



---

## Appeal Decision

Hearing Held on 16 January 2020

Site visit made on 16 January 2020

**by Graeme Robbie BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 March 2020**

---

**Appeal Ref: APP/G2815/W/19/3230419**

**Land south of Northampton Road, Rusden NN10 6AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Button and Mrs L Button and Davidsons Developments Ltd against the decision of East Northants District Council.
  - The application Ref 18/01388/FUL, dated 13 July 2018, was refused by notice dated 25 April 2019.
  - The development proposed is for 80 dwellings, highways layout, open space and all other associated infrastructure.
- 

### Decision

1. The appeal is allowed and planning permission is granted for 80 dwellings, highways layout, open space and all other associated infrastructure at land south of Northampton Road, Rushden NN10 6AN in accordance with the terms of the application, Ref 18/01388/FUL, dated 13 July 2018, subject to the conditions set out in the attached Schedule of Conditions.

### Application for costs

2. At the Hearing a written application for costs<sup>1</sup> was made by Mr T Button and Mrs L Button and Davidsons Developments Ltd against East Northants District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The application was made as a full application for planning permission, rather than an outline application, despite the inclusion of the 'reserved matters' in the appellant's original development description. I have revised the development description slightly in order to omit superfluous wording and to ensure that the development description most accurately reflects the permission which was sought. No party would be disadvantaged by my doing so.
4. The appellant submitted a signed and dated planning agreement (S106) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) at the hearing<sup>2</sup>. The S106 relates to the provision of affordable housing; open space land and the payment of a commuted open space contribution; primary and secondary education contributions; a library facilities contribution; a bus service contribution and a contribution towards enhancements to offset any ecological impact upon the Upper Nene Valley

---

<sup>1</sup> Appeal Hearing 'DOC5'

<sup>2</sup> Appeal Hearing 'DOC4'

Gravel Pits Special Protection Area (SPA). I will return to the matters of the S106 and the SPA separately, below.

### **Main Issue**

5. The main issue is whether or not the proposed development would result in a satisfactory form of development, with particular regard to:
- Scale, density and layout;
  - Living conditions, with particular regard to provision of public open space and private outdoor amenity space; and
  - Car parking provision and highway safety.

### **Reasons**

6. The development plan for the area comprises of the saved policies of the East Northamptonshire Local Plan<sup>3</sup> (ENLP), the North Northamptonshire Joint Core Strategy<sup>4</sup> (JCS) and the Rushden Neighbourhood Plan<sup>5</sup> (RNP). The emerging 'Draft East Northamptonshire Local Plan: Part 2' was subject to consultation between November 2018 and February 2019. However, although the weight to be given to its provisions was initially a matter of disagreement<sup>6</sup> between the main parties, I heard at the outset of the hearing from Mr Barker (on behalf of the appellant) that as it was at a very early stage in its preparation and as its provisions had no bearing on the appeal, it carried no weight for the purposes of the appeal proposal, to which the Council did not disagree.
7. The appeal site is allocated for residential development in the RNP. Thus, RNP policy H2 identifies 'land south of Northampton Road' for a minimum of 80 dwellings. The text to this policy goes on to state that development proposals on allocated sites will be supported 'unless they would result in a poor relationship with its surroundings, or other material considerations indicated otherwise'.

#### *Scale, density and layout*

8. The appeal site is located towards the southwestern edge of Rushden. The predominant character of the area to the west of the site is one of commercial development, industrial and office units, supermarkets and the Rushden Lakes Shopping Centre all set around the Northampton Road / A45 / A5001 junction. More immediately, the site forms an open gap in the Northampton Road street frontage, which is pleasingly verdant between Hayway and the adjacent commercial development of Brindley Close which is, to a lesser extent, reflected on the opposite side of the road.
9. However, there is nonetheless also a residential context to the appeal site, with houses to either side of the site's road frontage, with the residential character strengthening towards, and beyond, Hayway. The proposal would provide for a landscaped buffer strip along the site's road frontage which, with the indicated tree planting within this area, would bolster the somewhat denuded frontage that was evident at the time of my visit to the site. This would, in turn, re-

---

<sup>3</sup> 1996

<sup>4</sup> 2016

<sup>5</sup> 2018 – 'made' 4 June 2018

<sup>6</sup> Paragraphs 4.3 and 7.1 (6<sup>th</sup> bullet point) of Statement of Common Ground

establish links with the roadside hedges and mature trees that characterise Northampton Road beyond the site to the east. Whilst I will consider the adequacy of the landscaped areas as a factor in public open space provision separately below, I am satisfied that this element of the proposal would assist in visual terms in ensuring that it would not result in a poor relationship with the surrounding area.

