

**North Northamptonshire Area Planning Committee  
(Thrapston)  
20<sup>th</sup> September 2021**

<b>Application Reference</b>	<b>NE/21/00926/FUL</b>
<b>Case Officer</b>	<b>Ian Baish</b>
<b>Location</b>	<b>119 High Street Rushden Northamptonshire NN10 0NZ</b>
<b>Development</b>	<b>Conversion and extension of store to the rear of shops at No 119 High Street Rushden to form a single dwelling within Class C3. (resubmission of 20/01654/FUL)</b>
<b>Applicant</b>	<b>Mr Neil Briggs</b>
<b>Agent</b>	<b>Town Planning Experts - Mr Jonathan McDermott</b>
<b>Ward</b>	<b>Rushden South</b>
<b>Overall Expiry Date</b>	<b>10 August 2021</b>
<b>Agreed Extension of Time</b>	<b>Requested to allow for Committee process but not agreed by applicant.</b>

**Scheme of Delegation**

This application is brought to committee because it falls outside of the Council's Scheme of Delegation as a material written objection has been received from Rushden Town Council that is contrary to the officers proposed decision which cannot be satisfactorily resolved.

**1. Recommendation**

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1.1 That planning permission be GRANTED subject to conditions.

## **2. The Proposal**

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- 2.1 The application proposes a single storey rear extension which would enable the entire existing ground floor storage area associated with the two retail units at the front of the site, to be used as a one-bedroom self contained ground floor flat.
- 2.2 The rear extension would have a pitched roof and would measure approximately 3.734 metres in length by 2.396 metres wide, by a total ridge height of 5.220 metres in height at the highest point from the ground.
- 2.3 The extension would link the existing ground floor storage area to the rear of the two retail units to a detached ancillary outbuilding which formerly housed an outside toilet serving the retail unit. The outbuilding would then be converted to provide a bathroom to serve the flat.
- 2.4 The proposal seeks to convert the building's ground floor storage area into a living room and a bedroom, and the link extension would form the entrance and the kitchen.

## **3. Site Description and History**

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- 3.1 The application site currently accommodates two retail units on the Rushden High Street with ancillary storage to the rear of the units at ground floor with storage and flats at first floor levels. It is understood that the units currently accommodate a beauty therapy business and a tattoo parlour.
- 3.2 The existing elevation of the building is constructed from white painted brick, under a slate roof. Two separate shop fronts form the front ground floor elevation with a first floor above which provides flats and has windows facing the High Street.
- 3.3 A side gate provides access to a narrow semi-covered walkway to the south of the site which leads to a metal staircase providing access to the first floor of the building. The existing ground floor storage area and the detached toilet building, subject to this application, are located at the far end of the walkway. Steps lead down to a small concrete yard area beyond.
- 3.4 The site is located within the Rushden Conservation Area, the Defined Shopping Frontage and the Defined Shopping Area as defined in Policy R2 of the Rushden Neighbourhood Plan. It is also located within the 5 kilometre buffer of the Nene Valley Gravel Pits Special Protection Area (SPA), and within 2 kilometre buffer of the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI) and Ramsar site. To the north, south and east of the site are a mixture of uses including retail, residential, hairdressing and takeaways; and to the west (rear) is a large outdoor area serving a nearby DIY store.
- 3.5 This application is a re-submission of a previously refused application: reference 20/01654/FUL. Planning Permission was refused for the following reasons:

