



Appeal Decision

Site visit made on 7 January 2025

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/M2840/W/24/3351234

2B Rutherglen Road, Corby, North Northamptonshire, NN17 1ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Sheen against the decision of North Northamptonshire Council.
 - The application Ref is NC/24/00024/DPA.
 - The development is proposed partial demolition of existing portal frame building, with conversion to form 3no. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for proposed partial demolition of existing portal frame building, with conversion to form 3no. dwellings at 2B Rutherglen Road, Corby, North Northamptonshire, NN17 1ER in accordance with the terms of the application, Ref NC/24/00024/DPA, subject to the conditions in the attached schedule.

Preliminary Matter

2. Since the determination of the application an updated and revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The relevant design, amenity, historic and natural environment policies in the revised Framework are similar to those in the previous Framework and as such I consider there would be no prejudice to any party by considering the development against the relevant policies in the revised Framework.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area having particular regard to the site's location within the Lloyds Conservation Area,
 - (ii) the living conditions of the occupiers of the neighbouring properties with particular regard to privacy;
 - (iii) the living conditions of the future occupiers of the proposed dwellings with particular regard to outdoor private amenity space; and
 - (iv) biodiversity interests on the site.

Reasons

Character and appearance

4. The appeal site comprises of a detached industrial building located at the rear of No. 2B Rutherglen Road (No. 2B), a two storey detached commercial building with residential above setback from the road and accessed via a driveway off Rutherglen Road. The existing two storey industrial building is constructed with a steel portal frame, external untreated blockwork walls and a metal corrugated roof with a small enclosed open storage area at the side.
5. The site is bounded by commercial premises to the north-west and north-east, two storey residential properties to the south-east, a church to the west and primary school further to the south-west of the site. These buildings are primarily built in red brick with tiled roofs and front onto the highway but with some backland style development and variation in the use of materials. This provides a diverse mix of building types and variety in the design, density and appearance of the buildings that gives the area a mixed well-established character.
6. The proposal would involve the partial demolition of the existing industrial building and conversion to form a terrace of 3no. two storey contemporary style dwellings with courtyard gardens, parking and associated works. The proposed dwellings would be set back from the road with vehicular access via a shared access drive off Rutherglen Road. The external finish of the dwellings would be constructed with large areas of glazing on the front and a mixture of rendered walls and timber cladding with a powder coated composite metal sheeting pitched roof.
7. The appeal site is in a relatively large plot and as such the proposed development would not appear overlarge, relative to the overall plot size. Given the boundary treatment and the buildings around the site, the proposal would only be visible over short distances from the adjacent properties and in limited glimpses along the accessway when passing the front of the site. Given this context, to my mind, the development would not be unsympathetic to the streetscene nor would it appear cramped when taking into account the overall character of the area.
8. Turning to the scale and layout of the development, the proposed dwellings would be seen in the context of the varied surrounding two storey properties along Rutherglen Road and Occupation Road, the existing large church building to the west and the primary school buildings constructed in differing styles and materials in a backland location further to the south-west of the site. The location of the site behind the existing buildings, creates something of a break from the varied prevailing character of the area. As such, I see no particular reason why the development need mirror those on the surrounding streets or that the lack of consistency of design would necessarily be harmful. The contemporary form and layout of the development shown on the submitted plans would add to the mixed and varied character in this location.
9. Against this backdrop, the scale, form and layout of the proposed dwellings would not look significantly out of place or excessive in relation to the built form of the adjacent properties and the surrounding area. The design and layout of the proposed dwellings, set back, together with the use of materials, fenestrations, landscaping and boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the adjacent properties and would ensure

that the overall proposal would not have a significant impact on the character and appearance of the surrounding area.

10. Given the location of the appeal site within the Lloyds Conservation Area (CA), special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The existing industrial building on the site does not make a positive contribution to the appearance of the CA and will be partially demolished as part of the development. The appellant has indicated that the proposed development would provide an opportunity to enhance the landscaping and biodiversity on the site through, amongst other things, the use of species rich grass seed mix in the courtyard gardens and tree planting around the car parking area¹. I therefore consider overall that the appeal scheme, by virtue of its scale, layout and design, would have a positive, albeit minor, material impact and would preserve the character and appearance of the CA.
11. Consequently, I conclude that the proposed development would not adversely harm the character and appearance of the area including the Lloyds Conservation Area. It would be consistent with the overall design and conservation aims of Policies 2 and 8 of the North Northamptonshire Joint Core Strategy 2016 (JCS) and Policy 16 of the Corby Local Plan Part 2 2021. These policies, amongst other things, seek to ensure that development proposals complement and respond to the local character and characteristics of the site's immediate and wider context and protect, preserve and, where appropriate, enhance the distinctive historic environment where it impacts on the significance of a heritage asset and its settings. The proposal would also accord with the Framework that developments are sympathetic to local character, including the surrounding built environment (paragraph 135), sustain and enhance the significance of heritage assets and make a positive contribution to the local character and distinctiveness (paragraph 203).