10. As RNP policy H2 states that development proposals on allocated sites will be supported unless they would result in a poor relationship with their surroundings, the proposal is compliant, at least in part, with RNP policy H2. However, this is qualified by a need to consider whether other material considerations indicate otherwise, and in this respect the provisions of RNP policies EN1 and CL2, as well as JCS policy 8 are of particular relevance.
11. The appeal site measures in the region of 2.82ha, within which it is proposed to construct 80 dwellings, comprised of 56 market dwellings and 24 affordable homes of mixed tenure. There is no dispute between the main parties that the proposed development would provide an appropriate proportion of affordable housing or that the housing mix would be appropriate and acceptable in terms of both tenure and house size. Nor do these parties dispute that the proposed density of development would be anything other than acceptable and that the development would make efficient use of the available land.
12. Thus, neither the quantum of development, density, or housing mix would mark the proposal out as resulting in a poor relationship with the surrounding area. The Council broadly accept this to be the case too, confirming acceptance of such matters. Nonetheless, the Council consider, albeit expressed in somewhat vague terms, that a better layout could have been achieved.
13. Given these broad, and broadly acceptable, parameters I turn to the detailed layout of the proposal. The development would be laid out in a compact and tight urban grain which would be somewhat at odds with the character of existing housing nearby on Northampton Road and Hayway. There, houses are typically larger detached houses set within spacious and, when viewed from the roadside, reasonably verdant plots. However, I am satisfied that the eight, larger detached properties fronting Northampton Road would maintain the sense of this prevailing character, if on a slightly reduced scale. Together with the proposed landscaping strip along the site's frontage, with tree planting within it, this would maintain the fundamental principles of the prevailing character, even if not directly replicating it.
14. Within the site's proposed layout, the development's tighter grain would become more evident. Many properties would have only small front garden or forecourt areas between their façades and the roadside, creating a compact and intimate feel to the development. This would be offset, successfully in my judgement, with the centrally placed area of open space which would provide a focal point, visually, socially and in terms of physical activity for recreation.
15. Whilst modern residential developments are capable of being car dominated, through both perception and reinforced by visual cues and reminders, I am not persuaded that that would be the case in this instance. There would be areas where communal courtyard parking arrangements would be prevalent, but the general arrangement of houses and in-curtilage parking would be such that vehicles would be parked in driveways between many of the houses, rather

than dominating the areas to the front. Where more communal forms of car parking are proposed, these tend to be in areas of the development where smaller house types at greater density are proposed and there would be capacity to soften these areas through planting. Moreover, such areas are not prominent within the proposal, or in views into the development from outside it. They would not therefore be the defining image of the proposed development. Rather, from a visual 'pinch-point' between houses at the entrance to the development, views would open out across the central area of public open space offsetting the otherwise tighter elements of the proposal's grain and built form.

16. The main parties agree that the design, scale, indicated materials and detailing of the proposed dwellings, a mix of bungalow, two and two-and-a-half storey buildings, are not matters in dispute and are acceptable. I am not persuaded otherwise. Nor, for the reasons that I have set out, am I persuaded that the proposal would result in a development of poor design and layout, or an unduly cramped form. I will deal with matters relating to public open space and private amenity space, and the quantity and quality of parking provision separately, below, but in terms of the matters considered here, I find no conflict with RNP policies H2 or EN1, or JCS policy 8(d)(i) or (e)(vi). Together, these policies seek to ensure development of a high quality of design which is reflective and considerate of local context and character. I am satisfied that the proposed development would achieve these aims.

*Living conditions – public open, and private amenity, space*

17. Alongside RNP policy EN1's requirement to secure high quality design, which includes making provision for appropriate amounts of outdoor amenity space, RNP policy CL2 sets out the Council's approach to securing such space within new developments whilst JCS policy 8(a)(iii) also notes the role of green space as a principle of place shaping. The East Northamptonshire Council 'Open Space' Supplementary Planning Document (OSSPD) sets out in detailed terms the methodology for establishing an appropriate level of public open space.
18. Although the OSSPD quotes the PPG17<sup>7</sup> definition of open space, this definition is largely identical to that set out in the Framework<sup>8</sup> and provides a useful basis from which the OSSPD identifies eight typologies of open space. There was agreement at the hearing that, in total, the proposal would provide in the region of 0.52ha of 'open space', of which 0.13ha would comprise an attenuation swale space for surface water runoff located towards the western boundary of the site.
19. Whilst the Framework's broad definition of open space includes areas of water and areas providing visual amenity, the main parties broadly agreed that the attenuation area should not count towards the proposal's overall public open space provision. That being so, I am satisfied that the proposal would nevertheless achieve the required quantum set out in the OSSPD.
20. A large proportion of this would be located within the centrally located 'green'. However, other areas around the proposed development would contribute to this and, whilst the Council query the usability of some of these areas, they would nevertheless fall within the broad definitions of open space set out in the

---

<sup>7</sup> Planning Practice Guidance Note 17: Planning for Open Space, Sport and Recreation (2002)

<sup>8</sup> Annex 2: Glossary – p69

Framework and the OSSPD. Thus, the buffer strip along the northern side of the site, as well as providing a visual link to the roadside trees and verdant plots elsewhere along Northampton Road, would link with further areas of open space and footpath corridors along the western side of the site. Together, they would provide a linked green wedge around this part of the site's perimeter which would provide opportunities for informal recreation and contribute to visual amenity.

