



Appeal Decision

Inquiry opened on 11 May 2023

Site visit made on 18 May 2023

by David Wildsmith BSc(Hons) MSc CEng MICE FCI HT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2023

Appeal Ref: APP/M2840/W/22/3313850

Land off Shirley Road, Rushden, Northamptonshire

- 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 the Co-Operative Group Limited and ilke Homes Limited ('the appellants') against the decision of North Northamptonshire Council ('the Council').
 - The application Ref NE/21/00498/FUL, dated 27 April 2021, was refused by notice dated 16 September 2022.
 - The development proposed is the construction of 133 dwellings, internal roads, public open space, landscaping and other ancillary works, including creation of a new vehicular and pedestrian access from Prospect Avenue and pedestrian access from Shirley Road.
 - The inquiry sat for 5 days on 11-18 May 2022.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 133 dwellings, internal roads, public open space, landscaping and other ancillary works, including creation of a new vehicular and pedestrian access from Prospect Avenue and pedestrian access from Shirley Road in accordance with the terms of the application NE/21/00498/FUL, dated 27 April 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary and procedural matters

2. When first submitted the application was for the construction of 138 affordable dwellings but this was subsequently revised to 133 dwellings, with a split of 70% market housing and 30% affordable housing units. This is the scheme now at appeal. Moreover, the site address was originally given as "**Prospect Avenue, including land to the south**", but this was amended to "**land off Shirley Road**" on both **the Council's decision notice and the appellants' appeal form**.
3. The Council refused planning permission for 6 reasons but the appellants submitted additional information when lodging their appeal¹ and in light of this, and further representations from the local highway authority (LHA) and the lead local flood authority (LLFA) the Council reviewed its case. It decided, as is made clear in its Statement of Case² that it would no longer defend reasons for refusal 1, 3, 5 or 6. Moreover, although it remained of the view that harm and policy conflict would arise in respect of those matters raised within reasons for refusal 2 and 4 it considered, on balance, that these would not be sufficient to maintain a refusal of planning permission. Accordingly the Council indicated that it no longer opposed the

¹ Table 3 in the Statement of Common Ground (SoCG), to be found at Inquiry Document (ID) 3

² ID.2

appeal, and presented no evidence to the Inquiry. Opposition to the appeal proposal was, however, put forward by Rushden Town Council (RTC), Higham Ferrers Town Council (HFTC), Peter Bone MP, local Councillors and local residents.

4. Planning obligations were submitted to the inquiry in the form of an agreement between the Council and the appellants, made under section 106 (S106) of the Town and Country Planning Act 1990, as amended.
5. On 18 May 2023 I undertook an accompanied site visit to the site and the surrounding area in the company of representatives of the appellants, the Council and interested persons. On this same day I also undertook unaccompanied visits in the wider area, as requested by interested persons³.

Site description, surrounding area and details of the appeal proposal

6. The appeal site is some 3.6 hectares (ha) and comprises the majority of a parcel of land which is allocated in the Rushden Neighbourhood Plan⁴ (RNP) under Policy H2 for a minimum of 150 dwellings. It is located within the built-up area of Rushden which is identified as one of the **'Growth Towns' in the** North Northamptonshire Joint Core Strategy⁵ (JCS). The site extends further northwards than the Policy H2 allocation at its eastern side, incorporating the curtilage of 71 Prospect Avenue, but excludes a narrow, roughly triangular portion of land, not within the control of the appellants, adjoining the site's south-eastern boundary.
7. The site is privately owned and is currently fenced off, allowing no public access. It is irregular in shape and largely greenfield in nature, although it has been used as a gravel pit in the past, with the central part of the site being a former coal storage depot. The site slopes down from Prospect Avenue in a south-westerly direction and is predominantly bounded by residential properties to the north, south and west, and by a heritage railway line and the aforementioned narrow triangular area of land to the east. An informal Public Right of Way (currently fenced-off, but subject to an application to become formally adopted) runs through the eastern part of the site and connects Shirley Road in the south with Prospect Avenue in the north.
8. The site is located in Flood Zone 1 and is not subject to any environmental or heritage designations. The Upper Nene Valley Gravel Pits Special Protection Area (SPA), Ramsar site and SSSI is located about 1.4km north-west of the site.
9. Under the appeal proposal the site would be developed by the construction of 133 new homes, predominantly houses but with a small number of maisonettes. 30% of the new homes (40 units), are proposed as affordable housing. The houses would **be of modular construction, with each floor and roof being manufactured in ilke's** factory in North Yorkshire, through Modern Methods of Construction, and then transported to and assembled on the appeal site. The maisonettes would be constructed on the appeal site, not transported in modular form.
10. The development would take vehicular, pedestrian and cycle access from Prospect Avenue, alongside the existing **No.71 (following removal of No.71's garage)**, with a further pedestrian access at the south, off Shirley Road. The proposal would also include some 0.14 ha of public open space (POS); hard and soft landscaping works; on and off-site measures for biodiversity enhancement; and a sustainable drainage scheme (SuDS) which would include above and below ground attenuation.

³ ID.60

⁴ Core Document (CD) F.2 – with Policies Map at CD F.1

⁵ CD F.3

11. As originally submitted the scheme proposed the removal of 4 lime trees on Higham Road to accommodate an improvement at its junction with Prospect Avenue, and 2 purple plum trees on Prospect Avenue to provide the new site access. However, in the scheme now at appeal the appellants have modified the proposed Higham Road/Prospect Avenue junction improvement such that no trees would be lost at this location. The proposed site access on Prospect Avenue would still require the removal of at least 1 tree, although the appellants indicated at the Inquiry that they would endeavour to retain the second affected tree if at all possible.
12. The appeal proposal also includes modest junction improvements to increase capacity at the Higham Road/Hayway junction and the Higham Road/Northampton Road junction. The scheme would also provide a number of financial contributions through the submitted S106 agreement, as detailed under the ninth main issue.

Main issues

13. The concerns put forward by objectors largely echoed the matters raised in the **Council's** original reasons for refusal. With this in mind, and having regard to the evidence submitted by all parties, I consider the main issues in this case to be:
 - 1) The principle of the proposed development and the weight to be given to relevant development plan policies;
 - 2) The effect of the loss of established street trees on the character and appearance of Prospect Avenue;
 - 3) Whether the proposal would be acceptable in layout and highway safety terms, with particular reference to the proposed site access off Prospect Avenue and the junction improvement at Prospect Avenue/Higham Road;
 - 4) The effect of the construction phase of development on the living conditions of residents of the surrounding area, with particular reference to existing parking patterns and the movement of modular deliveries;
 - 5) Whether the proposed development would be acceptable in design terms, with particular reference to layout, POS, garden sizes, landscaping and parking provision;
 - 6) The effect of the proposed development on the living conditions of neighbouring and future residents with particular reference to overbearing impact, overshadowing and privacy;
 - 7) Whether the proposal would make adequate and satisfactory provision for **older people's accommodation**;
 - 8) The effect of the proposed development on flood risk; and
 - 9) Whether the submitted planning obligations would satisfactorily address the impact of the proposed development.
14. Following my assessment of the main issues I look briefly at other matters raised, before assessing the benefits and disbenefits of the proposal. I then carry out a final planning balance and reach my overall conclusion.

Reasons

Main issue 1 – the principle of development, and policy weight

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this appeal the development plan comprises the North Northamptonshire JCS, adopted in 2016; and the RNP, made in 2018. The policies agreed by the main parties to be of relevance in this appeal are set out in paragraph 3.3 of the SoCG. Of particular interest are those with which the Council originally alleged a conflict in its reasons for refusal.

16. JCS Policy 5 sets out criteria through which it seeks to ensure that development will contribute towards reducing the risk of flooding and to the protection and improvement of the quality of the water environment. JCS Policy 8 contains criteria aimed at ensuring high quality development. In summary these require that development should create connected places; make safe and pleasant streets and places; ensure adaptable, diverse and flexible places; create a distinctive local character; and ensure quality of life and safer and healthier communities.
17. JCS Policy 30 requires housing development to provide a mix of dwelling sizes and tenures to cater for current and forecast accommodation needs and to assist in the creation of sustainable mixed and inclusive communities. Amongst other things it encourages proposals for market and affordable housing provision to meet the specialised housing requirements of older households including designated, sheltered and extra care accommodation and other attractive housing options to enable older households to down-size to smaller accommodation.
18. From the RNP Policy EN1 explains that all new developments should be of a high quality of design and that development proposals will only be supported where, amongst other things, they show an understanding of local character and respect the prevailing density and pattern of development that surrounds the application site; should preserve existing neighbouring amenity and not appear overbearing; should be designed to allow for adequate daylight and sunlight and should ensure that there is a good outlook for all future occupiers of land and buildings; and should make provision for an appropriate amount of outdoor amenity space.
19. RNP Policy EN2 states that development proposals will be supported where they demonstrate that they would deliver well-integrated hard and soft landscaping that, amongst other things, fully considers the impact of hardstanding on the character of the area and site drainage.
20. RNP Policy H2 explains that in addition to the Rushden East Strategic Urban Extension, a minimum of 610 new dwellings will be delivered on sites shown on the Policies Map. These include Site C – Shirley Road. Site specific considerations for this site are set out in RNP Policy H3. These include that the proposed development **should make provision for older peoples' accommodation**; should provide for appropriate vehicular and pedestrian access; should demonstrate that ground conditions have been investigated and that any necessary remediation or mitigation is to be undertaken; and should make provision for publicly accessible open space and a well-connected network of public footpaths.
21. **The National Planning Policy Framework ('the Framework')** is an important material consideration. It explains in its paragraph 11(c), that development proposals that accord with an up-to-date development plan should be approved without delay. In situations where the development plan policies which are most important for determining the application are out-of-date – which includes circumstances where the Council cannot demonstrate a 5-year supply of deliverable housing sites, with the appropriate buffer - paragraph 11(d) makes it plain that planning permission should be granted unless 2 listed criteria apply.
22. In this case the SoCG confirms that the Council currently has a 7.05 years' supply of deliverable housing land, meaning that the most important development plan policies for determining this proposal cannot be considered out-of-date for this reason. Moreover, I consider that the policies detailed above show a high degree of consistency with the Framework such that they should be regarded as up to date and should therefore carry full weight in this appeal.

23. I explore the extent to which the appeal proposal accords or conflicts with the development plan policies and the Framework under the main issues which follow. It is, however, appropriate at this stage, in the context of considering the principle of the proposed development, to deal with one of the main arguments put forward by interested persons, namely that access to the site should be from **John Clark Way, the main road which runs close to part of the appeal site's eastern boundary**⁶.
24. This view was typified by the representations made by Cllr Childs⁷, in which she maintained that access to this **site** "*was always planned to be off of John Clark Way, not Prospect Avenue*". Cllr Childs provided extracts from the 1996 Rushden Strategy Statement and the 2011 Three Towns Plan and also made reference to the site assessment report for the October 2017 Draft Version of the RNP, maintaining that these documents supported the view that access should be from John Clark Way or Shirley Road. Further, she argued that this is what residents understood and voted for when they affirmed the RNP in 2018.
25. Full versions of these historic documents have not been submitted in evidence and as they do not form part of the development plan I consider that they can carry no material weight in this appeal. Indeed, it is only the made version of the RNP which can carry weight, and this document does not specify from where this site should be accessed. All Policy H3(C) **requires is that** "*appropriate vehicular and pedestrian access*" **should** be provided. If the currently proposed access arrangements can be shown to be appropriate the appeal proposal would be acceptable in principle. It is clear from the representations that many local residents and interested persons do not consider that **the appeal proposal would provide "appropriate" access**, but this is a matter I explore in more detail under the third and fourth main issues.
26. A further matter of principle is whether this development of 133 dwellings would be acceptable in light of the allocation of this site for a minimum of 150 dwellings. As a point of detail, the main part of the appeal site does not have the same area as the site allocated under RNP Policy H2 as it excludes the triangular piece of land at the south-eastern side, not **within the appellants' control**, already referred to above.
27. Mr Gray, for RTC, argued that as RNP Policy H4 supports proposals which help to meet the accommodation needs of older persons, some flatted development in the form of extra care accommodation would represent a more efficient use of land and would allow for a greater number of units to be provided⁸. I deal with this matter under the seventh main issue, but I also note that RNP Policy H4 states that flatted development will only be supported where it can be robustly demonstrated that it accords with 3 stated criteria, none of which seem to be met in this case.
28. Moreover, the text of the RNP explains that the number of flats/apartments has increased by some 38% since 2001 and that there is an aspiration to address the balance of housing types within Rushden and provide more homes suitable for families and older people, such that proposals for flats will only be supported in exceptional circumstances. No exceptional circumstances have been put forward in this case, or for the Shirley Road site in general, and I therefore do not consider that flatted dwellings would be appropriate on this site.
29. I have also been mindful of the comments made in the **Officer's Delegated Report**⁹ (ODR) that as the site is constrained in size it is unrealistic to expect that 150 non-

⁶ See, for example, IDs 25, 28-31, 34-36, 38, 39, 41, 44-46, 48, 49, 52, 54, 56, 59, 61, 66 & 69

⁷ IDs 38 & 46

⁸ ID.23

⁹ CD D.2

flatted dwellings and all necessary open space/landscaping/green infrastructure will be able to be provided on-site. As such, a balance needs to be struck between the provision of the required elements and the efficient use of land. The Council accepts in the SoCG that the proposed quantum of 133 dwellings on this slightly reduced site area is broadly consistent with the RNP Policy H3(C) allocation, and in these circumstances I consider that the conflict with this policy would not be significant.

