

**North Northamptonshire Area Planning Committee
(Thrapston)
21 March 2022**

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| Application Reference | NE/21/01813/FUL |
| Case Officer | Chris Spong |
| Location | 2 Bluebell Rise, Rushden, Rushden, NN10 0TU |
| Development | Subdivision of land, proposed 2 storey dwelling and new access to Greenacre Drive. |
| Applicant | Mr And Mrs Fry |
| Agent | Blueprint Architectural Design - Miss Katherine Davis |
| Ward | Rushden South |
| Overall Expiry Date | 14.02.22 |
| Agreed Extension of Time | 25.02.22 |

Scheme of Delegation

This application is brought to committee because such it falls outside of the Council's Scheme of Delegation due to a material objection from Rushden Town which is contrary to the officer's proposed recommendation.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application proposes a 3-bedroom dwelling on residential amenity land including a new access from the existing highway (Greenacre Drive).

3. Site Description

- 3.1 The application site is located within an exclusively residential area of southern Rushden and comprises a generous amount of amenity land associated with No.2 Bluebell Rise. Whilst the subject land is within the ownership of 2 Bluebell Rise, the land is not fenced off as part of the private amenity space.
- 3.2 The surrounding area is generally characterised by detached dwellings of a similar design, scale and massing to that of the host dwelling.
- 3.3 The site does not contain a listed building and is not within a conservation area.

4. Relevant Planning History

- 4.1 89/00967/OUT – Residential development – Approved – 16.02.1990.
- 4.2 90/00860/REM - Residential development (122 dwellings - revised scheme) – Approved – 28.11.1990

5. Consultation Responses

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

5.1 Rushden Town Council

Object on the basis of:

- Overdevelopment of the site;
- Impact upon the street scene; and
- Concerned with potential contamination.

5.2 Neighbours / Responses to Publicity

One letter of objection received. The issues raised are summarised below:

- Principle of the development;
- Impact of noise from new neighbours and building works;
- Loss of privacy / overlooking;
- No access to the main sewage disposal pipe network for the proposed dwelling which means it will require a tank which smells in the summer;
- Loss of green space;
- Boundary line dispute; and
- Impact on traffic and highway safety.

5.3 Highways (LHA)

The applicant is required to provide the correctly dimensioned parking spaces; parking spaces will need to measure 3 metres x 5.5 metres.

The applicant will be required to obtain the correct licensing, from Northamptonshire Highways Regulations for the proposed dropped kerb.

5.4 Waste Management

Waste collection point is not necessary as pavement collection is appropriate for the dwelling.

5.5 Environmental Protection

Identified potential risk from contamination of the site. Have suggested a series of pre-commencement conditions be added to the consent should permission be granted.

5.6 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.

5.7 The following teams/ departments were also consulted however no comments were received:

- North Northamptonshire Council – Ecology Officer
- North Northamptonshire Council – Senior Tree and Landscape Officer
- North Northamptonshire Council – Waste Management

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)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in favour of Sustainable Development
Policy 3 - Landscape Character
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
EN13 – Design of Buildings/ Extensions

- 6.5 Rushden Neighbourhood Plan (NP) (2018)
EN1 - Design in development
EN2 - Landscaping in development
T1 – Development generating a transport impact
- 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**

The key issues for consideration are:

- Principle of Development
- Design and Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters
- Environmental Matters
- Ecology
- Landscaping and boundary treatments

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 within the established built up areas of settlements.
- 7.1.2 Policy 1 of the JCS seeks to secure sustainable development. Policy 11 and Policy 29 identify Rushden as a growth town and highlight the requirement for the town to find space for 3285 dwellings before 2031. This is providing that the development is at a scale appropriate to the character and infrastructure of the town and other Policy requirements are complied with.
- 7.1.3 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. The requirement of high-quality design which is sympathetic to the surrounding area is re-iterated by Policy 8 of the JCS.
- 7.1.4 Paragraph 99 of the NPPF and Policy 7 of the North Northamptonshire Joint Core Strategy (JCS) state that proposals should not result in a net loss of open space unless the facility is surplus to requirements or a site of equivalent quality and accessibility can be provided.

- 7.1.5 As stated within the 'Design & Access Statement' the site is surplus to the applicant's requirement as it is "...*primarily under-utilised side garden space which the clients are struggling to upkeep due to its size. It is not used as part of their private amenity, as it is open to the highway and offers them no privacy.*"
- 7.1.6 In terms of being surplus to *public* requirement, due to its size and topography, the land operates as more of a planted area which breaks up the hard landscaping within Greenacre Drive rather than being useable 'open' or public recreation land.
- 7.1.7 In order to continue functioning as a "breaker" in the built environment (as shown by the proposed site plan (drawing '21-081-03E), the proposed boundary wall would be located at the brow of the hill and approximately 3 metres away from the highway. As such this would reduce any sense of being "hemmed in" and maintain the "visual break" function of the existing space. In addition, (as shown by drawings '21-081-06A' and '21-081-03E') this defensible space will also feature significant landscaping which would soften any visual impact of the proposal.
- 7.1.8 Overall, the principle of the proposal is considered to be acceptable as, in its current form, the space is surplus to private requirement and is not public open / recreation space.