21. These areas would also link with the attenuation swale. Even if not counted as part of the overall public open space for the purposes of calculating the requirements thereof, this area would also provide a visually open, green buffer at the western edge of the site adjacent to the commercial units of Brindley Close. These benefits of this attenuation area, as well as alternating between wet and dry conditions with scope for habitat creation around those conditions, should not be dismissed and would, with other areas of public open space and greenspaces, form part of a well-balanced layout providing appropriate open space, play facilities and landscaping to soften the public faces of the development and to ensure integration within the Northampton Road streetscene.
22. Although the Council are concerned about the ultimate fate of the area of land along the site's northern perimeter, I do not share their concerns about the potential for the loss of these areas as part of the public open space provision. The nature of the shared driveways that separate this strip from the eight detached frontage properties would discourage their incorporation within individual property curtilages and, whilst sufficient to provide visual and open space benefits, I am not persuaded that they would be so attractive as prospective additions to those property's curtilages.
23. It may be that such soft landscaping would be expected as part of any proposal, but that does not diminish the functionable nature or contribution that such an area would make to both the appearance of the development, or the calculations for overall open space provision. The proposal would, for the reasons I have set out, therefore provide a sufficient quantity and quality of open space which would provide benefits in terms of visual amenity, play space, informal recreation space and green, open and landscaped space around and within the development.
24. In terms of private amenity space, the Council does not have policy provision or supplementary guidance setting out prescribed garden areas or garden depths. There is a range of garden size across the development, the size of garden broadly equating to the size<sup>9</sup> of the dwelling; the larger dwellings having larger rear gardens and the smaller ones with smaller rear gardens.
25. I heard during the hearing that 'Building for Life' guidance provides advice in respect of rear gardens such that 'it is a good idea to ensure that rear gardens are at least equal to the ground floor footprint of the dwelling'. Although the Council disagree with the appellant's conclusion that the guidance implies flexibility, I am inclined towards the appellant's reading that whilst it states that it is 'a good idea to ensure...', that does not mean it is a hard and fast rule. In any event, without specific and explicit policy of SPD support, this guidance is only something to which I give limited weight. The vast majority of gardens are of more than adequate (in the context of 'Building for Life' guidance)

---

<sup>9</sup> Dwelling size expressed in terms of bedroom numbers

proportions and satisfy the development plan requirements of providing 'adequate' and 'appropriate' amounts of private amenity space.

26. For those that fall short of the guidance I've been referred to, they would do so only marginally. These plots would have a combination of open rearward views over adjoining land or would, despite their relatively short rear gardens, look out over other garden plots and so afford reasonable outlook in addition to adequate outdoor space.
27. I was referred to an example<sup>10</sup> of garden plot layout in respect of one of the smaller garden plots, demonstrating sufficient provision for a patio and outdoor seating area, 'whirly-gig' clothes drier, shed, refuse bin storage and a small lawn area. Whilst the appellant's claim that some house buyers prefer smaller gardens is, as the Council indicated, unsubstantiated, I have some sympathy towards the appellant's position that the proposal would provide a broad range of garden sizes generally commensurate with the house size.
28. In any event, and in the absence of any specific development plan policy requirements or adopted guidance to support the Council's position regarding private amenity space, I conclude that the proposal would provide adequate and appropriate levels of such space and so I give this unsubstantiated claim limited weight. For the reasons set out there would be no conflict with RNP policies H2, EN1 or CL2 or JCS policy 8(a)(iii), (d)(i) or (e)(vi) in this respect.

#### *Car parking provision and highway safety*

29. It is agreed that the proposal would provide a sufficient level of parking provision within the development's layout. However, the Council's refusal reason refers to unsatisfactory parking arrangements, and particularly the 'abundance of tandem parking'. Tandem parking would, the Council argue, give rise cumulatively to impractical issues and compound the cramped appearance of the streetscape. The reliance, the Council continues, upon tandem parking is a consequence of seeking to maximise the development's built form.
30. For the reasons I have set out above, I do not consider the layout of the proposed development to be unacceptable or inappropriate. Moreover, the positioning of driveways to the sides of dwellings, and the incorporation on those driveways of tandem parking arrangements, means that parked cars would be located at the side of, rather than the front of, the houses. Whilst the grain of parts of the development is tight and intimate, with minimal gardens and forecourts to the front, the tandem parking driveways would avoid parked cars dominating the streetscene.
31. Moreover, as was pointed out to me during the hearing, other Inspectors have previously considered<sup>11</sup> the matter of tandem parking and whether it is intrinsically impractical, or likely to create cumulative impracticality to the detriment of either the appearance of the streetscene or highway safety. Although the County Council's 'Northamptonshire Parking Standards' document<sup>12</sup> refers to tandem parking spaces as being inconvenient and generally best avoided where possible, it does not expressly forbid such parking arrangements. In any event, I have noted that these parking

---

<sup>10</sup> Appeal Hearing 'DOC2'

<sup>11</sup> APP/G2815/18/3202732 and APP/G2815/W/17/3192349

<sup>12</sup> Northamptonshire County Council – September 2016

standards do not form part of the development plan nor has it been adopted as a supplementary planning document.