30. Taking all the above points into account I conclude that the construction of 133 dwellings on this site is acceptable in principle, and repeat my view that the aforementioned development plan policies should carry full weight in this appeal.

Main issue 2 – the loss of trees and the effect on character and appearance

31. As already noted, the amended proposals for the Higham Road/Prospect Avenue junction improvement mean that no trees would be lost at Higham Road¹⁰. This means that just 2 purple plum trees sited close to the proposed site access would be affected by the appeal proposal. This proposed site access junction¹¹ would require the removal of the tree which is currently positioned to the north of the garage at 71 Prospect Avenue as it lies directly within the proposed junction. In addition, interested persons argued that the tree located in the footway just to the north of 69 Prospect Avenue would be unlikely to survive the site access process¹².
32. The appellants did, however, submit a Technical Note (TN) to the Inquiry, detailing the likely route and swept path details of modular delivery vehicles and showing that these delivery vehicles would avoid the trunk of this tree but would interfere with its canopy¹³. As such the appellants indicated that they would seek to retain this tree during construction and carry out sufficient pruning to ensure limited damage to the tree whilst enabling access for construction vehicles. However, as there can be no certainty that this tree could be retained, for the purpose of considering this main issue I have assumed that it will need to be removed.
33. Interested persons argued that removing trees and street grass would be contrary to JCS Policy 8, but I see no specific mention of these items in the policy. I acknowledge that paragraph 131 of the Framework states that existing trees should be retained wherever possible, but clearly this is not an absolute restriction on the removal of trees. RNP Policy EN2 also requires existing trees to be retained where appropriate, but again this does not preclude selective removal of trees where necessary in the context of wider development proposals, as here.
34. I saw at my site visit that Prospect Avenue is a residential street containing a mix of property types, mainly semi-detached houses, with relatively small front gardens, many of which have been hard surfaced to provide vehicle parking areas. In addition, several properties have side driveways leading to garages at their rear. However, vehicles also park on the Prospect Avenue carriageway, with many taking advantage of the fairly wide footways to park with 2 wheels on the footway. A number of attractive street trees, mainly of the purple plum variety are also located in the footway, but these trees are not spaced evenly along the street, with a greater preponderance in the eastern part of the street and on its southern side.
35. The removal of 2 trees at the eastern end of this road to provide the proposed new access would certainly be noticeable from nearby locations. But because of the

¹⁰ Plan at CD A.60

¹¹ Plan at CD A.57

¹² IDs 36 & 44

¹³ ID.63

somewhat sporadic positioning of the existing trees along Prospect Avenue, I am not persuaded that the removal of 2 trees in this part of the street would result in a materially adverse impact on the character and appearance of the overall street-scene, particularly as other street trees relatively close by would remain.

36. Drawing the above points together, I conclude that the removal of up to 2 street trees to provide a new site access junction would not have an unacceptable impact on the character and appearance of the Prospect Avenue street-scene. I therefore find no material conflict with the relevant parts of JCS Policy 8, RNP Policy EN2, or paragraph 131 of the Framework.

Main issue 3 – highway considerations, including highway safety

37. I have already noted that many objectors argued that this site should be accessed from John Clark Way, with some suggesting that if I was to allow this appeal I should impose a condition specifying that access should only be from John Clark Way¹⁴. But as I explained at the Inquiry my role is to assess the acceptability of the proposal as submitted. I am not able to impose any conditions which would fundamentally change the scheme for which planning permission is being sought.
38. The appellants did, however, address many of the access concerns put forward by interested persons. Firstly, they pointed out that although John Clark Way does **pass close to the appeal site's eastern boundary, it is separated** from the site by the heritage railway line; a combined footway/cycleway which comprises part of the Rushden Greenway; and other land not in the control of the appellants. Secondly, the appellants explained that not only would a bridge from John Clark Way be very expensive¹⁵, calling into question the viability of developing the site, its design and required land-take could sterilise about one-quarter of the site, thereby further reducing the number of dwellings which could be accommodated.
39. Thirdly, in response to suggestions that a level crossing could have been sought to provide access across the heritage railway¹⁶ the appellants drew attention to the **document "Principles for managing level crossing safety"**¹⁷, produced in 2021 by the Office of Rail and Road (ORR). This makes it clear that a new level crossing would not be supported where a reasonably practicable alternative exists. Although the ORR document goes on to say that each situation should be considered on a case-by-case basis, the appellants maintain that there is clearly a reasonably practicable alternative here, in the form of the access junction proposed.
40. The key matter for consideration, therefore, is whether or not the currently proposed site access junction would be acceptable in layout and highway safety terms. In this regard, interested persons raised a wide range of criticisms and objections against the proposed site access¹⁸, including such matters as:
- the proposed junction layout would create vehicle manoeuvring difficulties for occupiers of Nos. 58, 60, 62, 67 and 69 Prospect Avenue. In particular the layout and positioning of the garage, driveway and fence at No. 62 have not been fully taken into account;
 - the junction layout would not accord with the Northamptonshire Standard Highways Layout Specifications (August 2019) which stipulate that all private accesses and new junctions are to meet the public highway at 90°;

¹⁴ ID.69

¹⁵ Initial estimates indicate a cost in the region of about £8 million. See paragraph 63 in ID.76

¹⁶ IDs 43, 61 & 67

¹⁷ Page 11 of ID.65

¹⁸ See, for example, IDs 26, 30, 36, 38, 39, 44-46, 50, 52 & 74

- the proposed junction would provide poor visibility, and the forward visibility **of 30m for vehicles approaching the junction 'Give Way' line from within the site** would be below the required figure of 33m. In addition, a proposed tree is shown planted within this visibility splay;
- problems identified in Road Safety Audits (RSAs) have not been addressed;
- the vastly increased volume of vehicular and pedestrian traffic at this new 3-way junction would make entering and exiting existing driveways hazardous; and
- at least 10 on-street parking spaces would be lost on Prospect Avenue as a result of the new junction, but displaced vehicles could not park on either side of The Hedges, as suggested in the appellants' Parking Beat Survey.

41. In addition, the occupiers of 62 Prospect Avenue stated that their property has a history of subsidence and maintained that the implications of the passage of heavy construction vehicles and the continuous movement of vehicles from the proposed new dwellings have not been taken into account. They alleged that vibrations from these vehicles would inevitably have an impact on the structural stability of their house¹⁹. Related to this, concern was also expressed that the site access road would be constructed on an unstable embankment and that this would likely lead to subsequent subsidence of the road²⁰.
42. These points were put forward in the written representations and orally at the Inquiry with much feeling and sincerity. I have no doubt that the views expressed are genuinely held and I can understand and appreciate the depth of concern felt by local residents and other interested persons. However, these views were not supported by any authoritative and verifiable evidence, and none of those who spoke at the Inquiry claimed to have any professional highway engineering or transport planning qualifications or experience. In these circumstances I have to give greater weight to the views of the professional highway officers of the LHA, those who have undertaken and responded to the various RSAs, and the expert highways evidence provided by Mr Lindsay for the appellants.
43. Much work has clearly gone into the highways and transport investigations necessary to support this appeal application, with detailed Transport Assessment and Travel Plan reports prepared by the appellants and submitted to the LHA for assessment and approval²¹. This has entailed an iterative process with concerns expressed by the LHA or the Road Safety Auditors being addressed and responded to, resulting in the scheme now at appeal.
44. The final site access layout shows that the road into the site would be constructed to a width of 5.5m, widened to about 6.8m on the bend, with 2.0m footways either side and areas of tactile paving²². A 30m forward visibility distance would be provided, with no tree shown within the visibility splay. This would be marginally below the 33m recommended for speeds of 20mph. But as there would be a sharp bend on the immediate approach to this junction which would have the effect of reducing vehicle speeds, and a footway on both sides of this road which would reduce the need for pedestrians to cross the internal access carriageway close to the bend, the LHA considered this slightly reduced visibility distance to be acceptable²³. In the particular circumstances outlined above, I share that view.

¹⁹ ID.45

²⁰ ID.48

²¹ CDs A.6(1-9), A.7 & B.83(1-7)

²² CD A.57

²³ Appendix B to ID.12

45. In addition, I have had regard to the TN and the vehicle swept path analyses of the 5 existing driveways on Prospect Avenue which would be impacted by the proposed junction layout, prepared by the appellants. These show that vehicles could access and egress these driveways in both forward and reverse gears with all movements being achievable in a safe manner²⁴. Reinforcing this view, and notwithstanding the assertions of interested persons, 2 RSAs were carried out for this access proposal and these did not raise concerns with the existing driveway arrangements²⁵. In its final comments on this proposal the LHA raised no objections to the design and layout of the proposed site access, and having regard to this, and the results of the RSAs, I see no reason to take a contrary view.
46. Remaining on the topic of the proposed new road into the site there is no firm evidence to demonstrate that this road would sink or collapse into the embankment behind as a result of the delivery of housing modules and other materials to the site. If this proposal was to proceed, the access road and indeed all the roads on the site would need to be appropriately constructed with the right amounts of foundation and underpinning, should that be necessary. There is, however, no firm authoritative evidence before me to suggest that this would not be possible.
47. Some existing on-street parking would be displaced by the proposed new access, with the appellants estimating that 4 parking spaces would be lost, mainly on the south side of Prospect Avenue close to the junction, whereas objectors argued that at least 10 spaces would be lost. However, this higher figure was not supported by any further evidence and having regard to the proposed access layout and my own observations on site I consider the appellants' estimate more reliable. Objectors further maintained that there would be no convenient alternative locations for these displaced vehicles to park but this was not borne out by the results of the **appellants' parking beat survey which identified available space** on The Hedges, which contains wide grassed verges, and also on Prospect Avenue to the west.
48. Interested persons have criticised this parking beat survey, alleging that it suggests that parking can take place on both sides of the southern part of The Hedges²⁶. However, the appellants explained at the Inquiry that the diagrams in the survey simply show the general location of possible parking spaces on both Prospect Avenue and The Hedges. These diagrams are not meant to suggest that vehicles can park adjacent to one another on both sides of the southern section of The Hedges as that would result in a blocking of the carriageway. In practice, as I saw at my site visit, those people parking on these streets do so considerately, with vehicles being parked either partly on the wide footways or on the verges, where available, to ensure that the carriageway remains passable.
49. In any case I understand that the parking beat survey was not carried out to assess the availability of parking spaces but rather, in conjunction with journey time surveys, was undertaken to assess the potential impact on Prospect Avenue of traffic from the proposed development. Using information from TRICS²⁷, agreed with the LHA, the proposed development is anticipated to generate 72 vehicle trips in the morning peak hour (54 leaving the site and 18 entering), with 77 vehicle trips forecast for the evening peak hour (30 leaving the site and 47 entering). The LHA was initially critical of the timing and methodology of the survey, but following

²⁴ Appendix M to ID.12

²⁵ Section 5.9 in ID.12

²⁶ See, for example, IDs 34, 45 & 52

²⁷ TRICS (Trip Rate Information Computer System) - a database of trip rates for developments used for transport planning purposes, specifically to quantify the likely trip generation of new developments

further discussion and clarification it accepted its methodology and findings²⁸, and confirmed it had no highway capacity or highway safety concerns²⁹.