Living conditions of the occupiers of the neighbouring properties

12. The proposed dwellings would be located adjacent to the rear elevation of the neighbouring semi-detached two storey properties at Nos. 4 and 6 Rutherglen Road (Nos. 4 and 6). The proposed first floor windows and balconies at the front of the proposed dwellings would be set back at an angle from the nearest windows to the habitable rooms and gardens at the rear of Nos. 4 and 6 and would be separated by the boundary fencing running between the properties and an outbuilding at the rear of No. 4.
13. Given the design and layout of the proposed development together with boundary treatment and the separation distance between the properties, I consider that the proposed dwellings would not result in significant harm to the privacy, nor result in significant overlooking of the occupiers in the rooms and gardens at the rear of Nos. 4 and 6. The windows and gardens at the rear of Nos. 4 and 6 are already overlooked to varying degrees by the appeal site and a number of the surrounding properties and uses. I therefore consider that the proposal would result in a satisfactory living environment for the occupiers of the neighbouring properties.
14. Consequently, I conclude that the proposed dwellings would not result in an unacceptable impact on the living conditions of the occupiers of the neighbouring properties with particular regard to privacy. It would be consistent with Policy 8 of the JCS which, amongst other things, seek to ensure that development proposals

¹ Biodiversity Net Gain Assessment August 2024 Rev A prepared by Eco-Check Ltd

do not result in an unacceptable impact on the amenities of occupiers of nearby properties. In addition, it would accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing users (paragraph 135).

Living conditions of the occupiers of the proposed dwellings

15. Each of the proposed dwellings would be provided with a small front garden enclosed by a 2m high wall and an external first floor balcony. The Council contends that the level of external private amenity space to be provided with the proposed dwellings would be substandard. However, the Council has not referred me to any specific requirements or standards for the amount of external amenity space or garden space required with this type of development. Whilst the dwellings are modest in size, there is still a need for adequate outdoor amenity space to be provided for the occupiers of the proposed dwellings. The occupiers would need sufficient space to carry out leisure and household activities such as hanging out their washing if they wish, particularly during the summer months.
16. In this context, I consider that the outdoor private amenity space for the proposed dwellings would be acceptable. The proposed enclosed garden areas would be level and enclosed and receive a reasonable amount of sunlight and privacy and both the gardens and balconies would provide a reasonable level of outlook from the rooms at the front of the proposed dwellings.
17. Consequently, I conclude that the proposed development would not result in an unacceptable impact on the living conditions of the future occupiers of the proposed dwellings with particular regard to outdoor private amenity space. It would be consistent with Policy 8 of the JCS which, amongst other things, seek to ensure that development proposals do not result in an unacceptable impact on the amenities of future occupiers. In addition, it would accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for future users (paragraph 135).

Biodiversity interests

18. Due to the nature of the existing building on the site and the proposed works, the Council's Ecologist has recommended that a preliminary ecological assessment should be undertaken, including bat roost assessment on the existing building.
19. The demolition works and redevelopment of the site would inevitably increase the need for appropriate measures to deal with potential biodiversity interests. The appellant has provided a Preliminary Ecological appraisal including a preliminary bat roost assessment, showing the negligible habitat value of the building for roosting bats and appropriate mitigation measures based on a pre-cautionary approach during the proposed works on the site².
20. Based on the evidence before me, in the absence of any convincing evidence to the contrary from the Council, I am satisfied that adequate information has been submitted in the appellant's preliminary ecological appraisal to demonstrate that the proposed development would not have an adverse impact on biodiversity interests, including bats. I consider that the necessary mitigation measures based on a pre-

² Preliminary Bat Roost Assessment and Ecological Appraisal prepared by Eco-Check Ltd August 2024

cautionary approach can be put in place through appropriate planning conditions to ensure the protection and the enhancement of biodiversity on the site.

21. Consequently, I conclude that the proposed development would not have a harmful effect on the biodiversity interests on the site. It would be consistent with Policies 4 and 8 of the JCS that, amongst other things, seek to ensure that development proposals protect and enhance the existing biodiversity assets and incorporate ecologically sensitive design and features for biodiversity.