7.2 Design and Visual Impact

- 7.2.1 Due to its positioning on Greenacre Drive, the application site occupies a relatively prominent location within the street and almost functions as a gateway into this part of the housing development. As such, it is crucial that the proposal is of a design which is not only in keeping with the surrounding area, but also enhances the functionality of the space. This requirement is given strong emphasis within paragraph 130 of the NPPF and Policy 8 of the JCS.
- 7.2.2 Purely in terms of architectural features, the proposal is reflective of the surrounding properties due to the inclusions of a dual pitched roof and porch aspect.
- 7.2.3 Due to the size of the immediately adjacent properties, a 3-bedroom dwelling would have a positive relationship with the surrounding area. The proposed parking between number 2 Bluebell Rise and the proposed dwelling would maintain the established gaps and open character between properties.
- 7.2.4 In addition, the high-quality boundary treatment and soft landscaping would reduce any detrimental impact on the character of the housing development whilst also providing the necessary sense of openness albeit at a slightly smaller scale.

- 7.2.5 Although the principal elevation of the proposed dwelling includes a gable end and features a dual window aspect (which is not dissimilar to the immediately adjacent dwelling), the surrounding properties (notably number 6 Bluebell Rise and 3 Rye Close) include wide elevations. As such, in terms of design, the property proposed would relate well to the surrounding area.

7.3 Impact on Neighbouring Amenity

No. 16 Bluebell Rise (overlooking impacts)

- 7.3.1 As shown by drawing '21-081-04 – Proposed Plans', the windows of bedroom 1 and bedroom 3 would face north in the direction of 16 Bluebell Rise. However, the immediate view from these windows would be over its own garden. Whilst it is recognised that this would introduce some glimpsed views of the adjacent garden, given the distance from the windows to the neighbouring property's curtilage and that the boundary is screened by vegetation (the majority of which is under the neighbours ownership) any overlooking implications would be considered acceptable. Furthermore, glimpsed views of the adjacent gardens from first floor windows are common in the surrounding area.
- 7.3.2 It must also be considered that the proposed bedroom windows would face the bathroom window of No.16 Bluebell Rise. However, given that the window is obscure glazed and it would be at an oblique angle relative to the new bedroom windows, the relationship is considered to be acceptable.
- 7.3.3 Similar to the above, the introduction of a bathroom window on the proposed western elevation would introduce some glimpsed views of the already overlooking front amenity space/ driveway of No.16 however is not unusual or considered to be unacceptable. Nonetheless, to further reduce any impact, a planning condition will be imposed on the proposal to ensure that the bathroom window is obscured glazed in perpetuity

Other properties (overlooking impacts)

- 7.3.4 Given the positioning and layout of the proposed property, the development is unlikely to significantly impact any of the other surrounding dwellings.

No. 16 Bluebell Rise & Other properties (overbearing/ overshadowing impacts)

- 7.3.5 Due to its appropriate scale, positioning within the site and being sufficiently set back from the respective boundaries, the proposed dwelling would not introduce any significant overbearing or overshadowing implications.

7.4 Highways Matters

- 7.4.1 As part of the works, a new access would be created off Greenacre Drive to which the Highways team have raised no objection due to sufficient visibility plays (see drawing '21-081-03E'). Vehicle movements and turning within the site would be both practical and functional and allow vehicles to leave the site in a forward gear.

- 7.4.2 Drawing '21-081-03E' also identifies two appropriately dimensioned (3 metres x 5.5 metres) off-road parking spaces which would be in accordance with the requirements of the Parking Standards.
- 7.4.3 As part of their comments, the Highways team identified a requirement for the applicant to obtain correct licensing for the proposed dropped kerb. This will be dealt with by means of an informative.
- 7.4.4 Despite being the primary route through the housing development, having visited the site on a number of occasions, the road has been clear and vehicle speeds have been reasonable. In light of this and the above, the highway impact is considered to be acceptable.

7.5 Environmental Matters

- 7.5.1 As identified through the consultation with the Council's Environmental Protection team there is a potential risk from contamination of the site. However the investigation, risk assessment, agreement of remedial scheme etc. is typically dealt with by means of pre-commencement conditions. As such, should permission be granted, pre-commencement conditions requiring an investigation and have been included and agreed upon by the agent.