32. It may well be that tandem parking causes occupiers to shuffle cars around on occasion where they have been parked in the wrong order. The Council also sought to argue that in such circumstances occupiers would be more likely to park at least one of their vehicles on the highway to avoid such shuffling. However, whilst there might be some minor inconvenience arising when shuffling cars around, I have not been presented with any compelling evidence to demonstrate that in such instances vehicles are more likely to be parked on the highway. Nor has it been demonstrated that the act of shuffling vehicles around would, in the context of the development's proposed layout, be prejudicial to highway safety.
33. It is accepted that the proposal would provide sufficient in-curtilage and courtyard parking, together with limited but adequate on-street visitor parking bays. There is no objection to the proposal on highway safety terms and, despite local residents' concerns regarding traffic on Northampton Road, I am satisfied that the proposal would not give rise to parking spilling out on to Northampton Road to the detriment of highway or pedestrian safety there. There would, for these reasons, be no conflict with RNP policies H2 or EN1 or with JCS policy 8(b)(ii) or (d)(i).

### **Other Matters**

34. The appellant submitted a signed and dated planning agreement (S106) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) at the hearing. The S106 relates to the provision of affordable housing; open space land and the payment of a commuted open space contribution; primary and secondary education contributions; a library facilities contribution; a bus service contribution and a contribution towards enhancements to offset any ecological impact upon the Upper Nene Valley Gravel Pits Special Protection Area (SPA).
35. The tests in relation to the use of planning obligations are set out at paragraph 56 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010 (as amended) (the Regulations). Obligations should meet all of the tests set out therein. The S106 would allow the proposal to comply with the requirements of JCS policy 30 in terms of affordable housing provision, whilst matters of contributions towards education, library facilities and public transport are matters of agreement between the parties. I have not been presented with any further evidence to lead me to a different conclusion and find no conflict with the Framework or the Regulations in this respect. I have therefore taken the S106 into account in reaching my decision.
36. The appeal site lies within the 3km 'zone of influence' of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and RAMSAR site. The SPA is a composite site comprising of a number of separate blocks of land and water fragmented by roads and other features and is located adjacent to, or close by, urban areas. Rushden, and the appeal site, both lie close to the central block of land and water within the SPA.
37. The SPA is noted as an important area for the overwintering of populations of Bittern, Golden Plover and Gadwall and Mute Swan used by more than 1% of the Great British populations of these species. In addition to the above, it is

also noted for supporting significant populations of widgeon, mallard, pochard, tufted duck, great crested grebe, cormorant, lapwing and coot.

38. However, the proximity of the SPA to Northamptonshire's main towns is such that Natural England considers recreational disturbance to be the most significant threat to the SPA, with most visits to the SPA being from people who live within 3km of it.
39. The appeal proposal would result in an increase of eighty dwellings, with a corresponding and consequent increase in the number of local residents living within 3km of the SPA. This would be likely, in turn, to increase recreational pressure upon the SPA such as, but not limited to, dog walking and recreational walking, leading to increased disturbance of overwintering species and other species supported within the SPA. It is therefore likely that the proposal, taken both in isolation and cumulatively, would have a significant adverse effect on the integrity of the SPA and, as the competent authority, it is necessary for me to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SPA.
40. The Council published 'The Upper Nene Valley Gravel Pits Special Protection Area' Supplementary Planning Document<sup>13</sup> (SPD) in 2016. The SPD's mitigation strategy sets out the approach to avoiding or mitigating significant effects on the SPA by securing a financial contribution towards Strategic Access Management and Monitoring (SAMM) and / or other suitable mitigation. The S106 sets out a financial contribution in accordance with the SPD's mitigation strategy and, as the content of the S106 has been agreed, signed and completed by all relevant parties, it is clear that there is no dispute regarding the level of mitigation it provides for. I am therefore satisfied that the proposal, with the mitigation contribution set out in the S106, would not adversely affect the integrity of the SPA.
41. Concerns were expressed by the local District Council ward councillor regarding the adequacy of consultation, principally in respect of the RNP but also alluded to in respect of the appeal proposal. Neither of those matters are matters for me to pass judgement on and, if there remain concerns, these should be taken up with the appropriate persons at the Council.
42. Local residents also raised concerns regarding the highways implications of the proposal in terms of traffic levels along Northampton Road. Residents were concerned that the level of traffic associated with an 80-dwelling scheme would add to already congested roads around the Northampton Road / A45 / Rushden Lakes junction. When added to a further proposal known as 'Rushden Gateway'<sup>14</sup> residents were concerned that congestion would become more extensive and for longer periods of the day.
43. I have, however, noted that there were no objections to the proposal on these terms from the local highway authority<sup>15</sup> or Highways England, and that this did not form part of the Council's reason for refusal. I saw during my visit to the site that the local highway network, and particularly the aforementioned junction, was busy, albeit that I didn't observe any noticeable congestion during my visit. That is not to say that such incidences don't occur and I