- 3.6 *Reason 1:*  
*By reason of its siting and layout, the proposed development would result in a detrimental impact on any future occupiers of the proposed flat, given that the living accommodation would have to be artificially lit internally due to the relationship between windows and existing buildings. The proposal would also result in residential accommodation being positioned beneath a storage room for the adjacent retail units and the applicant has not demonstrated that this would not result in noise nuisance. The proposal would therefore be contrary to policies 8(e)(i) and 8(e)(ii) of the North Northamptonshire Joint Core Strategy, Policy EN1 of the Rushden Neighbourhood Plan and Paragraph 127 of the National Planning Policy Framework.*
- 3.7 *Reason 2:*  
*The cumulative impact of the proposed development and the existing four flats on the site, coupled with the lack of any proposed car parking provision, would result in a detrimental impact on highway safety and as such would be contrary to guidance contained within the National Planning Policy Framework, Northamptonshire Parking Standards and Policy 8(b)(i) and (ii) and Policy 30 (a) (ii) of the North Northamptonshire Joint Core Strategy.*
- 3.8 *Reason 3:*  
*The proposal would undermine the viability of the adjacent retail units by removing storage space and toilet facilities associated with these units. No information has been submitted to demonstrate that the impact of removing these facilities from the retail units would make them more viable or how the reduction in retail space would contribute to the vitality of the town centre or that the units are no longer viable in their existing form. The proposal would therefore be contrary to Policy 12 of the North Northamptonshire Joint Core Strategy.*
- 3.9 *Reason 4:*  
*In order to function as a flat, the existing building requires a significant extended element in order to meet the minimum standards in terms of floorspace. It cannot therefore be considered as a conversion of the existing building and is therefore contrary to Policy H4 of the adopted Rushden Neighbourhood Plan.*
- 3.10 *Reason 5:*  
*The proposal is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). This is a protected site and from a nature conservation point of view under the terms of European Legislation. No information has been received in connection with this application to show that the proposal will not have an adverse impact on this area. In such cases the Council has a requirement linked to an adopted Supplementary Planning Document which requires a contribution of £296.55 per dwelling to mitigate any impact. This payment has not been received in connection with this application. The proposal is therefore contrary to Policy 4(d) of the North Northamptonshire Joint Core Strategy 2016 which seeks to secure adequate mitigation against the impacts of developments on the Upper Nene Valley Gravel Pits Special Protection Area.*

- 3.11 The applicant appealed the previous refusal and the appeal was dismissed. However, the inspector concluded that the proposal was acceptable on all grounds, save for the lack of a mitigation contribution towards the conservation of the Upper Nene Valley Gravel Pits SPA. Therefore, all other refusal reasons were not considered by the Inspector to be sound and, in essence, this appeal decision guides officers to the view that the proposal would be acceptable in its current form (assuming all other considerations remain equal), if the applicant was to mitigate against the impact of the development on the SPA.
- 3.12 Members will need to be aware that permission was granted (18/01710/FUL) to sub-divide one of the ground floor retail units, located in front of the proposed dwelling, A1 retail units and to change the use of the existing C3 (residential) flat on the first floor to ancillary storage for the retail units below. This permission has now been implemented although the application contained a condition removing certain permitted development rights including those relating to converting any of the first floor to residential accommodation. The applicant appealed against the use of this condition to the Planning Inspectorate. The Inspector failed to acknowledge the Council's appeal statement and allowed the appeal thus rendering condition 2 of application 18/01710/FUL as deleted.
- 3.13 The applicant has since stated that they have created four flats above the two ground floor retail units (two flats above each unit) effectively losing the storage space that was given permission and with the retail units on the ground floor having no access to the first floor. They have claimed that the four flats have been created by using permitted development rights under Schedule 2, Part 3, Class G of the General Permitted Development (England) Order 2015 (as amended) (GDPO). It is noted that, although the applicant has stated that this conversion has been carried out and they have applied for the flats to be numbered with Royal Mail, they have not submitted an application for a Lawful Development Certificate in relation to the four no. flats. It cannot therefore be confirmed that these flats are lawful in regard to the requirements of Schedule 2, Part 3, Class G of the GDPO. Nevertheless, as it is clear that four flats now exist, as they have appeared on property search sites, at the first floor level of the building, the cumulative impact of the four existing flats was a consideration when determining the previous application which would result in a fifth flat being provided on the site.
- 3.14 Application 19/00967/FUL was permitted in October 2019. This allowed for a first floor extension above the single storey element (the rear storage element, subject of this current application) which the applicant stated was required to provide additional storage for the retail units below. A condition on the 2019 planning permission (condition 3) required that, prior to implementation, the previous use of this area as a flat ceased and the extended first floor space remained as ancillary storage to the retail units below. This space has not been converted and has been retained as storage.

#### **4. Relevant Planning History**

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- 4.1 20/01654/FUL - Conversion and extension of store to the rear of shops at No 119 High Street Rushden to form a single dwelling within Class C3. – REFUSED – (15.02.21).