50. In order to mitigate the additional traffic likely to be generated by the proposed development, the appellants are proposing to provide modest kerb realignments at the Higham Road junctions with Hayway and Northampton Road to increase capacity. Although objected to by interested persons, who were concerned that the improvement works would cause significant disruption to traffic flows, the LHA was content with these mitigation proposals, and to my mind they are appropriate and proportionate junction improvement measures.
51. The proposed improvement scheme at the Higham Road/Prospect Avenue junction would require a modest widening of the bus lay-by and a slight narrowing of the adjacent footway on the western side of Higham Road. But as a footway width of around 4m would still remain I am satisfied that this would not have any material impact on capacity or pedestrian safety. There would also be the need to reposition the bus stop on the eastern side of Higham Road from the south of Prospect Avenue to the north, but as the new position would not block any driveways I am satisfied that there would be no undue inconvenience to local residents, contrary to the concerns expressed by Cllr Maxwell³⁰.
52. The scheme would also result in footway narrowing on the south-eastern corner of this junction, creating a pinch-point with a width of some 1.9m. Objectors maintained that at this width 2 wheelchairs or prams could not pass one another, thereby disadvantaging disabled people³¹. However, as there would be appreciably greater footway width available to both the south and east of this pinch-point, in practical terms I do not consider that this narrowing would result in any material disadvantage to wheelchair users, those with prams, or indeed any users of the footway. The LHA has expressed its satisfaction with the layout of this proposed junction improvement and, again, I see no good reason to take a contrary view.
53. The LHA has also indicated that it is content with the proposed Travel Plan, and further indicated that in its assessment, matters concerning the internal layout of the proposed development and the delivery of the modular units could satisfactorily be addressed by appropriate planning conditions³².
54. The LHA did remain concerned about the existing levels of on-street parking on Prospect Avenue, and considered that the appeal proposal would add to the number of vehicles passing through a constrained carriageway. But it made it clear that in light of highway capacity and road safety information provided by the appellants it could not sustain an objection to this application. As no persuasive, authoritative evidence to the contrary has been submitted I share the view that the appeal should not fail on these grounds.
55. Having regard to all the above points I conclude that the appeal proposal would be acceptable in layout and highway safety terms. None of the policies cited by the Council in its original reasons for refusal relate specifically to highway capacity and highway safety matters, but insofar as good design is covered by JCS Policy 8, RNP Policy EN1 and paragraph 130 of the Framework, I find that the appeal proposal would not be at odds with these policies and guidance. I further consider that the

²⁸ Paragraph 3.5.4 of ID.12, and point 5 in Appendix F to this document

²⁹ CD C.9

³⁰ ID.59

³¹ See, for example ID.36

³² CDs C.9, H.2, H.3 & H.4

appeal proposal would provide appropriate vehicular and pedestrian access, as required by RNP Policy H3(C).

56. Moreover, paragraph 111 of the Framework makes it plain that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The submitted Transport Assessment, accepted by the LHA, confirms that that would not be the case here.

Main issue 4 – Construction phase and delivery of modular units

57. Traffic likely to be generated during the construction phase, especially the proposed delivery of the modular units, attracted a significant amount of objection and opposition from interested persons³³. Concerns were expressed regarding:

- the lack of any consultation with local residents regarding possible delivery routes, and concerns that any proposed delivery route would have to pass through residential areas with narrow streets, tight bends, parked vehicles and the presence of schools;
- no confirmation of the likely size of the modules to be transported, the total number of modular deliveries necessary, how deliveries would be timetabled and the overall duration of the delivery contract;
- the absence of any swept path analysis showing the correct delivery vehicle and likely impact on existing parking provision and street furniture such as bollards, lamp posts, telegraph poles and overhanging cables;
- difficulties of controlling traffic travelling in the opposite direction while deliveries are being made with just 2 traffic marshalls, as suggested in the draft Construction Environment Management Plan³⁴ (CEMP);
- difficulties of arranging for delivery routes to be kept free of parked vehicles and of finding alternative parking locations for displaced vehicles;
- the need to ensure access for vulnerable people and those requiring regular visits from carers during the delivery periods; and
- the negative economic impact of large loads being repeatedly transported past commercial hubs.

58. Many objections were prompted and informed by the draft CEMP submitted to support the planning application. Regard was had to this CEMP in the ODR, which made reference to 2 possible options for the delivery route of the modular units – either along Prospect Avenue from its junction with Higham Road, or along The Hedges via Manor Way and Queensway from the junction with High Street at Higham Ferrers³⁵. The ODR concluded that the impact upon residential amenity during the construction phase would be severe for local residents and would result in more disruption than should reasonably be expected in a residential area not on a main road. This view resulted in the original third reason for refusal, although as has already been made clear, in the light of further information the Council subsequently chose not to defend this, or any of the other reasons for refusal.

59. A particular area of concern raised by objectors was that the delivery route had not been finalised – with an alternative and preferred route via Higham Road, Tollbar, Handcross Way, **St James' Close** and The Hedges only emerging whilst the Inquiry was sitting³⁶. However, whilst I can understand and appreciate the objectors' concerns regarding what may well seem to be an ever-changing situation, this is

³³ See, for example, IDs 25, 26, 30, 31, 34-36, 38, 46, 50, 66 & 74

³⁴ Appendix O to ID.12

³⁵ Section 7.5 in CD D.2

³⁶ ID.63

not uncommon with matters which would be controlled by a planning condition and would need to be agreed and approved by other bodies. Details relating to the construction phase of a development often fall into this category. They are separate to the detail of the development proposal itself and if necessary can be altered or amended (with approval) to meet changing circumstances without affecting the proposal for which planning permission is sought.

60. As such, it is quite normal and understandable that the detailed routing of any proposed deliveries has not been finalised in advance of planning permission being obtained. It is common practice for a variety of matters connected with the construction of a major development to be covered and controlled by a CEMP – or Construction Management Statement (CMS). That is the case here, with suggested condition No. 3 setting out 14 points which would need to be agreed with the Council before any development takes place, if planning permission is granted.
61. In terms of the delivery of modular units, agreement would have to be reached with the Council (who would likely consult with the LHA), concerning such things as the size and number of delivery vehicles, the route to be used to and from the appeal site, and swept path/manoeuvring details of the vehicles concerned. In addition, details would need to be agreed of any necessary suspension of the use of pavement, road space, bus stops and/or parking bays, together with details of any highway licenses and traffic orders that may be required to allow the routing of construction vehicles to the site. Details of the phasing programming and proposed timing of the works would also need to be agreed.
62. The importance of a condition such as this should not be underestimated. If the Council is not satisfied with the details submitted to discharge any such condition it can refuse to approve the submission, and if matters cannot be resolved then any granted planning permission cannot be implemented. Put simply the scheme could only proceed – if planning permission is granted – if the Council can be satisfied that all matters covered by the CMS can be satisfactorily and safely addressed.
63. Turning to the detail of what is now proposed, excluding the maisonettes there would be 125 houses constructed of modular units with 2 modules for the habitable floors of the house and a further module for the roof, meaning that some 375 modules would need to be delivered in total, with about 10 modules a day on each of the delivery days. Mr Lindsay submitted a TN³⁷ to the Inquiry which shows a **swept path analysis of ilke's largest modular transporter vehicle, which would carry a load 5m wide by 11m long³⁸**, along the now preferred delivery route of the B645 Northampton Road (to/from the A45), a small section of the A5028 Higham Road, **Tollbar, Handcross Way, St James' Close and The Hedges, as noted above.**
64. The TN explains that this route is preferred for a number of reasons. Firstly, it is significantly shorter than the previously considered route via Queensway, Manor Way and The Hedges. Secondly, it would result in a reduced length of parking restrictions on The Hedges. Thirdly it would not pass close to the Ferrers School to the north. Finally, it would avoid the constrained turning manoeuvres at the northern end of The Hedges.
65. That said, it is clear that this route would not be without its difficulties, as the delivery vehicles would need to be driven carefully to avoid trees, lamp posts, telegraph poles and wires, and other street furniture. However, the TN explains that

³⁷ ID.63

³⁸ ID.64

at all times the wheelbase of the delivery vehicle could be accommodated within the kerbline extents, and that street furniture such as telegraph poles would not be affected. Parking restrictions would need to be imposed on certain lengths of these streets during the proposed delivery periods, which the appellants estimated would be 4 working days a month over about a 61-week construction period. However, the appellants indicated that any such restrictions would only be required for the anticipated delivery period during each of these 4 days, and would not prevent parking outside those periods, in the evenings and overnight.

66. Objectors maintained that any such parking restrictions would result in significant difficulties finding alternative parking spaces during these periods, but this does not appear to be borne out by information contained within the TN, which undertook an assessment of parking and parking space availability between 1330 and 1410 on Friday 12 May 2023. The TN maintains that this is an appropriate survey period as Friday is typically the most attractive work from home/annual leave day, meaning that more people are likely to be at home and parking in the area than on other weekdays. Moreover, the TN points out that the survey was undertaken prior to school drop-off/pick-up time, so the majority of parents/guardians at home in the day would not have left home to travel to the school (if driving) at this time.
67. I accept that this TN only represents a snapshot of the parking situation in the area, but it does indicate that not only were there limited numbers of vehicles parked on those stretches of this proposed delivery route where parking restrictions would need to be imposed, but also that there are appreciable lengths of road-space where parking could be displaced to. With the above points in mind I consider that it would be technically possible for the modular units to be delivered along the proposed route.
68. There would, of course, need to be significant advance warning given to affected residents. But **as was made clear at the Inquiry by Mr Banks, ilke Home's Research and Development Director**, in recent years ilke has delivered over 3,000 modules to some 40 different sites across the country³⁹, including to a site directly next to a school and with many deliveries needing to be routed down similar residential streets. Mr Banks stated that no significant issues had been encountered to date, putting this down to the fact that ilke fully engages and consults with the affected local community through such things as leaflet drops and door-to-door knocking, with cones put out on the affected routes the night before deliveries are scheduled.
69. It is clear that those interested persons who spoke at the Inquiry considered that insufficient consultation had taken place to date on this proposal and on the mechanics and method of modular delivery, but it is also clear from observations I made on my visits to the area that people generally park considerately, ensuring that roads are not blocked and that current delivery vehicles can access all the local area. Although the Police do have powers to remove vehicles from the public highway if they are causing an obstruction, Mr Banks confirmed that ilke has never needed to call on this power at any of their existing sites.
70. I fully accept that if this proposed development was to proceed, there would be disruption and inconvenience for an appreciable number of local residents. Full consultation with those affected would therefore be needed, and it would be vitally important to ensure that sufficient notice is given to all affected residents, especially those who require regular visits from carers and similar visitors, to ensure that disruption could be kept to a minimum.

³⁹ Figure 2 in ID.4

71. I have noted the strength and passion with which local residents and other interested persons have put forward their objections to this development as a whole, and the modular delivery aspect in particular, and the scepticism expressed regarding the effectiveness of any consultation and publicity to be undertaken. However, the only firm and authoritative evidence I have before me, from Mr Lindsay and Mr Banks, indicates that the proposed delivery of the modular units could be undertaken with no significant difficulties. I have also been mindful of the fact that any disruption and inconvenience would only be of a temporary nature, albeit extending over a construction/delivery period of some 14-18 months.
72. But in that regard I have also been mindful of the fact that this modular method of construction would result in fewer deliveries of other materials to the appeal site, compared to traditional construction methods. Indeed the draft CEMP states that typically, for a project such as this, brick deliveries would be reduced from 20+ loads to 1 load of slip bricks; block deliveries would be reduced from 30+ loads to none; and plasterboard deliveries would be reduced from 50+ loads to 1 load. In addition, no deliveries would be required to site for the likes of kitchens, door sets, windows, stairs, sanitaryware, and heating systems, which would equate to at least 200 deliveries under a traditional build, as these items are installed in the factory.
73. I have noted the concerns that the modular deliveries and consequent parking restrictions could have an adverse economic impact on local businesses. However, no further information on this topic was submitted, and in the absence of any firm, verifiable evidence I do not consider that this matter should carry any material weight against the appeal proposal.
74. Drawing all the above points together, I conclude that subject to the approval of an acceptable CMS, which could be secured by a planning condition, the construction phase of development, including the proposed delivery of modular units, would not have an unacceptable adverse impact on the living conditions of residents of the local area, or on local businesses. Accordingly I find no conflict with the relevant parts of JCS Policy 8, RNP Policy EN1, and paragraph 130 of the Framework.