---

<sup>13</sup> Addendum to the SPA SPD: Mitigation Strategy – adopted by East Northamptonshire Council on 21 November 2016

<sup>14</sup> LPA Ref No: 18/00982/FUL

<sup>15</sup> Northamptonshire County Council

accept that I do not have the breadth of local experience that local residents have of such matters. I am however guided by the absence of formal objection to the proposal in terms of either traffic generation or the capacity of the local highway network to cope with existing and generated traffic flows, and I have not been provided with compelling or substantive evidence to lead me to a different conclusion. Similarly, I have no reason to suspect that the proposal would be likely to lead to increased incidences of road rage, inconsiderate turning and manoeuvring and these are therefore material considerations to which I give limited weight.

44. Concerns were expressed in relation to the effect of the proposed development on the living conditions of occupiers of neighbouring properties. These concerns were expressed with specific reference to the relationship between the existing house at 105 Northampton Road and the two proposed residential plots closest to that house.
45. Thus, during the course of my visit to the site, the existing relationship of No. 105 of the appeal site was noted, and recognisable reference points were identified and noted. The proposed development would clearly be visible from the existing house at No. 105. However, the rear of that property and the rear of plot 69 would be offset from each other whilst existing boundary vegetation, including particularly a large willow tree would to a large degree intercept any inter-visibility between the two. I note that privacy matters did not form part of the Council's 'living conditions' concerns and, whilst noting the relationship between the existing and proposed, I am not persuaded that the proposal would result in a materially harmful level of overlooking or loss of privacy, or otherwise cause harm to the living conditions of occupiers of No. 105.

### **Conditions**

46. I have considered the conditions suggested by the Council in their Statement of Case in light of the Framework and advice and guidance set out in Planning Practice Guidance. The suggested conditions were discussed during the hearing, with that discussion further informed by proposed amendments to the conditions as set out in the Statement of Common Ground (SofCG) and the appellant's 'Requested Planning Conditions Amendments' statement submitted at the hearing<sup>16</sup>. Figures in parentheses refer to the condition numbers in the Schedule, below.
47. In addition to a time limit condition (1), which is necessary in order to provide certainty and the interests of good planning, a plans condition (2) is also necessary. It was agreed at the hearing that I should take the list of plans as confirmed in the SofCG as being the approved plans in the event that the appeal should succeed. Condition 2 is therefore framed accordingly.
48. Final details regarding existing and proposed finished ground and floor levels are necessary in the interests of character and appearance (3), as is a condition relating to the implementation, installation and planting of agreed boundary treatments (9).
49. Conditions regarding the management and control of construction activities are necessary in the interests of the living conditions of occupiers of nearby residential properties. I have therefore imposed conditions regarding hours of

---

<sup>16</sup> Appeal Hearing 'DOC3'

- construction and deliveries to the site (4), prohibition of the burning of materials within the site (5) and a construction management plan (6).
50. With regard to the living conditions of future occupiers of the approved development, a condition regarding possible ground contamination is also attached (14). Details of surface water drainage arrangements, in the interests of both living conditions and alleviation of potential flood risk, are also necessary and attached in the manner suggested and agreed by both main parties (11, 12 and 13). I have however altered the wording of condition 11 to reflect the wording agreed in the SofCG.
51. In order to ensure the proper connection of the development to the local highway and footway network, conditions (7, 8, 17 and 18) regarding the appropriate provision of connections to Northampton Road are necessary in the interests of highway and pedestrian safety. As discussed and agreed during the hearing, I have amended condition 8 to omit reference to a connection to land beyond the west of the appeal site (ii). As a consequence, point (iii) is now renumbered as (ii).
52. Finally, conditions regarding details of fire hydrant locations (10), public and private lighting plan (15) and implementation of measures set out in the Sustainability Appraisal and Energy Statement (16) are necessary in the interests of public safety, living conditions and energy efficiency, respectively.

### **Conclusion**

53. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

*Graeme Robbie*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Except where otherwise stipulated by condition on this decision notice, the development hereby permitted shall be carried out strictly in accordance with the following plans and mitigation measures in the following documents:

Planning Layout - 1165-100 Rev P13;  
Site Location Plan - MI1064-001 Rev B;

Materials and Boundary Treatments - 1165-200 Rev PO3  
Parking Plan - 1165100-PP Rev P02;

Single Garage - Dwg no. LG1-4 (AS) Rev C01

Twin Single Garage - Dwg no. LG4-4 (AS) Rev C01  
Garage Planning Plans & Elevations - DG31-4;

Close Coupled Substation - GTC-E-SS-0012\_R1-8\_1\_of\_1;

Soft Landscaping Proposals - GL0879 902C  
Play Proposals - GL0879 903 Rev A;