This refusal was subject to appeal (as explained above) where the Planning Inspectorate concluded that that the only refusal reason which should be upheld was the non- payment of the SPA Habitat Mitigation fee.

- 4.2 19/00697/FUL - Extension to storage above shop – PERMITTED (25.10.2019)
- 4.3 18/01710/FUL - Change of use from (A1) shop with (C3) dwellinghouse above to two ground floor shops (A1) incorporating new entrance, with ancillary storage above - PERMITTED – (06.11.2018) (Appeal against condition 2, which removed PD rights - ALLOWED).
- 4.4 18/00215/FUL - Two residential class C3 first floor extensions to existing self contained flat with associated alterations – REFUSED (03.04.2018).
- 4.5 18/00214/FUL - Two first floor rear extensions over existing retail units to be used as ancillary to the existing retail use – REFUSED (03.04.2018).
- 4.6 17/02150/FUL - Partial change of use from A1 to C3 and a rear extension of the first floor to create a total of four 1 bedroom flats (revised scheme to 17/00569/FUL) – REFUSED (07.12.2017).
- 4.7 17/01924/LDP - Convert three bedroom flat to 2no two bedroom flats. REFUSED (03.11.2017).
- 4.8 17/00569/FUL - Change of use from A1 to C3 and the addition of a third storey to create six residential units - REFUSED (11.08.2017).
- 4.9 11/01575/OUT - Outline: 6 No flats - 2 x one bedroom and 4 x two bedroom. REFUSED 03.08.2012).
- 4.10 08/02303/OUT - Three storey residential development of 6 flats (4No 2bed 2No 1bed apartments) and associated parking – WITHDRAWN (17.04.2009).

## 5. Consultation Responses

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

### 5.1 Rushden Town Council

Objection: There is no provision for parking within the submitted plan. The Local Highway Authority (LHA) recommends that a single parking space is required for a 1-bedroom dwelling. Support the comments from the LHA regarding reliance on public car parks. As there are already 4 flats on the site with no parking, it is requested that permission for this application is refused.

### 5.2 Neighbours / Responses to Publicity

One letter has been received. The issues raised are summarised below:

- Overdevelopment of the site
- Rat infestation due to the huge piles of rubbish left by tenants
- Excessive noise during the night of tenants slamming the gate and jumping down the stairs
- Parking issues

### 5.3 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.

### 5.4 Local Highway Authority (LHA)

A one-bedroom flat is proposed and would require one parking space.

It is understood that the building currently provides four flats at the first floor above the retail units. The High Street in Rushden only has a single yellow line for a partial parking restriction. To the front of 119 is a disabled bay and a loading bay. Without double yellow lines, there is likely to be an impact on the highway where residents wish to park near to their residence.

It is an amenity issue to decide whether residents may park in public car parks.

The only public car park within 5 minutes' walk, with 24-hour parking, is John Street which has 102 spaces. The LHA do have concerns with relying on parking spaces which form part of a public car park and that whilst there are currently no restrictions this may not be the case for the lifetime of the development.

#### 5.5 Environmental Protection Team

No obvious concerns - conditions recommended to ensure no burning of waste and to restrict construction times.

### **6. Relevant Planning Policies and Considerations**

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#### 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 2 - Historic Environment  
Policy 4 - Biodiversity and Geodiversity  
Policy 6 - Development on Brownfield Land and Land Affected by Contamination  
Policy 7 - Community Service and Facilities  
Policy 8 - North Northamptonshire Place Shaping Principles  
Policy 9 - Sustainable Buildings and Allowable Solutions  
Policy 11 - The Network of Urban and Rural Areas  
Policy 12 - Town Centres and Town Centre Uses  
Policy 22 - Delivering Economic Prosperity  
Policy 23 - Distribution of New Jobs  
Policy 28 - Housing Requirements and Strategic Opportunities  
Policy 29 - Distribution of New homes  
Policy 30 - Housing Mix and Tenure

#### 6.4 East Northamptonshire Council Local Plan (Saved Policies) (LP) (1996)

None relevant.