Main issue 5 – Design considerations

75. In its original second reason for refusal the Council alleged that the appeal proposal represented poor quality development. In particular it maintained that the layout is cramped, parking dominated and that some properties would have particularly small gardens, with the development as a whole lacking adequate soft landscaping and street trees in public areas. In both its opening and closing submissions to the Inquiry⁴⁰ the Council explained that it still considers that some harm and policy conflict would arise in these regards, if the proposal was to proceed, but does not consider the harm to be sufficient to sustain a reason to refuse planning permission **when the proposal is considered 'in the round'**. However, the points set out above were still maintained as objections by many of the local residents and interested persons who appeared at the Inquiry⁴¹, and are discussed below.
76. Dealing first with POS, the originally submitted Planning Statement⁴² indicated that some 0.19 ha of amenity greenspace should be provided for this site, to accord **with the requirements of the Council's Open Space Supplementary Planning Document (SPD)**, whereas the scheme now at appeal contains a lower quantum of 0.14 ha. In view of the size constraints of the appeal site itself the Council accepted

⁴⁰ IDs 57 & 75

⁴¹ See, for example, IDs 23, 25, 27, 30, 36, 44, 49, 50, 52, 56 & 74

⁴² CD A.4

the difficulty of accommodating the full quantum of POS on-site, and indicated that it was content to accept a contribution to provide the shortfall off-site⁴³.

77. I deal with this matter further, under the ninth main issue, but in summary, as set out in **the Council's Community Infrastructure Levy (CIL) Compliance Statement**⁴⁴, the contribution would be £195,500, payable to RTC, to be divided amongst the 5 typologies of Parks and Gardens, Natural and Semi-Natural, Amenity Greenspace, Children and Younger People, and Allotments. I have noted, however, that the RTC is opposed to taking such a contribution, arguing that it wants 100% of the POS to be provided at the appeal site, even if this were to result in a lower quantum of development than the 133 dwellings currently proposed.
78. However, I find this stance somewhat difficult to follow, for 2 main reasons. Firstly, **the RNP, which is the RTC's own plan, clearly specifies** that the site should accommodate a minimum of 150 dwellings. It is self-evident that the site is not large enough to accommodate this number of dwellings and the required POS in the absence of flatted development which, as already noted, could not be justified on this site. Compromises therefore have to be made, and it seems perfectly reasonable to accept that both a lower number of dwellings and a lesser amount of on-site POS should be provided. Although the RTC has indicated that it would accept an even lower number of dwellings on site, no explanation has been put forward to explain how that would accord with the overall allocation of housing within the RNP, or where and how the shortfall would be made up.
79. **The second reason why I find the RTC's stance difficult to follow is because** paragraph 8.2 of the RNP clearly states that financial contributions may be sought towards the provision of new space outside the site, or improvement of existing open space or play space outside the site, in circumstances where there is not scope to incorporate open space into a layout design. Clearly, in the current case there is scope to provide some POS within the site – just not enough to accord with the SPD requirement. Paragraph 8.2 states that applications will be judged on their merits and, in the circumstances detailed above, I see no reason why off-site provision should not be considered acceptable in this case.
80. Although Mr Gray for the RTC made reference to draft Policies EN10 and EN11 of **the Council's emerging Part 2 Local Plan, which has reached Main Modifications** stage, this plan does not currently form part of the operative development plan. As such I am not persuaded that these emerging policies should carry more weight than the adopted policies referred to above, or that my conclusions reached above are in any material way affected by these emerging policies.
81. Turning to the proposed layout, the ODR stated that some of the gardens seem very small and/or otherwise impracticably shaped. However, other than specifying the plots of concern no further details or dimensions were given. Interested persons **also objected to what were referred to as 'undersized' or 'small' gardens, but no** dimensions or measured areas were submitted to support these views.
82. Garden sizes were also raised by Mr Gray, who stated that many of the proposed gardens would be **contrary to the Council's space standards contained within its** Residential Extensions SPD. But not only does this SPD not relate to new dwellings, **as far as I can see it contains no 'standards'**. Rather, it indicates that a back-to-back distance between dwellings (discussed under the next main issue) has become

⁴³ ID.3

⁴⁴ ID.71

generally accepted as being sufficient to avoid unacceptable overlooking; whilst in terms of garden size it simply recommends that at least 50 square metres should be retained as a reasonable amount of useable amenity space.

83. Once again it seems quite clear that in light of the RNP Policy H3(C) requirements some compromises have had to be made, with the appellants pointing out that the layout is a function of the policy expectations for the site, including the resultant **configuration of external space. In this regard I note that the predominantly 'block' form of layout** has led to rationally-shaped gardens, largely backing onto one another, with any deviation being mainly on corner plots which I understand are generally the smaller 2-bedroom houses.
84. Having regard to the fact that the Council has no adopted standards with which the proposed gardens sizes could be in conflict, and noting that all of the gardens are shown containing a cycle store and small patio areas⁴⁵, I consider that they would provide adequate outdoor amenity space for future occupiers. In any case, as the appellants pointed out, the majority of homes would be open market or shared ownership tenure such that prospective occupiers would be able to assess whether the garden size would be sufficient for their needs, before purchasing.
85. In terms of parking provision an appreciable number of tandem parking spaces are shown on the proposed layout, but a significant amount of frontage parking is also proposed. Having regard to the points set out above, I consider that on a somewhat constrained site such as this, the proposed parking provision would be an acceptable compromise, to which I note the LHA has not objected.
86. A particular topic of concern to local residents was the provision of alleyways within the proposed layout. It seems to me that many of the objections may have been prompted by the comment from the Northamptonshire Police, that *"there is a lot of shared rear access alleyways to the rear of plots, some are quite long and would be inconvenient to use. These can make the rear of properties vulnerable to crime. Many of which also have steps due to change of levels and refuse bins would need to negotiate these on collection days"*. I note, however, that notwithstanding this comment (and others), the Police raised no objection to the scheme as proposed.
87. I also note that whilst there are a dozen or so separate alleyways proposed, they all appear to provide access to just a single dwelling – usually the middle house in a small terrace of 3. As Mr Wall for the appellants pointed out, this is common practice so as to enable rubbish/wheelie bins to be moved to the front of the dwelling without the need to pass through the dwelling itself. Mr Wall further pointed out that all of these alleyways have been designed to be in private ownership and gated, and that where steps have needed to be incorporated within these alleyways, there would be a specific level area to store bins behind the gate.
88. Notwithstanding the Police comments, I consider that most of the alleyways would be fairly short, with none of them providing a through/escape route for burglars. There would only be 2 short alleyways backing onto exiting properties – those to the rear of proposed Plots 6 and 15, which would back onto gardens of some Prospect Avenue properties. But I am not persuaded that this would result in a worsening of security, as before the appeal site was fenced off I imagine that access was freely available to the rear fences and gardens of all of the Prospect Avenue properties which back onto the site. In view of these points I do not consider the inclusion of alleyways within the proposed layout to be unacceptable.

⁴⁵ See, for example, CD A.51

89. Turning finally to landscaping, once again I have to say that the RNP Policy requirements for this site mean that compromises have to be made, as it is not possible, due to the size of the site, to accommodate all features that might ideally be desired on this site. That said, I see from the proposed landscaping plan⁴⁶ that trees have been incorporated within the layout where possible and appropriate, and that landscaped plot frontages with hedgerows would also be provided, creating **'defensible space'** which would add to the quality of the public realm.
90. Moreover, the area of POS in the southern part of the site would be complemented by the landscaped attenuation feature. **I share the appellants' view that** the size and shape of the POS area would allow for a variety of informal play activities and would be **'framed' by directly over-**looking homes providing security. Overall, I see **no good reason to dispute the appellants'** assertion that the appeal proposal would provide appropriate planting and soft landscaping in private and public spaces.
91. In summary, having regard to the above points, I conclude that whilst there would clearly be some conflict with RNP Policy H3(C), the proposal as a whole would be acceptable in terms of design, layout, the provision of POS, garden sizes, parking provision and landscaping. As such I find no material conflict with the relevant parts of JCS Policy 8, RNP Policy EN2, and paragraph 130 of the Framework.

Main issue 6 – Effect on living conditions

92. Amongst other things **the Council's original fourth reason for refusal** stated that there would be a permanent unacceptable, detrimental impact upon the amenity of occupiers of even Nos. 30-40 Peck Way due to the relatively close proximity, elevated position and visual dominance of the new dwellings shown as Plots 40, 41, 42, 58 and 59-66, with the lower roof pitch of Plots 42-44 not adequately mitigating the impact upon No. 40 Peck Way. The reason for refusal also alleged that there would be an unacceptable, detrimental impact on some future occupiers by virtue of excess overshadowing of their rear gardens from retained trees.
93. Dealing first with existing neighbouring properties, the site layout plan shows that 2 blocks of 2-storey, semi-detached maisonettes would back onto the rear gardens of Nos. 30, 32 and 34 Peck Way. There would be some 25.6m between the main rear elevation of 30 Peck Way and the rear elevation of the maisonettes, with a lesser distance of some 21.1m from the maisonettes to the lower, rear-projecting element of No. 30. In the case of 32 Peck Way the corresponding distances would be 26.6m between main rear elevations and about 23.7m between the maisonettes and No. **32's conservatory**. For 34 Peck Way the separation would be about 27.2m from its main rear elevation to the northern corner of the maisonettes, and about 22.5m from this corner to the subservient rear extension at No. 34⁴⁷.
94. The Council does not have any adopted separation distance standard for rear-to-rear facing dwellings, but 21m was referred to by both Mr Gray for RTC and Mr Kilraine, one of the affected Peck Way residents, and I agree that this is an oft-used measure of acceptability, although clearly each situation needs to be assessed on its merits. In this case, as just noted, all separation distances would exceed 21m which I consider would be sufficient to ensure no unacceptable overbearing impact, overlooking or loss of privacy would arise if the appeal proposal was to proceed.
95. Height differences between facing properties can be of relevance, and I saw at my site visit that this part of the appeal site is higher than the Peck Way gardens,

⁴⁶ Appendix A to ID.6

⁴⁷ CD A.43

although the appellants explained that the current levels at this location are artificially high, as soil has been dumped in this area following recent investigative excavation works. As such, the current land level does not reflect the proposed finished ground floor level of the maisonettes. That said, the submitted cross-sections do indicate that the finished floor levels of the maisonettes would be higher than the floor levels of the Peck Way properties, but not by as much as the 2.8m stated in the representations made by residents of Nos. 30 and 32⁴⁸.