Section 278 General Arrangement Signing and Lining Plan Sheet 1 of 2 -  
Dwg No. E129- 278-01 (Submitted in the Transportation Addendum  
5/10/18);

Planning Elevations House Type SH15CE-4 - Dwg No: SH15\_01;  
Planning Ground Floor Plan House Type SH15CE-4 - Dwg No: SH15\_02;  
Planning First Floor Plan House Type SH15CE-4 - Dwg No: SH15\_03;

Planning Plans & Elevations House Type SH23BRE-4 (OP) - Dwg  
No:SH23\_01 Rev A;  
Planning Plans & Elevations House Type SH23BRE-4 - Dwg No:SH23\_01  
Rev A;  
Planning Plans & Elevations House Type SH23BRI-4(OP) - Dwg No:  
SH23\_01 Rev A;  
Planning Plans & Elevations House Type SH23BRI4 - Dwg No:SH23\_01  
Rev A;

Planning Plans & Elevations House Type SH36BG-4 - Dwg No:SH36\_01;  
Planning Plans & Elevations House Type SH40BG-4 - Dwg No:SH40\_01;  
Planning Plans & Elevations House Type SH40BG-4 - Dwg No:SH40\_02;  
Planning Plans & Elevations House Type SB25V-4 - Dwg No: SB25\_01 -  
These properties MUST have wet rooms installed rather than bathrooms  
as shown on the floor plans.

Elevations - Plan 1 - Dwg no. DH210GE-4 (AS) Rev P00;  
Floor Plans - Plan 2 - Dwg no. DH210GE-4 (AS) Rev P00;

Elevations - Plan 1 - Dwg no. DH210GE-4 (OP) Rev P00;  
Floor Plans - Plan 2 - Dwg no. DH210GE-4 (OP) Rev P00;

Elevations - Plan 1 - Dwg no. DH210GI-4 (AS) Rev P00;  
Floor Plans - Plan 2 - Dwg no. DH210GI-4 (AS) Rev P00;

Planning Plans & Elevations House Type DB25V-4 - Dwg No: DB25\_01;  
Planning Plans & Elevations House Type DH300GE-4(OP) - Dwg  
No:DH300\_01;  
Planning Plans & Elevations House Type DH300GE-4 - Dwg  
No:DH300\_01;  
Planning Plans & Elevations House Type DH300GI-4 - Dwg No. DH300GI-  
4;

Elevations Plan 1 - Dwg. No. DH307CE-3 (OP) Rev CO3;  
Floor Plans Plan 2 - Dwg. No. DH307CE-3 (OP) Rev CO3;  
Elevations Plan 1 - Dwg. No. DH307CE3 (AS) Rev CO3;  
Floor Plans Plan 2 - Dwg. No. DH307CE-3 (AS) Rev CO3;  
Elevations - Dwg No/House Type DH307CI-3;  
Floor Plans - Dwg No/House Type DH307CI-3;

Plan 1 – Elevations - Dwg No. DH312BR-3(AS) Rev C01;  
Plan 2 – Elevations - Dwg No. DH312BR-3(AS) Rev C01;  
Plan 3 - Floor Plans - Dwg No. DH312BR3(AS) Rev C01;  
Plan 1 – Elevations - Dwg No. DH312BR-3(OP) Rev C00;  
Plan 2 – Elevations - Dwg No. DH312BR-3(OP) Rev C00;  
Plan 3 – Floor Plans - Dwg No. DH312BR-3(OP) Rev C00;

Plan 1 – Elevations - Dwg No. DH313B-4(AS) Rev C00  
Plan 2 - Floor Plans - Dwg No. DH313B-4(AS) Rev C00  
Plan 1 – Elevations - Dwg No. DH313B-4(OP) Rev C00  
Plan 2- Floor Plans - Dwg No. DH313B-4(OP) Rev C00

Plan 1 – Elevations - Dwg No. DH317A-3(AS) Rev C02  
Plan 2 - Floor Plans - Dwg No. DH317A-3(AS) Rev C02  
Plan 1 – Elevations - Dwg No. DH317A-3 (OP) Rev C02  
Plan 2 - Floor Plans - Dwg No. DH317A-3 (OP) Rev C02

Elevations - Plan 1 - Dwg No. DH411B-4 (AS) Rev C00  
Elevations - Plan 2 - Dwg No. DH411B-4 (AS) Rev C00  
Floor Plans - Plan 3 - Dwg No. DH411B-4 (AS) Rev C00

Plan 1 – Elevations - Dwg No.DH412R-3(AS) Rev CO3  
Plan 2 – Elevations - Dwg No. DH412R-3(AS) Rev CO3  
Plan 3 - Floor Plans - Dwg No. DH412R3(AS) Rev CO3  
Plan 1 – Elevations - Dwg No.DH412R-3(OP) Rev CO3  
Plan 2 – Elevations - Dwg No.DH412R-3(OP) Rev CO3  
Plan 3 - Floor Plans - Dwg No.DH412R-3(OP) Rev CO3