#### 6.5 Emerging East Northamptonshire Local Plan (LPP2) (2021)

EN1 – Spatial Development Strategy  
EN13 – Design of Buildings / Extensions  
EN21 – Town Centres and Primary Shopping Frontages  
EN23 – Development of Main Town Centre Uses around The Local Centres  
EN29 – Delivering Wheelchair Accessible Housing  
EN30 – Housing Mix and Tenure to Meet Local Need  
EN31 – Older Peoples Housing Provision  
EN34 – Reimagining Town Centres – Guiding Principles

6.4 Rushden Neighbourhood Plan (RNP) (2018)

Policy R1 - Town Centre Uses

Policy H1 – Settlement Boundary

Policy H4 – Market Housing Type and Mix

Policy EN1 – Design in Development

Policy T2 – Car Parking Provision

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

## 7. **Evaluation**

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The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenities
- Highway Matters
- Flood Risk and Drainage
- Ecology
- Heritage

### 7.1 **Principle of Development**

7.1.1 The National Planning Policy Framework (NPPF) recognises that town centres are at the heart of communities and policies should be produced which support their vitality and viability. It states that local policies should be clear in defining the extent of town centres and primary shopping areas making it clear which uses will be permitted in such locations.

7.1.2 Paragraph 85 of the NPPF recognises that residential development often plays an important role in ensuring the vitality of town centres and encourages residential development on appropriate sites.

7.1.3 With regards to housing requirements, the NPPF states that Local Planning Authorities should identify the type of housing that is required in a particular area and bring back in to use empty buildings.

7.1.4 Policy 6 of the JCS states that Local Planning Authorities will seek to maximise the delivery of development through the reuse of suitable previously developed land and buildings within the urban area.



- 7.1.5 Both of the retail units to the front of the site are now occupied and do not rely on the ground floor element of the storage facility in order to operate. Although the creation of a flat to the rear of the retail units would not benefit the building as a whole, the proposal would nevertheless deliver a small dwelling on a brownfield site.
- 7.1.6 Policy 12 of the JCS supports development within town centres and primary shopping areas provided that it does not undermine the predominance of typical town centre uses, such as A1 retail use. The policy also supports residential development above shops which is not relevant in this case as the proposal is for a ground floor flat to the rear of the retail units.
- 7.1.7 The proposed development is located to the rear of the shop units and relies on a small extension to facilitate residential use. It can be argued that the proposal utilises an unused area to the rear of the site which is screened from view of the main High Street. The location, being tucked away from view and accessed via a dark and narrow alley would not be appealing to typical town centre commercial uses such as retail. It was considered on the previous and identical proposal that the access would also be gloomy, unsafe and unappealing for residential use. However, with regard to this particular site, although the Council still consider the access to be unsuitable for a residential property the Planning Inspector has previously assessed the access as being suitable and we would therefore not be able to substantiate a refusal on the grounds of unsuitable or unsafe access again.
- 7.1.8 Policy 29 of the JCS broadly supports development within the growth towns and the re-use of previously developed land and buildings.
- 7.1.9 Policy R1 of the adopted Rushden Neighbourhood Plan (RNP) relates to development within the town centre and supports town centre uses in line with the NPPF. The NPPF broadly supports residential accommodation within town centre locations and RNP Policy R1 relates to design of development within the town centre and the visual impact in terms of the facades of the buildings. It is considered that as the proposal would not be visible from the High Street or wider Conservation Area and would not have an impact on the shop front, that the proposal accords with Policy R1 of the RNP.
- 7.1.20 Policy H4 of the RNP resists flatted development within Rushden unless a number of exemptions apply. It also states that to meet the exemptions the applicant must robustly demonstrate that the exemption applies to the proposal. The relevant exemption in this case is where an existing non-residential building is being converted for residential use. The proposal does partially comply with this element of the policy as it would re-use part of the ground floor of the non-residential element of the building. The building was vacant for a number of years and it would now appear that the two retail units have been let without the tenants requiring use of the storage area to the rear.

