retained thereafter in perpetuity.

Reason: In the interests of residential amenity

8. a. Prior to first use or occupation of the development hereby permitted, the means of access shall be paved with a hard bound surface for at least the first 10m from the highway boundary. Such surfacing shall thereafter be retained and maintained in perpetuity. The maximum gradient over a 5m distance (from the highway boundary) shall not exceed 1 in 15.

b. Prior to first use or occupation, the proposed vehicular access and parking facilities shall be provided in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.

c. Prior to first use or occupation, suitable drainage shall be provided at the end of the driveway as shown on the approved plans to ensure that surface

water from the vehicular access does not discharge onto the highway or adjacent land.

d. No gates shall be erected at any point within the site.

Reason: In the interests of Highway safety.