Elevations Plan 1 - Dwg No. DH417A-3 (AS) Rev P00  
Floor Plans - Plan 2 - Dwg No. DH417A-3 (AS) Rev P00  
Elevations - Plan 1 - Dwg No.DH417A-3 (OP) Rev 01  
Floor Plans - Plan 2 - Dwg No.DH417A-3 (OP) Rev 01

Plan 1 – Elevations - Dwg No.DH425G-4 (AS) Rev C00A  
Plan 2 - Floor Plans - Dwg No.DH425G-4 (AS) Rev C00A  
Plan 1 – Elevations - Dwg No.DH425G4(OP) Rev C00A  
Plan 2 - Floor Plans - Dwg No.DH425G-4(OP) Rev C00A

Elevations - Plan 1 - Dwg No.DH427B-4 (AS) Rev C00  
Floor Plans - Plan 2 - Dwg No.DH427B-4 (AS) Rev C00  
Elevations - Plan 1 - Dwg No.DH427B-4 (OP) Rev C00  
Floor Plans - Plan 2 - Dwg No.DH427B-4 (OP) Rev C00

Plan 1 – Elevations - Dwg No.DH430B-4 (AS) - Rev C00A  
Plan 2 - Floor Plans - Dwg No.DH430B-4 (AS) - Rev C00A  
Plan 1 – Elevations - Dwg No.DH430B4 (OP) - Rev C00  
Plan 2- Floor Plans - Dwg No.DH430B-4 (OP) - Rev C00

Plan 1- Elevations - Dwg No.DH451R-3 (OP) Rev C04  
Plan 2 - Floor Plans - Dwg No.DH451R-3 (OP) Rev C04

Plan 1 – Elevations - Dwg No.DH460B-4(AS) - Rev C00A  
Plan 2 - Floor Plans - Dwg No.DH460B-4(AS) - Rev C00A

Elevations - Plan 1 - Dwg No.DH501G-4 (OP) Rev C00  
Elevations - Plan 2 - Dwg No.DH501G-4 (OP) Rev C00  
Floor Plans - Plan 3 - Dwg No.DH501G-4 (OP) Rev C00  
Elevations - Plan 1 - Dwg No.DH501G-4 (AS) Rev C00  
Elevations - Plan 2 - Dwg No.DH501G-4 (AS) Rev C00  
Floor Plans - Plan 3 - Dwg No.DH501G-4 (AS) Rev C00

Plan 1 – Elevations - Dwg No.DH509V-3 (AS) - Rev C04  
Plan 2 - Floor Plans - Dwg No.DH509V-3 (AS) - Rev C04  
Plan 1 – Elevations - Dwg No.DH509V-3 (OP) - Rev C04  
Plan 2 - Floor Plans - Dwg No.DH509V-3 (OP) - Rev C04

Plan 1 – Elevations - Dwg No.DH532V-3 (AS) - Rev C04  
Plan 2 – Floor Plans - Dwg No.DH532V-3 (AS) - Rev C04

Elevations - Plan 1 - Dwg No.DH552G-4 (AS) - Rev C00  
Elevations - Plan 2 - Dwg No.DH552G-4 (AS) - Rev C00  
Floor Plans - Plan 3 - Dwg No.DH552G-4 (AS) – Rev C00

Extended Phase 1 Habitat Survey - Report ref: P1231/0217/02 – Version V4 – 11 July 2018 BS5837:2012

Tree Survey - Report ref: P1231/0217/01 – Version V3 – 11 July 2018

Section 278 General Arrangement/Signing and Lining Plan A - Ridehalgh Nicholls - August 2018 - E129-278-10 Rev A

Section 278 General Arrangement/Signing and Lining Plan B - Ridehalgh Nicholls - August 2018 - E129-278-11 Rev A

Section 278 General Arrangement/Signing and Lining Plan C - Ridehalgh Nicholls - August 2018 - E129-278-14 Rev A

- 3) Prior to commencement of building construction, full details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development and adjoining sites shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and retained in accordance with the approved details.
- 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.
- 5) Within the application site or any other adjacent land within the applicant's ownership/control there shall be no burning of any material during construction, demolition or site preparation works. There shall also be no burning of any material from site preparation works (i.e. clearance of trees, scrub, vegetation, etc).
- 6) Before development commences, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include full details of the following:
  - Noise/Vibration/Dust mitigation
  - Measures to prevent mud (and other such material) migrating onto the surrounding road network
  - The location(s) of contractor parking
  - A construction routing plan, to include details of any holding areas
  - Measures to prevent harm to badgers

Development must only take place in accordance with the approved details.