96. I consider that more accurate figures, based on topographical data, Ordnance Survey level data and engineering drawings are to be found in information submitted to the Inquiry by the appellants⁴⁹. These indicate that the differences in floor levels are likely to be about 1.49m in the case of 30 Peck Way, 1.78m for No. 32, and 1.65 for No. 34. I saw at my site visit that the Peck Way properties already have fencing about 1.8m high along their rear boundaries, and additional fencing or similar boundary treatments could be erected by future occupiers of the maisonettes. Having regard to these points I do not consider that the likely differences in height would make any material difference to the acceptability of the proposed separation distances. Moreover, as the Peck Way gardens seemed to me to be of a reasonable length I am not persuaded that these height differences would result in Peck Way residents feeling unduly 'caged in', as alleged.
97. Although some interested persons have argued that the appeal proposal would result in a loss of privacy for residents of some Prospect Avenue dwellings⁵⁰, the gardens of these Prospect Avenue dwellings are of appreciable length, such that separation distances would well exceed the 21m referred to above, and because of this I am satisfied that no unacceptable overlooking would result in this regard.
98. For the proposed development itself there are a number of instances where the separation distances between dwellings would be less than the 21m referred to above, but this seems to me to be yet another outplaying of the RNP Policy H3(C) expectations for this somewhat constrained site. That said, many of the examples quoted involve angled views, rather than direct back-to-back configurations, and as these situations would arise in the case of new dwellings, prospective occupiers would be able to see and assess the acceptability of the proximity and relationship to neighbouring dwellings, before committing to purchase.
99. The Council was also concerned that existing trees could have an overshadowing effect on the gardens of some of the proposed dwellings. On this point Mr Dowsett, a practising arborist and resident of Prospect Avenue, argued that as several of the proposed houses would have much of their garden area shaded by overhanging branches from the trees growing in the gardens of Prospect Avenue, developers or future occupiers would undoubtedly cut these trees hard back, leaving them unsightly⁵¹. In his view this kind of pruning would most likely shorten the healthy life of some of the trees and some would be more likely to fail in strong winds.
100. He further argued that as the windows of the proposed houses that face the trees, would also face north, then it is likely that many of the new residents would need lights on all day as a result of poor light levels on this northern side. Overall he maintained that the height and spread of these existing trees would be a constant point of contention, stress and conflict between the new and existing residents.

⁴⁸ IDs 28 & 32

⁴⁹ ID.62

⁵⁰ ID.44

⁵¹ IDs 37 & 41

101. I saw at my site visit that there are 2 oak trees of particular concern in this location, with the easternmost tree overhanging Plots 9 and 10 quite significantly. This tree has, however, already been the subject of fairly severe pruning on its northern side, within the Prospect Avenue garden, with the northern side of the crown having been significantly reduced in height and spread, leaving the tree with **an unbalanced shape. To address this imbalance the appellants' arboriculturist, Mrs Kirk**, has proposed that further pruning work should lift the crown to a height of about 4m above ground level within the site, along with the reduction of end-weighted branches that extend over the site back to suitable pruning points, in accordance with British Standard 3998:2010: Tree Work – Recommendations⁵².
102. Mrs Kirk maintained that this proposed pruning would give the tree a better shape and would benefit its long-term retention by reducing the likelihood of catastrophic failure due to overloading, particularly in storm conditions. Considering the severe pruning which this tree has already undergone I see no reason to doubt Mrs **Kirk's** assessment. The proposed pruning would also assist in ensuring that the tree would not cause an inappropriate level of shading for the new properties. That said, I note that this matter has already been addressed, to some extent, by the layout design which proposes that the new houses concerned are positioned a little to the south to give larger gardens to compensate for the presence of these existing trees.
103. Mr Dowsett is correct that new occupiers of the proposed dwellings could seek to have the trees further pruned, but carrying out such work would not be prohibited as the trees are not subject to any Tree Protection Orders. That said, I see no reason why a sustainable long-term relationship could not be achieved between these trees and the proposed dwellings, subject to appropriate pruning work and sensible management. In this regard I note that neither **the Council's tree officer** nor its professional planning officers objected to this aspect of the proposals.
104. Having regard to all the above points, I conclude that the appeal proposal would not have an unacceptable impact on the living conditions of neighbouring and future residents through overbearing impact, overshadowing or loss of privacy. Accordingly I find no material conflict with the relevant parts of JCS Policy 8, RNP Policy EN2, and paragraphs 130 and 131 of the Framework.

Main issue 7 – Accommodation for older people

105. **The Council's original fifth reason for refusal alleged that the** proposal would not adequately provide for older peoples' accommodation. It stated that the proposed ground floor maisonettes were not specifically designed for older people, would not be for market sale, and would be unattractive to older tenants on the Council's waiting list owing to the likely conflict with younger people living above them. Similar views were expressed by Mr Gray for RTC who, amongst other things, argued that the provision of 8 maisonettes would constitute a very low level of **older person's accommodation and would not provide any specialist care that might** be needed within the community. He further argued that the proposal would not accord with emerging policies in the Part 2 Local Plan, particularly emerging Policy EN31, which states that large sites are expected to deliver a minimum of 10% of housing for older people, which this proposal would fail to do.
106. However, whilst the RNP **takes its definition of 'older people' from the glossary of** the Framework, this definition has slightly changed in the current version of the Framework from that which was the case when the RNP was made. The current

⁵² CD E.4 – also ID.10

definition includes people approaching retirement age, and no longer makes any specific reference to people looking to downsize from family housing.

107. **The appellants' case is that the current Framework definition makes it clear that accessible, adaptable general needs housing is an appropriate form of housing to be judged as housing for 'older people', which is all the first criterion in RNP Policy H3(C) requires. Notwithstanding Mr Gray's comments, compliance with that policy does not require the provision of specialist housing for the elderly.** On this point I have noted that all of the proposed dwellings would exceed the current Building Regulations standards, which themselves encompass far more accessible and adaptable features than traditional houses built for previous generations⁵³.
108. I have also been mindful of the fact that amongst other things the supporting text to JCS Policy 30, dealing with Housing Mix and Tenure, explains that North Northamptonshire has an ageing population and that this will increase the need for Accessibility Category 2 and Category 3 housing. It goes on to state that the **Council's planning obligations framework refers to the importance of meeting lifetime home standards in strengthening local communities and reducing the need for residential care by allowing vulnerable people to remain in their homes.**
109. It also makes it plain that in order to meet these identified needs JCS Policy 30 indicates that all new dwellings should meet Category 2 of the proposed national accessibility standards - equivalent to lifetime homes – and that achieving Category 3 accessibility is more costly. It further states that Part 2 local plans and all neighbourhood plans may identify, on the basis of local evidence, the proportion of new development that needs to comply with this Category 3 taking account of a number of listed matters, including the overall impact on viability. However, the RNP does not set out any such evidence base to justify a particular need for Category 3 accessibility dwellings, and whilst these matters may be being **addressed in the Council's emerging Part 2 Local Plan, any such targets are not** currently in force, and no updated policies have yet been adopted. As such, I do not believe that they should carry weight or be determinative in this appeal.
110. The simple fact is that all proposed dwellings fall within what the JCS defines as Category 2 accessibility dwellings which allows for, amongst other things, the ability to convert a downstairs bathroom into a shower room, doorways capable of accommodating wheelchairs and no-step entry into the properties. As such, the appeal proposal satisfies the requirements of JCS Policy 30. Moreover, the 4 maisonettes on the ground floor would achieve a higher standard (**the JCS's** Accessibility Category 3), and there is nothing to suggest that the upper floors of the maisonettes would be occupied by younger persons.
111. Importantly the Council accepts, as detailed in the SoCG, that the appeal proposal **makes provision for older people's accommodation in line with the definition in the Annex to the Framework, and the requirements of RNP Policy H3(C), and are acceptable in adopted planning policy terms in this respect.**
112. Taking account of the above points I conclude that the appeal proposal would make adequate and satisfactory **provision for older people's accommodation.** Accordingly I find no conflict with the relevant parts of JCS Policy 30 or RNP Policy H3(C).

⁵³ Paragraphs 21-36 in ID.6

Main issue 8 – Effect on flood risk

113. The ODR highlights that the local community had raised concerns with regard to flood and drainage matters and points out that although the appeal site does not lie within flood zones 2 or 3, which are at higher risk of flooding, Peck Way suffered from unexpected flooding in December 2020 which had understandably heightened local anxiety in this regard. The ODR also indicates that as the proposed development would raise land levels adjacent to some of the Peck Way properties, **this had added to neighbouring residents’ concerns as they consider that this would increase the likelihood of surface water run-off into their gardens and houses.**
114. As submitted, the development layout included proposals for on-site surface water attenuation in the form of a balancing pond, as well as underground storage crates. The scheme did not attract objections from either the Environment Agency or Anglian Water, who are satisfied that drainage strategy conditions could be imposed on any permission granted. However the ODR went on to indicate that the **Council’s** Surface Water Drainage Team (the LLFA) had raised significant concerns with the application, concluding that as it currently stood the proposal was not acceptable as the appellants had not provided the necessary evidence to show that due consideration had been given to above ground, natural storage systems prior to use of below ground systems; or to demonstrate that consideration had been given to an overland exceedance flow route for an exceedance or system failure event.
115. In light of the above, the **Council’s original sixth reason for refusal pointed out that** the appeal site lies in an area which has recently suffered from flooding, and maintained that the surface water proposals failed to demonstrate that they would adequately reduce the risk of flooding. These concerns were reiterated in written representations from objectors and by statements to the Inquiry, principally by occupiers of 24 Peck Way which unfortunately suffered severe flooding in December 2020 as a result of surface water run-off from the appeal site⁵⁴.
116. However, it is clear from the evidence before me that there has continued to be extensive dialogue between the appellants and the LLFA on various matters relating to the requirements for an acceptable surface water drainage scheme⁵⁵. As a result, matters have moved on significantly since the refusal of planning permission with the appellants providing further information to confirm, amongst other things, that:
- the attenuation basin has been increased by approximately 220 cubic metres to reduce the offline attenuation storage to 700 cubic metres;
 - earthworks information has been provided to demonstrate where the basin would tie into the boundary of the site, alongside section information;
 - the proposed offline storage has been designed to adoptable standards with an inlet/outlet pipe arrangement and catch-pit chamber;
 - the alterations made to the attenuation storage avoid a reduction in unit numbers or usable POS; and
 - an exceedance overland flow route plan has been provided which demonstrates that overland flow routes would be managed along the proposed highways and directed towards the proposed attenuation basin.
117. Following consideration of this updated information, the LLFA made it clear, in final comments dated 21 February 2023, that it now finds the proposed surface water drainage scheme acceptable, subject to the imposition of a number of conditions⁵⁶.

⁵⁴ IDs 25, 33 & 42

⁵⁵ ID.14, especially Appendix B

⁵⁶ CDs H.5 & H.6

The receipt of these comments caused the Council to agree, in the SoCG, that in technical terms the proposed drainage strategy would be physically capable of managing surface water run-off in a manner that would provide appropriate storage and attenuation in extreme weather events, including a suitable allowance for climate change. The SoCG also indicates that whilst a wholly infiltration-based system would, in principle, provide a preferable solution to on-site surface water drainage, details subsequently submitted to and negotiated with the LLFA demonstrate that a wholly infiltration-based system is not feasible. The proposals are therefore considered to accord with the SuDS hierarchy and are acceptable.

118. I have had regard to the extensive and detailed objections put forward by residents, as noted above, but there is no evidence to suggest that these comments and objections have taken on board and responded to the updated information submitted to the LLFA, **or the LLFA's latest position outlined above. I do** understand and appreciate the concerns expressed by local residents, and their fear that flooding of their properties may occur again if the appeal proposal was to proceed. However, I have been provided with no authoritative, contrary evidence to cause me to doubt the views of the LLFA and the appellants' professional witness.
119. In these circumstances I conclude that the proposed development would not have an adverse effect on flood risk. Accordingly I find no conflict with JCS Policy 5, or the relevant parts of paragraphs 130, 167 and 169 of the Framework.

Main issue 9 – Planning obligations

120. A signed and completed S106 agreement⁵⁷ was put before me, along with a CIL Compliance Statement⁵⁸ submitted by the Council. More detail on some of these matters is given **under the "Other Matters" heading later in this decision, but in** summary the S106 agreement makes provision for:
- not less than 30% of the proposed dwellings to be delivered as Affordable Housing Units;
 - an Affordable Housing Tenure Mix comprising not more than 85% being Affordable Rent Units and not less than 15% of the Affordable Housing Units provided by way of shared ownership (or Rent to Buy);
 - a Biodiversity Offsetting Scheme to achieve a biodiversity net gain (BNG) of 1.14%, involving on-site mitigation and off-site mitigation through a BNG Receptor Site;
 - a Bus Pass Contribution of £7,182.00 to fund one-month taster bus tickets for all incoming residents;
 - a Bus Stop Contribution of £20,000.00 to improve the bus stops at Prospect Avenue and Shirley Road;
 - a Fire Hydrant Contribution of £2,676.00;
 - a Healthcare Contribution of £70,159.83 towards the improvement of local health services at Parklands Surgery and Rushden Medical Centre;
 - a Libraries Contribution of £28,928.00 towards the improvement of local library services;
 - the provision of on-site POS;
 - a POS and Play Contribution of £195,500.00 towards the provision of off-site POS and play facilities in the local area;
 - a SPA/Ramsar Area Mitigation Contribution of £363.62 per dwelling towards mitigation projects within the Upper Nene Valley Gravel Pits SPA.