- 7.1.21 As previously mentioned, the proposal would rely on a new build extension to facilitate the conversion to a flat, as the existing ground floor storage area could not accommodate a flat without the extension. For this reason, it was determined that the previous, identical, proposal did not fully comply with Policy H4. However, the previously refused proposal for the same scheme was subject to appeal by the applicant and the Planning Inspectorate ruled that the proposal did not conflict with the terms of that policy. The Inspector concluded that the proposed residential use would be delivered primarily by converting a non-residential building and went on to acknowledge that the conversion would require a small extension to necessitate the conversion. Importantly however, the Inspector stated that the policy wording would not prevent that.
- 7.1.22 For the reasons noted above, it is considered that the principle of development is acceptable subject to all other material planning considerations being addressed.

## 7.2 Visual Impact

- 7.2.1 The site is located within the Conservation Area. The existing building is L-shaped with a main two storey element to the front, facing High Street, and a part single, part two storey rear projection, the land to the rear of the site is also within the Rushden Conservation Area. The extension would be constructed from materials to match the existing building.
- 7.2.2 The proposed extension would measure approximately 3.734 metres in length by 2.396 metres wide, by 3.370 metres in height. The extension would be set back from the High Street and would be accessed via the semi-covered walkway which has a solid entrance door leading off High Street. Therefore, the extended element of the proposal and the rear of the existing building would not be visible from High Street. Whilst it would be visible from the land to the rear of the site which from the neighbouring DIY store and car park it is not considered that an extension comprising of matching materials with a pitched roof would have a detrimental impact on the wider Conservation Area.
- 7.2.3 Therefore, it is considered that the single storey extension would not have a detrimental impact on the character or appearance of the building itself or the wider Conservation Area.

## 7.3 Housing Mix

- 7.3.1 Policy 30 of the JCS states that development should reflect the need to accommodate smaller households with an emphasis on small and medium sized dwellings (1-3 bedrooms). As the application is for a single one-bedroom property, it is considered to meet this criterion. However, taken in context with the works that have been carried out on the first floor of the building through the conversion of the first floor to 4 no. one bedroom flats, the building as a whole does not provide a mix of house types or sizes. Policy 30 also requires development to avoid an over concentration of a single property type within a neighbourhood or ward.

7.3.2 The area surrounding the building itself is characterised by commercial and retail properties, many of which contain small flats above. The area surrounding the town centre also comprises a large number of purpose-built apartment blocks and converted former factory buildings.

7.3.3 It was noted during the refusal of the previous and identical proposal that the creation of a fifth flat within the site would cause concerns in terms of an over concentration of flats in the immediate area and the impact this would have on Town centre Parking as the proposal provides no parking. Reference was also made to the Neighbourhood Plan Policy H4 which resists flatted development in Rushden owing to the fact that Rushden has a large concentration of flatted accommodation. However, the Planning Inspector ruled that it has not been demonstrated that the proposal would conflict with the further requirement of JCS Policy 30 which requires smaller dwellings or dwellings suitable for older residents and that the proposal would not adversely affect the character or infrastructure of the area. Members are advised that housing mix would not be a sound reason on which to refuse this application, given the Inspector's conclusion previously.

#### **7.4 Highway Safety and Parking**

7.4.1 The proposal involves the creation of one additional residential unit. The site also comprises two retail units in use as a beauty therapist and tattoo parlour and 4 x 1 bedroom flats above the retail units, which the applicant claims have been converted using permitted development rights. The site does not currently have any parking associated with it. The land to the rear of the site previously did provide parking but was sold off to the nearby DIY store.

7.4.2 The Local Highway Authority has objected to the proposal as no parking provision is proposed. They have requested that one space per flat is provided. In this instance, this would mean that five parking spaces would be required at a ratio of one per flat. A large first floor flat did previously exist at first floor level with no parking..

7.4.3 The area immediately surrounding the proposed flat is subject to parking restrictions in terms of time. Large sections of High Street are also subject to double yellow lines or reserved bays for disabled parking or loading. The closest public car park with 24hour unrestricted parking would be approximately a five minute walk from the proposed flat.

7.4.4 In terms of the lack of parking provision, the Planning Inspector ruled on the previously refused and identical proposal that the scheme may well appeal to those who did not own a car. The Planning Inspector also accepted that should future occupiers own a car they would have to walk either from a nearby car park or suitable unrestricted on street parking.