Other Matters

22. I have taken into the account the representations and comments of objections raised by third parties to the development. These objections include the impact on the amenities of local residents, future occupiers of the proposed dwellings, overdevelopment, character of the area including the CA, access, parking, traffic, highway safety, standard of accommodation, insufficient amenity space, drainage, sewage, impact on local infrastructure and environment, bin collection facilities, pollution, noise and need for more affordable homes.
23. However, I have addressed the matters relating to the character and appearance of the area including the CA, the living conditions of the neighbouring properties and future occupiers and the biodiversity interests in the main issues above. No objections were received from the Local Highway Authority, Lead Local Flood Authority and the Council's Environmental Officer, subject to appropriate planning conditions being applied.
24. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

25. Having regard to the Framework and in particular paragraph 57, I have considered the conditions based on those suggested by the Council and appellant but with some variation to the wording where necessary and in the interests of clarity.
26. In addition to the standard time limit conditions, I have specified the approved plans as this provides certainty. Those conditions relating to the samples and detailing of the external materials, boundary treatment, landscaping, construction working hours and construction management plan are necessary in order to safeguard the amenities of the nearby residents and the character and appearance of the area.
27. A condition relating to cycle parking and cycle storage facilities is necessary in the interests of highway safety and to promote sustainable transport. Conditions relating to the Ecological Management Plan and protection of European protected species during the development works are necessary for the protection and enhancement of potential biodiversity and protected species interests.
28. Details of surface water drainage arrangements are necessary in order to ensure adequate drainage facilities are provided and to mitigate against potential flooding and the pollution of the water environment. A condition to deal with any

unexpected contamination found on the site is necessary in the interest of public safety. A condition relating to the noise levels and attenuation measures for the residential units is necessary in order to protect the amenities of future occupants of the development.

Conclusion

29. For the reasons given above and having considered all other matters raised, I conclude that the proposed development would be in accordance with the development plan when read as a whole and that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars shown below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

Drawing 3253/1 Existing Layout (Received 19.03.2024)
Drawing 3253/2 Revision B Planning Ground Floor Layout (Received 24.05.2024)
Drawing 3253/3 Location Plan (Received 19.03.2024)
Drawing 3253/3 Planning: First Floor Layout (Received 19.03.2024)
Drawing 3253/4 Location Plan: Proposed Layout (Received 19.03.2024)
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No occupation or use of the development shall take place until all new boundary treatments indicated on the approved plans (in planning condition 2 above) have been erected. Thereafter the hereby approved boundary treatment(s) shall be permanently retained.
- 5) No occupation or use of the development shall take place until the on-site cycle storage facilities indicated on the approved plans (in planning condition 2 above) have been erected. Thereafter the hereby approved on-site cycle storage facilities shall be permanently retained.
- 6) Prior to commencement of the development an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority. The EMP shall be informed by the recommendations within the Preliminary Bat Roost Assessment and Ecological Appraisal August 2024 and Biodiversity Net Gain Assessment August 2024 Rev A, all prepared by Eco-Check Ltd. To include but not limited to the installation of bird and bat boxes on the buildings. The development shall be implemented in accordance with the approved details.
- 7) European protected species, such as bats, can be found occasionally during the course of development works even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. In the event that this occurs, the developer must stop work immediately and seek the advice of a suitability qualified ecological consultant and/or the relevant statutory nature conservation organisation. If further survey work and mitigation measures are required, this should be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 8) No development shall take place above slab level until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be informed by the recommendations within the Biodiversity Net Gain Assessment August 2024

Rev A prepared by Eco-Check Ltd. The approved details shall be carried out in full prior to occupation of the dwellings and thereafter maintained in accordance with the approved scheme.

- 9) No demolition or construction work (including deliveries to or from the site and subcontractors) shall take place on the site outside the hours of 08.00 and 18.00 Mondays to Fridays and 08.00 and 13.00 on Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays unless otherwise agreed with the Local Planning Authority.
- 10) No development shall take place (including any works of demolition) until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved construction management plan shall be adhered to throughout the construction period. The statement shall provide for:
 - Parking of vehicle of site operatives and visitors;
 - routes for construction traffic;
 - hours of operation;
 - method of prevention of mud being carried onto highway;
 - pedestrian and cyclist protection;
 - proposed temporary traffic restrictions; and
 - arrangements for turning vehicles
- 11) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, pets, service lines and pipes,

- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' (or any guidance revoking and replacing this guidance with or without modification).

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

- 12) No development shall take place until a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

- 13) Before development commences a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before occupation of the residential units and therefore maintained in the approved state. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers without prior written approval from the Local Planning Authority.