⁵⁷ ID.72

⁵⁸ ID.71

121. As appropriate, all of the above contributions would be index linked.
122. Having regard to these details and the CIL Compliance Statement I am satisfied that all of these obligations are necessary to make the development acceptable and that all meet the requirements of paragraph 57 of the Framework and Regulation 122 of the CIL Regulations 2010. The obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. I therefore conclude that the submitted planning obligations would satisfactorily address the impact of the proposed development.

Other Matters

123. In this section I deal briefly with some other relevant matters raised by interested persons at the Inquiry, but not covered by the main issues.
124. Footpaths. The appeal site is private land but submitted evidence indicates that an informal footpath has existed on its eastern side, linking Shirley Road with Prospect Avenue, with a further link to the Greenway⁵⁹. The footpath between Shirley Road and Prospect Avenue is currently fenced off, although the link to the Greenway is still accessible. These paths are the subject of applications for a Modification Order to add them as public footpaths to the Definitive Map⁶⁰. I understand that these applications are still active but have not yet been determined.
125. Local residents raised concerns that the proposed development would conflict with these draft Orders and result in a closure of both of these footpaths⁶¹. However, the appeal proposal includes a footpath along the eastern edge of the site, linking Shirley Road with Prospect Avenue and largely following the route shown in the draft Order. Mr Marsh, for the appellants, made it clear that if the Order were to be made then this footpath could be accommodated within the appeal scheme⁶².
126. Land ownership constraints and the presence of residential properties backing onto much of the appeal site precludes establishing any other public footpaths, but in my assessment the formalising of this north-south link between Prospect Avenue and Shirley Road means that the appeal proposal would satisfy the requirement of RNP Policy H3(C) to make provision for a well-connected network of public footpaths. Insofar as the existing link from Prospect Avenue to the Greenway is concerned, I saw at my site visit that this path is unsurfaced and has a steep gradient and tight bends. However, as it lies outside the appeal site it is not affected by the appeal proposal and would remain useable whether or not the appeal proposal proceeds.
127. I have noted the comments made by local residents regarding what are seen as difficulties accessing the Greenway and facilities such as Denfield Park Primary School, located to the east of John Clark Way, from the proposed development. However, as has already been made clear, the RNP has no requirement for a link to the Greenway or John Clark Way from this site. Access to the Greenway would be available by means of the existing link from Prospect Avenue as outlined above, and neither the Council nor the Education Authority has highlighted any difficulties accessing local schools. In these circumstances I am not persuaded that these matters should weigh against the appeal proposal.

⁵⁹ See, for example, IDs 30, 38, 41, 46 & 50

⁶⁰ ID.37(part 1)

⁶¹ See, for example, IDs 37(parts 1 & 4), 41 & 46

⁶² Paragraphs 4.23 to 4.26 of ID.20.

128. Covenant. My attention was drawn to the existence of a covenant relating to all of the properties in Prospect Avenue, including No. 71 which is part of the appeal site. I understand that the covenant contains certain stipulations, including:
- ROADS OR WAYS: No Lot or Portion thereof is to be made into or used as a road or way.
 - NUISANCES: **Nothing shall be done or suffered on any Lot....which may become a nuisance or annoyance to the persons for the time being owning or occupying any of the land adjacent to or in the neighbourhood of the plot of land hereby granted.**
129. Residents argued that the stipulations of this covenant mean that the appellants cannot construct a road across land at 71 Prospect Avenue and cannot proceed with the proposed development as this would cause a nuisance to other Prospect Avenue residents. Accordingly they contended that planning permission should be refused for the proposed Prospect Avenue access. In the alternative, if the proposed development was to proceed, they argued that compensation should be paid to each resident for breach of covenant, nuisance and devaluation of property.
130. As some of the residents point out, covenants cannot be disregarded or removed unless this is done by agreement, discharged by the Lands Tribunal or the land comes into single ownership, and in some cases a planning permission may not be capable of being implemented without the removal of the covenant. However, covenants are private matters and not material planning considerations. The existence of restrictive covenants does not preclude the grant of planning permission. Any conflict between a grant of planning permission and a covenant is a matter for the parties to pursue outside the planning appeal process. It is therefore not a matter for me as part of this appeal.
131. Ecology and biodiversity. Some interested persons criticised the appeal proposal on the grounds of a loss of ecological value of the appeal site⁶³, arguing that it has been a prized tranquil site for over 60 years, with recreational and amenity value. It is, however, self-evident that as this site has been allocated for a minimum of 150 dwellings in the RNP the local community has, on balance, agreed that its ecological value should not prevent its development. Furthermore, although some residents argued for a wildlife corridor of 20m or so in width, behind the rear gardens of Prospect Avenue and also along the western side of the site⁶⁴, such features are not indicated as requirements in RNP Policy H3(C) and would clearly hamper **the site's** development for housing as proposed.
132. JCS Policy 4 states that a net gain in biodiversity will be sought but sets no required figure, whilst the RNP contains no specific policies requiring development to demonstrate a net gain to biodiversity. Paragraph 174(d) of the Framework does recommend that developments should aim to provide measurable net gain to biodiversity, but again does not specify any particular level that developments should provide. In this case the appellants are seeking to provide an overall BNG of 1.14%, through a combination of on-site mitigation and off-site mitigation at a BNG Receptor Site in the general vicinity of Rushden, to be secured through the S106 agreement⁶⁵. This will be an increasingly common approach to BNG in future and **has support from the Council's ecologist and Natural England**. In my assessment it would satisfy the Framework's requirement for a net gain to be achieved.

⁶³ See, for example, IDs 48 & 49

⁶⁴ See, for example, IDs 24, 26, 36, 38, 46, 48, 50, 54 & 69

⁶⁵ IDs 8 & 72

133. The appeal site is also within 3km of the Upper Nene Valley Gravel Pits SPA - a protected site from a nature conservation point of view under the terms of European Legislation. In such cases the Council has a requirement linked to an adopted SPD for a contribution of £322.41 per dwelling to mitigate against any impact. The appellants have agreed to make this contribution, which is secured through the S106 agreement. The ODR also confirmed that a Habitat Regulations Appropriate Assessment has been completed, which concluded that as the mitigation can be secured through a S106 agreement, the proposal would adequately mitigate the impact of the development on the Upper Nene Valley SPA, and would provide for appropriate BNG. I share that view.
134. A final matter under this heading is the submission from Troy Planning and Design⁶⁶, on behalf of RTC. This indicates that as part of the process of updating the RNP, RTC has received 17 local green space (LGS) nominations for a section of the Shirley Road site, with all of these submissions nominating an area of land at the northern end of the appeal site, to the rear of the Prospect Avenue properties. However, a proposal to designate this land as a LGS would clearly be in conflict with the adopted development plan, in the form of RNP Policy H3(C), and I can give these LGS submissions no weight in my assessment of the appeal proposal.

Benefits and disbenefits

Benefits

135. **A clear benefit of this proposal is that it would assist in delivering the Council's own housing and development strategy set out in its adopted development plan.** As such, the development would reflect and support the guidance set out in paragraph 15 of the Framework, which states that the planning system should be genuinely plan-led. I consider that significant weight should be given to a proposal which delivers development set out in the development plan.
136. Clear social benefits would also arise from the provision of 133 new homes on this **allocated housing site. It would support the Government's objective of significantly** boosting the supply of homes, as set out in paragraph 60 of the Framework, and in these circumstances I consider that the provision of these new homes should also carry significant weight. The proposed development would provide the policy-compliant figure of 30% affordable units, which in this case would amount to 40 new affordable homes. Evidence from Miss Gingell⁶⁷ made it clear that there is a pressing need for affordable housing in this local area, with annual requirements of 850 and 775 affordable homes **being identified in the Council's 2 latest** Strategic Housing Market Assessments⁶⁸. With these points in mind I consider that this matter should also attract significant weight **in the proposal's favour.**
137. Some social benefits would also arise to the new residents in the form of the 1-month bus passes which would be distributed as part of the proposed Travel Plan. This would, however, clearly only be a temporary benefit – albeit it may lead to increased bus use in the medium to longer term – and so I consider it only warrants very limited weight in the planning balance.
138. The delivery of 133 new homes would also give rise to some economic benefits, as a result of the jobs created during the construction phase and the increased spending power of new residents within the local economy. I acknowledge that a

⁶⁶ ID.24

⁶⁷ ID.16

⁶⁸ The 2012 Strategic Housing Market Assessment (SHMA) at CD G.2 and the 2015 SHMA at CD G.3

significant amount of this benefit would not be realised locally, as the modular units **would be manufactured in ilke's North Yorkshire** factory. However, these would be real and tangible benefits and it would not be right to disregard them simply because they would arise in a different geographical location. There would, in any case, be a certain amount of on-site assembly and construction work which could well offer employment opportunities to a more local workforce.

139. In terms of new spend within the local economy the appellants estimate that the new housing could contain about 319 new residents, a reasonable proportion of whom would be expected to be economically active. Based on information from the **Home Builders Federation report "The Economic Footprint of House Building in England and Wales" (July 2018)**, the appellants maintain that anticipated total combined household expenditure by new residents would provide a significant input of capital into the local economy in the order of £1,595,000 in first occupation expenditure⁶⁹. The appellants argue that this would support the sustainability of Rushden as a Growth Town, and no contrary evidence has been submitted to cause me to take a different view.
140. I accept that these benefits would arise from any similar-sized housing development, and that they would not be unique to this proposal. Nevertheless, they do constitute real economic benefits which should be acknowledged and which, in my view, should carry moderate weight in the planning balance.
141. In terms of environmental matters, it is clear that there would be a loss of some trees and vegetation on site, but that would clearly be inevitable with a significant development of this allocated site, as required by RNP Policy H3(C). There would also be a loss of 1 and possibly 2 trees on Prospect Avenue to allow the new access to be created. However, the scheme would provide 0.14 ha of POS, available to residents in the local area, not just new residents on this site.
142. The proposals also include for the appropriate management of ecological features to be secured through conditions and a landscape and ecological management plan and would make provision, through the S106 agreement, for the delivery of an off-site biobank which would deliver BNG when combined with the development site itself. I understand that this biobank would also generate excess credits, which could be utilised to deliver other development locally where on-site BNG is similarly challenging. In the current case there would be a modest BNG of some 1.14%.
143. The proposed SuDS scheme is a requirement of the development and it is therefore difficult to see it as a benefit of the scheme. However, taken in the context of the history of recent flooding of Peck Way properties, as a result of run-off from the appeal site, I consider that more positive drainage and flood control measures which the SuDS scheme would bring to the site could be considered to have a wider area benefit. Taken together, I consider that the environmental benefits detailed above should carry moderate weight in the overall balance.

Disbenefits

144. As noted above, there would be a loss of 1 or possibly 2 street trees at the eastern end of Prospect Avenue, to enable the construction of the new access. I consider this to be a disbenefit of the scheme, but due to its modest nature it can only attract minor weight.

⁶⁹ Paragraphs 4.105-4.107 in ID.20

145. The new houses would also result in increased traffic flows in the local area, but this aspect of the proposal was fully assessed in the Transport Assessment submitted to support the planning application. The LHA considered this assessment to be acceptable and raised no objections to the proposal, subject to necessary mitigation work at 3 junctions, as detailed earlier. It is nevertheless the case that increased traffic in the local area has to be seen as a disbenefit, albeit an inevitable **one in view of the appeal site's allocation for housing development** in the RNP. For these reasons I consider that this disbenefit can only carry minor weight.
146. Issues arising during the construction phase of a development are, by their very nature, only temporary, and are therefore not usually accounted for in any summary of benefits and disbenefits. However, it is clear that more disruption is likely in this case, than would be the case with a traditional build, due to the need to transport the modular units through a residential area over a period of some 14 months, with the attendant restrictions which would need to apply. This would clearly result in disruption and inconvenience to local residents, albeit over a relatively restricted area, and for a finite time. Nonetheless, in this case I consider it appropriate to factor this matter into the overall planning balance, and taking account of the points just outlined I believe it should carry moderate weight.