7.4.5 The Inspector also made reference to the existing four flats located on the first floor of the building, which the applicant claims have been created using permitted development rights, which would continue to operate without off road parking should this proposal be refused. The Inspector also stated that the lack of off road parking would not necessarily lead to kerbside parking or the use of a car park to compromise highway safety and that it cannot be assumed that vehicles would be parked where they actively obstructed traffic.

7.4.6 Therefore, although the previous, and identical proposal, was deemed contrary to Policy 8 (b) (ii) of the North NNJCS and Policy T2 of the adopted Rushden Neighbourhood Plan. The Inspector's decision in relation to the previous refusal is an important consideration. Following the Inspectors opinion, a refusal reason on this basis cannot be substantiated.

## 7.5 **Impact on Neighbouring Amenity**

7.5.1 The nearest properties to the proposal are no's 117,117A and 121 High Street and no's 3 and 7 West Street. It is noted that this represents a mix of typical town centre uses such as retail with residential accommodation above. However, this is a scenario that is widely accepted in Town centre locations.

### 7.5.2 *121 High Street*

This property is located to the north of the site. It appears that there are no habitable room windows on the south elevation of this neighbouring property as it adjoins the application building. Therefore, the proposal would not result in any detrimental harm to the occupiers of this building by reasons of overlooking or overshadowing. Given that there are no windows, the single storey nature of the proposal would also ensure that it would not have a detrimental overbearing impact either.

### 7.5.3 *117 and 117A High Street*

These properties are located to the south of the application site and again do not appear to have any habitable room windows within their north elevation that would be affected by the proposal.

### 7.5.4 *7 West Street*

This property is located to the west. The rear elevation of the extension would be approximately 25 metres from the rear of number 7 West Street. The single storey nature of the proposal and the blocking up of an existing opening on the rear of the building would ensure that there was no detrimental impact on this property in terms of overlooking or overshadowing and it would not appear overbearing.

### 7.5.5 *3 West Street*

No.3 West Street is located to the north of the proposal and has no south facing windows. Therefore, there are no concerns regarding the impact of the proposal on this neighbouring property.

7.5.6 For the reasons noted above, it is considered that the impact on the amenity of nearby properties would be acceptable.

## **Impact on Future Occupiers**

- 7.5.7 Policy 30 of the JCS sets out that the internal floor area of new dwellings must meet the National Space Standards as a minimum in order to provide residents with adequate floor space for basic furnishings, storage and activities. The National Space Standards state that the requirement in terms of floorspace for a 1 bedroom, 1 person unit is 37m<sup>2</sup>. The standards also state that this must include a minimum of 1m<sup>2</sup> of built in storage. The proposed flat would just comply with the minimum standards.
- 7.5.8 The proposed flat would benefit from a private outdoor amenity area to its west, and although relatively small, this would provide future occupiers with an outdoor space to use for recreation and drying clothes. This would comply with the requirements of Policy 8 (e) (vi) of the NNJCS
- 7.5.9 Access to the flat would be via a dark alleyway to the side of No.119 High Street with a metal staircase rising to the first floor of the building. This would not be welcoming and would not make for a pleasant place to enter a home. This was included as a refusal reason for the previous and identical scheme, however, the Planning Inspector considered this to be acceptable and suggested that suitable lighting could be secured by condition.
- 7.5.10 The main living and dining area would be served by windows facing into the entrance yard which in turn leads to the dark, semi-covered narrow alleyway between number 119 and 117 to the south. Both number 117 and the host building are large brick-built buildings. The proposed extension to the building to facilitate the flat would also block the majority of light coming from the west due to its roof height of approximately 3.734 metres. The outlook from the lounge would be restricted and it was considered on the previous and identical proposal that the outlook and setting of the flat would be gloomy and oppressive and would lead to a reliance on artificial light for the majority of time spent in the lounge.
- 7.5.11 However, the Planning Inspector noted that, although the outlook from the lounge window would be constrained, light would also be forthcoming from the kitchen and the lounge would not be unduly gloomy or oppressive.
- 7.5.12 The bedroom would be served by a single window facing south which would overlook the private amenity space and it is considered that the level of natural light would be adequate to serve a bedroom.