7.6 Ecology

- 7.6.1 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 3km of the River Nene Special Protection Area (SPA) to mitigate against impact on that area.
- 7.6.2 This proposal is located within 3km 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 requires a contribution of £299.95 per dwelling to mitigate against any impact. The grant of permission is dependent on this payment (or alternative mitigation) being received and the recommendation reflects this. Failure to mitigate the impact would warrant a refusal of planning permission.

7.7 Landscaping and Boundary Treatments

- 7.7.1 As alluded to in section 7.1, landscaping of the site will contribute to the overall functionality, visual appearance and quality of the site. As shown by drawing '21-081-03E', significant landscaping and boundary treatments are proposed as part of the works to soften the visual impact of the dwelling and boundary wall.
- 7.7.2 Given that there are existing wall and brick boundary walls adjacent to the application site, the proposed brick wall not only increase the quality of the development but allows the proposal to relate well to its immediate context.

7.8 Other Matters:

- 7.8.1 Noise: In the neighbour's objection, concerns were raised regarding the levels of noise from construction and potential neighbours. To address this, should permission be granted, a condition will be added limiting the hours of construction work. In terms of perceived / assumed noise from potential neighbours, this goes beyond the jurisdiction of planning. Any excessive noise which arises from the future occupants would need to be reported to the Environmental Protection team.
- 7.8.4 Archaeology: There are considered to be no archaeological implications associated with the development.
- 7.8.5 Heritage: None of the buildings are listed and the site is not within a Conservation Area.
- 7.8.6 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).
- 7.8.7 Sustainable Construction: The works will accord with the principles set out in the North Northamptonshire Joint Core Strategy on sustainability.
- 7.8.8 Waste: Waste can be collected from the pavement on Greenacre Drive. The Waste team have raised no objections to this.
- 7.8.9 Crime / Fire and Rescue: The proposal does not give rise to any crime or fire and rescue concerns.
- 7.8.10 Flood Risk and Drainage: The site is not in Environment Agency flood zones 2 or 3 and there are not considered to be any other flood risk or drainage issues which cannot be addressed by the normal foul and surface water arrangements provided for new homes
- 7.8.11 Space standards: Drawing '21-081-04' evidences that the proposed dwelling would meet with the National Space Standards and therefore satisfies policy 30 (b) of the JCS.

8 Conclusion / Planning Balance

- 8.1 Despite the partial loss of the "visual break" in the built environment, the proposed location of the boundary wall and soft landscaping would sufficiently mitigate against this. Furthermore, the use of high-quality materials (such as the brick wall and trees) provides a site of equivalent quality to that of the existing.
- 8.2 The property itself would be respectful of the surrounding character. It would therefore adhere to Policy EN1 of the Rushden Neighbourhood Plan and Policy 8 of the JCS.
- 8.3 Despite concerns raised from the neighbour, the overall functionality of the proposed dwelling would be acceptable and would not give rise to any significant overbearing or overlooking implications.

9. Recommendation

9.1 That planning permission be GRANTED subject to conditions.

10. Conditions

1. The development 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 hereby permitted shall be carried out in accordance with the details provided in the application form (16.12.21) and following plans:

- '21-081-01A - Existing Site Plan, Outline, & Front Elevation' (15.12.21)
- '21-081-03E - Proposed Site Plan' (15.12.21)
- '21-081-04 – Proposed Plans' (15.12.21)
- '21-081-05 – Proposed elevations' (15.12.21)
- '21-081-06A – Proposed street scene' (10.02.22)

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

3. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

- A) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.
- B) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA

This must be conducted in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure potential risks arising from previous site uses have been fully assessed

4. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'.

Reason: To ensure the proposed remediation plan is appropriate.

5. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol.

6. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

7. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

Reason: To ensure all contamination within the site is dealt with.

8. 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

9. There shall be no burning of any material during construction or site preparation works.

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

10. The first-floor bathroom window identified on the 'Proposed Rear Elevation – View C' of drawing '21-081-05' shall be fitted with obscured glazing and shall be non-opening up to a height of 1.7 metres from floor level, which shall be retained and maintained in perpetuity thereafter.

Reason: In the interests of neighbouring amenity to reduce any overlooking implications.

11. The approved boundary treatments and landscaping shall be completed before first occupation of the property or in the first planting season following the substantial completion of the property (whichever is the sooner). The boundary treatments and planting shall be retained and maintained in perpetuity thereafter.

Reason: In the interests of visual amenity.

11. Informatives

1. The applicant will be required to obtain the correct licensing, from Northamptonshire Highways Regulations in order to install the site access and the vehicle crossover of public highway land. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contactor; who has the required and necessary public liability insurance in place