Summary, planning balance and overall conclusion

147. In reaching my overall conclusion on this appeal I have had regard to the fact that the proposal is no longer opposed by the Council, and that the LHA and the LLFA raise no objections. But I have also been very mindful of the strength of local opposition to this proposal, demonstrated by the large number of objections and the strong representation made by local residents and other interested persons and bodies at the Inquiry.
148. However, whilst it is quite understandable that a proposed development sited within an established residential area will attract objections, the volume and extent of objection is not the determining factor for planning proposals. Planning law is clear that the acceptability of a proposal has to be determined by its consistency with the operative development plan for the area, along with other material considerations. Objections can fall into the material considerations category, but to be given weight they must be supported by clear, robust evidence. Unfortunately, in many instances, that was not the case here.
149. Against this background I have found only modest conflict with the development plan policies considered relevant to this appeal. This is in relation to RNP Policy H3(C), but only insofar as it specifies the construction of a minimum of 150 dwellings on the Shirley Road allocated site, whereas only 133 dwellings are proposed on the (slightly smaller) appeal site. I have, however, explained above why I consider this lower quantum to be acceptable in the particular circumstances of this case. With this in mind I conclude that the appeal proposal would accord with the development plan, taken as a whole. This means that having regard to paragraph 11(c) of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development proposal should be approved without delay, unless material considerations indicate otherwise.
150. In this case I have not found against the appeal proposal on any of the main issues identified, or on any of the other matters discussed above. As I have also concluded that the most important policies for determining this appeal are up to date, I therefore need to undertake a straightforward balance of benefits and disbenefits, not the tilted balance detailed in paragraph 11(d)(ii) of the Framework.

151. In terms of benefits I have concluded that significant weight should be given to this plan-led development, and that significant weight should also be given to the provision of 133 new dwellings, again with significant weight being given to the fact that 40 of these new dwellings would be affordable homes. Elements of the Travel Plan detailed above attract very limited weight, but I have concluded that the economic benefits arising from the construction and occupation of these new dwellings should carry moderate weight. Furthermore, I have concluded that the overall ecological and environmental benefits which would arise should also carry moderate weight **in the appeal proposal's favour.**
152. Set against these benefits, I have concluded that minor weight should be given to the harm arising from the loss of up to 2 street trees in Prospect Avenue and that minor weight should also be given to the impact which would arise from increased traffic flows from the proposed development. Exceptionally in this case, I consider that moderate weight should attach to the disruption and inconvenience likely to arise within the local area, during the construction phase.
153. In my assessment, the benefits of this proposal clearly outweigh the limited disbenefits. The appeal proposal would accord with the development plan taken as a whole and would satisfy the economic, social and environmental objectives of sustainable development set out in the Framework. This means that the appeal proposal would constitute sustainable development, and this is a weighty material **consideration in the appeal proposal's favour.**
154. With these points in mind my overall conclusion is that this proposal should be allowed, subject to the imposition of the conditions discussed at the inquiry and set out in the attached schedule. I have not included the conditions put forward by interested persons⁷⁰ as they do not accord with the requirements for conditions, set out in paragraph 56 of the Framework. The conditions I have imposed do all meet the appropriate tests and I have summarised the reasons for imposing them, below. Where necessary I have made some adjustments to the overall schedule and certain conditions, and have set out my reasons for so doing.

Conditions

155. Condition 1 is the standard time condition, with Condition 2 being imposed to provide certainty and to ensure that the development is carried out in accordance with the approved plans. Conditions 3 and 10 are imposed to safeguard the living conditions of local residents, with a further reason for Condition 3 being in the interests of highway and pedestrian safety.
156. Conditions 4 and 21 are imposed to safeguard the character and appearance of the area. Condition 5 deals with working hours for demolition and construction work and is imposed to safeguard the living conditions of local residents during the construction period. I have amended the start time to 0800 from the time of 0730 set out in the schedule. This change was opposed by the appellants, but as 0800 is clearly stated in the draft CEMP, submitted with the application, I consider this is a more appropriate and acceptable start time in this established residential area.
157. Condition 6 is necessary in the interest of inclusive access in accordance with the Council's policy to ensure that homes meet diverse and changing needs. Condition 7 is imposed to ensure that the development work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of

⁷⁰ ID.69

access and future highway improvement, living conditions of occupiers of adjoining properties, and the appearance of the development.

158. Condition 8 is required to prevent harm to wildlife and to protect existing biodiversity, with Condition 9 needed to enhance nature conservation interest. Condition 11 will minimise the threat of pollution and disturbance to the living conditions of local residents. Condition 12 is necessary to ensure that potential risks arising from previous site uses have been fully assessed, whilst Condition 13 will ensure that all contamination within the site is properly dealt with.
159. Condition 14 is needed to ensure that the results of the archaeological investigations are made publicly available, whilst Condition 15 will safeguard the character and appearance of the locality and preserve and enhance nature conservation interests. Condition 16 is imposed to ensure that the tree(s) are not damaged or otherwise adversely affected by building operations and soil compaction, and Condition 17 is needed to safeguard the appearance of the property concerned and the character and appearance of the area.
160. Condition 18 is imposed to prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity. Condition 19 was not on the schedule of conditions agreed between the Council and the appellants, but it was requested by the LLFA. As the agreement of the LLFA was contingent on its suggested conditions being imposed, and as no good reason was put forward at the Inquiry to exclude this condition, I consider that its imposition is appropriate and should not come as a surprise to the main parties. It is necessary to secure the satisfactory drainage of the site in accordance with the agreed strategy. Condition 20 is needed to ensure the future maintenance of the sustainable drainage structures.
161. Condition 22 is necessary to ensure safe access to and from the site to prevent an adverse impact on highway safety, whilst Condition 23 is needed to accord with the Council's policy to discourage the use of the car wherever possible. Conditions 24, 25, 26 and 27 are all imposed in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard users of the highway and the character and appearance of the locality.
162. I have had regard to all other matters raised, including the points put forward in opposition to the proposal by RTC, HFTC, the local MP, local Councillors and local residents, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be allowed.

David Wildsmith

INSPECTOR

Schedule of conditions (27 in total)

- 1) The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents, where applicable:
 - Site Location Plan PL01A
 - Rockingham Plans and Elevations PL24A
 - Landscape Masterplan L-101E
 - Cardinham Plans and Elevations PL20B
 - Holt 30 Plans and Elevations PL21B
 - Thetford Plans and Elevations PL23B
 - Maisonette Plans and Elevations PL26C
 - Holt 12.5 Plans and Elevations PL27B
 - Dallington Gable Fronted Plans and Elevations PL29B
 - Longitudinal Sections C-204-A
 - Highway Visibility Plan C-205-B
 - Private Proposed Lighting Contour Layout R2
 - S38 Proposed Lighting Contour Layout R2
 - Dallington 30 Plans and Elevations PL22C
 - Proposed Site Plan PL03J
 - Proposed Boundaries Plan PL04G
 - Proposed Materials Plan PL05F
 - Proposed Heights Plan PL07F
 - Roof Pitches Plan PL08F
 - Proposed Tenures Plan PL09E
 - Proposed Street Elevations PL15C
 - Proposed Colour Site Plan PL17H
 - POS Areas Plan PL10B
 - POS Landscape Proposals L-102C
 - On Plot Landscape Proposals L-103C to 106C
 - Refuse Vehicle Access 2041-RLL-20-XX-DR-C-206 E
 - Refuse Vehicle Tracking 2041-RLL-20-XX-DR-C-207 D
 - Proposed Vehicle Site Access 20241-RLL-20-XX-DR-D-501 E
 - Proposed Site Access Refuse Vehicle Tracking 20241-RLL-20-XX-DR-D-502 D
 - Proposed Junction Mitigation Higham Road/Hayway 20241-RLL-21-XX-DR-D-508
 - Proposed Junction Mitigation Higham Road/Northampton Road 20241-RLL-21-XX-DR-D-509
 - Proposed Junction Mitigation Higham Road/Prospect Avenue 20241-RLL-22-XX-DR-D-513 B
 - Higham Road/Prospect Avenue Junction Mitigation Vehicle Tracking 20241-RLL-22-XX-DR-D-514 A
 - General Arrangement 20241-RLL-20-XX-DR-C-202 D
 - Flood Routing Plan 20241-RLL-20-XX-DR-C-203 D
- 3) No development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

1. The size, number, routeing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
 2. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
 3. Details and location of parking for site operatives and visitors' vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 4. Details and location where plant and materials will be loaded and unloaded;
 5. Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
 6. Details of any necessary suspension of pavement, road space, bus stops and/or parking bays;
 7. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
 8. Details of any wheel washing facilities or other methods to prevent the deposit of mud and other debris on adjacent roads;
 9. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
 10. Details of measures that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288: 2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;
 11. Details of any highway licenses and traffic orders that may be required (such as for licences for any structures/materials on the highway or pavement; or suspensions to allow the routeing of construction vehicles to the site);
 12. Details of the phasing programming and timing of works;
 13. A construction programme including a 24 hour emergency contact number;
 14. Details of working methods for the control of dust during construction.
- 4) Prior to the construction of any external walls of the development hereby permitted, details of the materials/samples to be used in the construction of the external surfaces of the buildings (including fenestration) and all areas of hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary 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.
- 6) Prior to commencement of works on site, details of Building Regulation M4(2) and M4(3) wheelchair accessible units shall be submitted to and approved in writing by the Local Planning Authority. The relevant units shall thereafter be constructed in accordance with the approved details.
- 7) No development (excluding demolition works) shall begin until drawings showing the slab levels and finished floor levels of the buildings including internal

footpaths, parking spaces and roads in relation to the existing and proposed ground levels of the site, the ground levels of the surrounding land and the slab and finished floor levels of the surrounding properties as well as identifying the proposed ridge height levels and the ridge heights of all neighbouring properties have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be implemented in accordance with the approved details.

- 8) Prior to the commencement of the development, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:
- a. Description and evaluation of features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.
 - d. Appropriate management options for achieving aims and objectives.
 - e. Prescriptions for management actions.
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
 - g. Details of the body or organization responsible for implementation of the plan.
 - h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

- 9) Prior to occupation, measures for ecological mitigation and enhancement shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with these details. The details for each aspect should be shown on a plan and include specific location, specific product/dimensions and construction method (including proposed aspect and height) and proposed maintenance.
- 10) Prior to the occupation of development, details of acoustic fencing to be installed to the boundary of plots 132 and 133 as shown in Site Boundaries Plan project number 9811 and drawing number PL04 rev G shall be submitted to and approved in writing by the Local Planning Authority. The fence should be a minimum of 1.8m high close boarded fencing with a minimum density of 7 kg/m² and maintained in perpetuity. Works shall be carried out in accordance with the approved details and retained as such thereafter.
- 11) There shall be no burning of any material during construction, demolition or site preparation works.
- 12) 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 where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing.

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 site's existing status and proposed new use. 2 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".

- 13) 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 in writing 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'.

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.

On completion of remediation, 2 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.

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.

- 14) Further to the programme of archaeological investigation carried out on the site during 2022, the applicant shall arrange for the deposition of the site archive at a store (Northamptonshire ARC) approved by the Local Planning Authority: to be completed within 2 years of the completion of fieldwork, unless otherwise agreed in advance, in writing, with the Local Planning Authority.
- 15) No development above slab level shall take place until, full details of:
- a. Hard landscape works, to include but not be limited to, full details of boundary treatments (including the position, height, design, material) to be erected and paved surfaces (including manufacturer, type colour and size);
 - b. Soft landscape works, to include planting plans, written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree pit details (where appropriate) including (but not limited to) locations, soil volume, cross sections and dimensions;
 - c. a tree planting scheme in accordance with the British Standard 5837:2012 Trees in relation to design, demolition and construction -

Recommendations (sections 5.6) and BS 8545:2014 Trees: from nursery to independence in the landscape. Recommendations, including details of the quantity, size, species, and position; planting methodology; proposed time of planting (season); and 5-year maintenance and management programme;

- d. Full details of landscape maintenance regimes after completion of works;
- e. An implementation programme for the landscape works;
- f. A timetable for the implementation.

have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in full in accordance with the approved details. Any trees or plants planted in connection with the approved soft landscape details which within a period of 5 years from planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species as those originally planted.