- 7) Prior to first occupation of the first new dwelling, the vehicular / pedestrian site access onto Northampton Road and any parking and turning facilities for that dwelling shall be constructed in accordance with the approved plans. Prior to first occupation of each respective dwelling thereafter, the parking and turning facilities shall be constructed in accordance with the approved plans. All parking and turning areas, which includes garages, shall be retained for these purposes in perpetuity.
- 8) Prior to the first occupation of any of the dwellings hereby permitted, the following shall have been submitted to and approved in writing by the Local Planning Authority:
  - i) details of a scheme (to include a timetable for provision) for a pedestrian / cycle path to the west of plots 1, 11, 12, 13 and 14 leading to Northampton Road;
  - ii) details of a scheme (to include a timetable for provision) for a pedestrian / cycle path to the east (to the neighbouring allocated site) from the road spur between plots 45 and 57 to the site boundary. The footpaths / cycle paths shall be provided in accordance with the agreed schemes and thereafter shall be maintained and retained in perpetuity.

- 9) With regard to the list of approved plans set out in condition 2, the agreed boundary treatments shall be in situ before each respective property is occupied and all planting shall take place no later than the first planting season following first occupation of the building(s) or on the completion of the development, whichever is the sooner. Within the first 5 years from planting any species which die, become damaged, diseased or are removed shall be replaced in the current / next planting season with others of similar size and species, unless written consent is obtained from the Local Planning Authority to any variation.
- 10) Prior to the commencement of development above slab level, details of the fire hydrants, their location(s) and a timetable for implementation shall be agreed in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details, locations and timetable; and shall be retained in perpetuity thereafter.
- 11) No above ground work other than site preparation shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment & Surface Water Drainage Strategy, ref. no. 17736, prepared by Woods Hardwick Infrastructure LLP have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include;
  - i) details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures (if required).
  - ii) details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
- 12) No above ground work other than site preparation shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted.

A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.
- 13) No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been agreed in writing by the Local Planning Authority. The report must be submitted in

writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment & Surface Water Drainage Strategy, ref. no. 17736, prepared by Woods Hardwick Infrastructure LLP. These shall include:

- a) Any departure from the agreed design is keeping with the approved principles;
  - b) Any As-Built Drawings and accompanying photos;
  - c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary);
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- 14) If, during development, contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority.
- 15) Before first occupation, details of all lighting to public and private areas, including maintenance arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details and the approved lighting shall be installed concurrently with the relevant part of the development, shall be switched on during hours of darkness and shall be retained in perpetuity.
- 16) Notwithstanding the details set out within the Sustainability Appraisal and Energy Statement supplied with the application, prior to the first occupation of any dwelling hereby approved, details shall have been submitted to and approved in writing by the local planning authority which demonstrate the following sustainability measures for the new buildings:
- a) Electric vehicle charging points (note – these shall be provided for each house);
  - b) Measures to limit water use to no more than 105 litres / person / day and external water use of no more than 5 litres / person / day;
  - c) Minimum standards for gas fired boilers. Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of each respective property.
- 17) No occupation of dwellings shall take place until the off-site footpath improvements between the site boundary and Brindley Close have been provided in accordance with details shown on the following drawings: - E129-278-10 Rev A Sheet 1 of 3 - E129-278-11 Rev A Sheet 2 of 3 - E129-27814 Rev A Sheet 3 of 3
- 18) No occupation of dwellings shall take place until a Travel Plan, comprising immediate, continuing and long-term measures to promote and encourage alternatives to single- occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a welcome pack for new residents, which must

include details of local public transport services and an offer of a free trial from at least one local electric vehicle provider. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with targets agreed with the Local Planning Authority.

**\*\*end of schedule\*\***

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                        |                                            |
|------------------------|--------------------------------------------|
| Mr Robert Barker MRTPI | Executive Director, Pegasus                |
| Mr Greg Shaw           | Associate, Pegasus                         |
| Mr Paul Waterfield     | Head of Technical, Davidson South Midlands |
| Mr George Beevor-Reid  | Associate Director, Woods Harwick          |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                |                                 |
|----------------|---------------------------------|
| Mr Sam Dewar   | DPA Planning Limited            |
| Mr Chris Spong | East Northants District Council |

### **INTERESTED PARTIES:**

|                            |                                                          |
|----------------------------|----------------------------------------------------------|
| Councillor Dorothy Maxwell | Spencer Ward Councillor, East Northants District Council |
| Mr Neil Warwick            | Local resident                                           |
| Mr Steve Wilkinson         | Local resident                                           |
| Councillor Sarah Peacock   | Rushden Spencer Ward, Rushden Town Council               |

## **DOCUMENTS SUBMITTED DURING THE HEARING**

|             |                                                                                              |
|-------------|----------------------------------------------------------------------------------------------|
| <b>DOC1</b> | Record of attendance                                                                         |
| <b>DOC2</b> | Plot layout example (Drwg Ref No: Plot 48 – External Private Amenity Space – Layout Example) |
| <b>DOC3</b> | 'Requested planning conditions amendments' submitted by Pegasus on behalf of appellant       |
| <b>DOC4</b> | Signed and dated planning agreement submitted by Pegasus on behalf of appellant              |
| <b>DOC5</b> | Costs statement submitted on by Pegasus on behalf of appellant                               |