7.5.13 The proposed kitchen would form the extended element of the proposal and would be served by two windows and two glazed panelled doors. One window and a door would face west, overlooking the private amenity space, and a further window plus the main entrance door would face east toward the rear wall of the existing building and overlooking the rear entrance yard. The outlook and amount of light from the west facing window and door would be acceptable; but, the east facing window and door would be more constrained due to the proximity to the rear of the building. However, the Inspector's decision for the previous and identical scheme which concluded that the proposal would not conflict with JCS Policy 8(e)(i) & (ii) and that living conditions would be acceptable, and a further refusal on these grounds would not be justified.

## 7.6 **Heritage**

7.6.1 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

7.6.2 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.

7.6.3 The choice of material and the design of the proposed extension is in keeping with the surrounding buildings and character of the area which is defined by Victorian style buildings with tall pitched and tiled roofs and small yards to the rear. The proposed extension would not be visible from the street scene and would therefore not have a negative impact when viewed from the High Street or the wider Conservation Area.

## 7.7 **Environmental Matters**

7.7.1 The proposal does not raise any concerns in terms of contamination, noise or odour. The Council's Environmental Protection Team has been consulted and has raised no objections. The team has required that if permission were to be granted, a planning condition should secure that no burning should be carried out on site during construction to minimise the threat of pollution and disturbance to local amenity. The team has also requested a condition to restrict construction working hours to prevent noise nuisance.

## 7.8 **Ecology**

7.8.1 The application site lies 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. Should the application be recommended for approval, a payment of £296.55 would be required to mitigate any harm that the development may have on the SPA.

- 7.8.2 The applicant has paid this mitigation fee and as such it is considered that suitable mitigation has been provided.

## **8. Other Matters**

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- 8.1 Equality: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 8.2 Waste: The Council's Waste Management Team has advised that, due to the Town centre location, it would be likely that refuse would be collected in sacks.
- 8.3 Rat infestation: Comments have been received that state that the area is subject to a rat infestation caused by huge piles of rubbish left by tenants of the existing flats above 119 High Street. This is not a planning matter and the management of waste is a matter for Environmental Protection.
- 8.4 Noise: Comments have been received relating to excessive noise during the night caused by tenants of the existing first floor flats slamming the gate and jumping down the stairs. This is not a planning matter and is a matter for investigation by Environmental Protection in terms of noise caused by tenants.

## **9. Conclusion / Planning Balance**

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- 9.1 The recent Inspector's decision regarding the refusal of an identical scheme on this site considered the proposal to be acceptable on all counts with the exception of the non-payment of the SPA mitigation fee. As that fee has now been paid with this re-submission, it is considered that this proposal is acceptable and a refusal would not be justified.

## **10. Recommendation**

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- 10.1 That Planning Permission be GRANTED subject to the following conditions:

## **11. Conditions**

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- 1 The development 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 The development hereby permitted shall be carried out in accordance with the following plans and documents:

- Application Form, received 8<sup>th</sup> June 2021,
- Design and Access Statement, received 8<sup>th</sup> June 2021,
- Location Block Plan NN10 0NZ, received 15<sup>th</sup> June 2021
- Proposed Site Plan, drawing number 0619 SK 32, received 15<sup>th</sup> June 2021,
- Proposed Plans – Studio flat to rear, drawing number 0619 SK 30 A, received 15<sup>th</sup> June 2021,
- Proposed Elevations, drawing number 0619 SK 31 A, received 15<sup>th</sup> June 2021.

Reason: To ensure that the development is carried out as permitted and to clarify the terms of this permission.

3 The development hereby permitted shall be carried out using materials as to match those used on the existing building and as specified in the application form, design and access statement and submitted and approved drawings.

Reason: in the interests of visual amenity.

4 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.

5 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

6 Prior to first use or occupation of the development hereby permitted, a scheme of external lighting for the communal access shall be submitted to the Local Planning Authority for written approval. Only lighting as agreed shall be installed and the approved lighting shall be retained and maintained in accordance with the agreed details in perpetuity.

Reason: In the interests of personal safety and security and to prevent light disturbance