- 16) No building operations, site preparation or the delivery of materials to the site shall commence until a tree protection strategy, including a tree protection plan and arboricultural method statement (in accordance with the BS 5837:2012 standard), have been submitted to and approved in writing by the Local Planning Authority. The protection measures recommended in the approved tree protection strategy shall be implemented prior to the commencement of building operations, site preparation or delivery materials and remain in position until the practical completion of the development.
- 17) Prior to any occupation of the development hereby permitted, details of the storage and disposal of refuse/waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved storage and disposal of refuse/waste details and shall be retained for the lifetime of the development.
- 18) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:
 - Provide drawings/plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date should be treated as the minimum requirement and further source control SuDS **be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.**
 - Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that the surface water drainage system(s) are designed in accordance with **'The SuDS Manual', CIRIA Report C753.**
 - Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - i. Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a

surcharged outfall), and justification of such criteria where relevant.

ii. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events

iii. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status.

Results should be provided as a summary for each return period.

iv. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

- Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
 - i. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - ii. Consider property finished floor levels (FFLs) and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - iii. Recognise that exceedance can occur during any storm event due to several factors therefore exceedance management should not rely on calculations demonstrating no flooding.

19) No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment & Drainage Strategy Report Rev P04, Rodgers Leask (8 December 2022) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

- Demonstration that any departure from the agreed design is in keeping with the approved principles.
- Any As-Built Drawings and accompanying photos.
- Results of any performance testing undertaken as a part of the application process (if required/necessary)
- Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- Confirmation that the system is free from defects, damage and foreign objects.

20) No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

- Provide the name of the party responsible, including contact name, address, email address and phone number.
- Include plans showing the locations of features requiring maintenance and how these should be accessed.
- Provide details on how each relevant surface water drainage feature shall be maintained and managed for the lifetime of the development.
- Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

21) If within a period of 5 years from the date of planting any tree or any tree planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged) then

- the tree shall be replaced to reflect the specification of the approved planting scheme in the next available planting season or in accordance with a timetable agreed in writing with the Local Planning Authority.
- 22) Prior to the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall provide full details of all recommendations for the proposed development contained in the initial Travel Plan dated: February 2021, REV: P03, P20-241, 20241-RLL-20-XX-RP-D-502. The development shall be carried out in accordance with the approved details.
 - 23) No building/dwelling/part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof.
 - 24) The development hereby approved shall not be first occupied until full engineering, drainage, street lighting and constructional details of the dedicated right turn on Higham Road in accordance with drawing no 20241-RLL-22-XX-DR-D-513 Rev B have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, and the works completed prior to first occupation of the development.
 - 25) Prior to the commencement of development, details of Visibility Splays for the proposed access shall be submitted and approved in writing by the Local Planning Authority. The approved Visibility Splays shall be implemented prior to occupation and shall be retained free of obstruction at all times thereafter.
 - 26) The development hereby approved shall not be first occupied until full engineering, drainage, street lighting and constructional details of the mitigation package associated with a nil detriment impact of the development traffic (indicated on drawings 20241-RLL-21-XX-DR-D-508 & 20241-RLL-21-XX-DR-D-509), have been submitted to and approved in writing by the Local Planning Authority. The improvement schemes shall, thereafter, be constructed in accordance with the approved details.
 - 27) The development hereby approved shall not be first occupied until full engineering, drainage, street lighting and constructional details of the site layout have been submitted to and approved in writing by the Local Planning Authority. The improvement schemes shall, thereafter, be constructed in accordance with the approved details.

APPEARANCES

FOR THE COUNCIL

Miss Leanne Buckley-Thomson of Counsel instructed by Nigel Bell, Planning Solicitor, North Northamptonshire Council (NNC)

Miss Buckley-Thomson called no witnesses, but simply made an opening statement indicating that the Council no longer resisted the appeal and would not call evidence at the inquiry. Council participation was limited to the Round Table Sessions dealing with the submitted planning obligations and the agreed conditions, and representation at the accompanied site visit. Miss Buckley-Thomson also made a closing statement to summarise the Council's case.

FOR THE APPELLANTS

Mr Christopher Young KC	instructed by Chris Marsh, Pegasus Group
He called:	
Mr Nigel Banks	Research & Development Director, ilke Homes
MEng CEng MCIBSE	
Mr Colin Morrison	Senior Director, Sustainability, Turley
BSc MSc	
Mr Craig Wall	Senior Associate, Roberts Limbrick Architects
RIBA MAUD BA(Hons) PG Dip	
Arch PG Dip Professional	
Studies ARB)	
Miss Annie Gingell	Tetlow King Planning Ltd
BSc(Hons) MSc MRTPI	
Mr Kurt Goodman	Director of Ecology, FPCR Environment and Design Limited
BSc(Hons) MSc MCIEEM	
Mr Christopher Major	Senior Engineer, Rodgers Leask Limited
BSc(Hons)	
Mrs Helen Kirk	Director, FPCR Environment and Design Limited
DipArb MArborA MICFor	
Mr Jack Lindsay	Senior Transport Planner, Rodgers Leask Limited
BA(Hons) CMIHT	
Mr Chris Marsh	Associate Planner, Pegasus Group
BA(Hons) MPlan MRTPI	

INTERESTED PERSONS OPPOSING THE PROPOSAL

Rt Hon Peter Bone MP	Member of Parliament for Wellingborough and Rushden
Mr Andrew Gray	Associate Director, Planning, Aitchison Raffety, speaking on behalf of RTC
MSc TP MSc UP&R MIED	
MRTPI	
Miss Alicia Schofield	Town Clerk, HFTC
Cllr Jennie Bone	NNC Councillor for the Higham Ferrers & Rushden Spencer Division
Cllr Harriet Pentland	NNC Councillor for the Higham Ferrers Ward
Cllr Dorothy Maxwell	NNC Councillor and local resident
Cllr Gill Mercer	NNC Councillor and Rushden Town Councillor
Cllr Carol Childs	Rushden Town Councillor and local resident

Dr Lorraine Childs	Consultant Clinical Psychologist and local resident
Mr Paul Martin	Local resident
Ms Jasmina Graf	Local resident
Mr George Dowsett	Arborist and local resident
Ms Ann Marie Saxon	Local resident
Mr Jonathan Kilraine	Local resident
Mr Martin Meikelfield	Local resident

CORE DOCUMENTS REFERRED TO IN THIS DECISION

CD A.4	Planning Statement Rev A
CD A.6	Transport Assessment (parts 1-9)
CD A.7	Travel Plan
CD A.43	Proposed Site Sections PL12F
CD A.51	Proposed Colour Site Plan PL17H
CD A.57	Proposed Vehicle Site Access 20241-RLL-20-XX-DR-D-501 E
CD A.60	Proposed Junction Mitigation Higham Road/Prospect Avenue 20241-RLL-22-XX-DRD-513 B
CD B.83	TA Addendum Note (April 2021) (parts 1-7)
CD C.9	Final Comments from the LHA – 01/07/22
CD D.2	Officer's Delegated Report
CD E.4	British Standard 3998 (2010) - Tree Work – Recommendations
CD F.1	Rushden Neighbourhood Plan Policies Map
CD F.2	Rushden Neighbourhood Plan 2011-2031 (passed at referendum, 24/05/18 "Made" by East Northamptonshire Council 04/06/18)
CD F.3	North Northamptonshire Joint Core Strategy 2011-2031
CD G.2	North Northamptonshire Strategic Housing Market Assessment (2012)
CD G.3	North Northamptonshire Joint Planning Unit Strategic Housing Market Assessment Update (2015)
CD H.2	Travel Plan Assessment - Form 2020-2021
CD H.3	LHA Response re Revised Right-Turn Arrangement (July 22)
CD H.4	LHA Response re Revised Right-Turn Arrangement (Feb 23)
CD H.5	Email correspondence with LLFA dated 19/12/2022
CD H.6	LLFA Response dated 23/02/2023

INQUIRY DOCUMENTS REFERRED TO IN THIS DECISION

ID.2	Council's Statement of Case
ID.3	Statement of Common Ground
ID.4	Mr N Banks – Proof of Evidence
ID.6	Mr C Wall – Proof of Evidence and Appendices
ID.8	Mr K Goodman – Proof of Evidence and Appendices
ID.10	Mrs Kirk – Proof of Evidence and Appendices
ID.12	Mr J Lindsay – Proof of Evidence and Appendices
ID.14	Mr C Major – Proof of Evidence and Appendices
ID.16	Ms A Gingell – Proof of Evidence and Appendices
ID.20	Mr C Marsh – Proof of Evidence and Appendices
ID.23	Letter from Aitchison Raffety on behalf of RTC – 22/02/23

ID.24	Letter from Troy Planning & Design on behalf of RTC – 22/02/23
ID.25	Letter from Mr M & Mrs SW Pengelly – 23/02/23
ID.26	Letter from M and C Meikelfield – 24/02/23
ID.27	Submission from Mrs B Tice – 30/01/23
ID.28	Email from Mr & Mrs S Evans & Mr & Mrs J Kilraine – 24/02/23
ID.29	s106 Agreement (Engrossment)
ID.30	Letter from Aitchison Raffety on behalf of RTC – 28/04/23
ID.31	Statement from Ms A Schofield on behalf of HFTC
ID.32	Statement from Mr J Kilraine
ID.33	Submission from Mr M & Mrs SW Pengelly – 28/04/23
ID.34	Submission from Mr D & Mrs S Wright – 26/04/23
ID.35	Submission from Mr P Martin, with Appendix
ID.36	Submission from Residents of Prospect Avenue
ID.37	Submission from Mr G Dowsett (in 5 parts)
ID.38	Submission from Cllr C Childs – May 2023
ID.39	Submission from Dr L Childs
ID.41	Statement from Mr G Dowsett
ID.42	Statement from Mr M & Mrs SW Pengelly, read by Ms Saxon
ID.43	Statement from Mr P Martin
ID.44	Statement from Residents of Prospect Avenue, read by Ms Saxon
ID.45	Statement from Mr D & Mrs S Wright, read by Ms Saxon
ID.46	Statement from Cllr C Childs – May 2023
ID.48	Statement from Ms R Colwell, read by Dr L Childs
ID.49	Statement from Dr L Childs
ID.50	Summary Statement from Rushden residents, read by Dr L Childs
ID.52	Statement from Mr M Meikelfield
ID.54	Statement from Ms J Graf
ID.56	Statement from Rt Hon P Bone MP
ID.57	Opening Submissions on behalf of the Council
ID.59	Statement from Cllr D Maxwell
ID.60	Revised site visit itinerary including suggestions from local residents
ID.61	Note on Local Roads Impact & Railway Crossing Feasibility, submitted by Ms Saxon – 15/05/23
ID.62	Sketches of dwelling separations distances - Mr C Wall
ID.63	Technical Note: Construction Routeing Review – Mr J Lindsay
ID.64	Photograph showing size of dwelling module, on vehicle trailer
ID.65	Extract from ORR document “Principles for managing level crossing safety”
ID.66	Comments on proposed delivery route from Rushden residents – 15/05/23
ID.67	Secretary of State decision, 9 May 2023 – Transport and Work Act 1992: Proposed Rother Valley Order, submitted by Cllr G Mercer
ID.69	Conditions suggested by interested persons
ID.71	Final CIL Compliance Statement, submitted by the Council
ID.72	Copy of final signed and dated S106 agreement
ID.74	Closing statement from Dr L Childs on behalf of Rushden residents
ID.75	Closing submissions from the Council
ID.76	Closing submissions from the appellants