

Our Ref: 1162/03a  
Your Ref: NE/21/00498/FUL

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For the attention of Mr D Wishart

By email:

09 December 2021

Dear Sirs

**NE/21/00498/FUL - LAND OFF SHIRLEY ROAD, RUSHDEN  
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**

I write on behalf of Rushden Town Council, to set out their **strong objection** to the above amended planning application. This objection letter to this second round of consultation follows the previous objection letter dated 07 June 2021, which is still pertinent.

This objection letter addresses the specific alterations that are proposed in this re-consultation. Significant concerns continue to be raised by Rushden Town Council and residents. The proposed alterations do not alleviate any of these concerns.

There are significant concerns regarding the amended access route from Higham Road, site layout/design, potential flooding impacts and the amended route for construction traffic, among others.

The application seeks to provide 133 modular dwellings with access from Prospect Avenue. The applicant has reduced the level of affordable housing from 100% to 30%.

### Planning Policy

The starting point for assessing development proposals is always the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states *“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

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A list of Directors, Chartered Surveyors and Chartered Town Planners is available on request.



The Development Plan in respect of this site consists of the North Northamptonshire Joint Core Strategy (adopted 2016) and the Rushden Neighbourhood Plan (RNP) (adopted 2018).

The local authority have also approved a Pre Submission Draft Local Plan Part 2 which is currently undergoing initial examination, with the Inspector raising significant queries over fundamental areas of the Plan. The emerging policies contained within the Plan can therefore be afforded appropriate weight.

Other material considerations include the National Planning Policy Framework (NPPF).

### **Proposed Access Amendments**

The resubmitted plans demonstrate a dedicated right turn lane for vehicles travelling north along Higham Road to access Prospect Avenue. Significant concerns remain regarding the potential impact on highways arising from the proposed use of Prospect Avenue.

Whilst the dedicated right turn lane would lessen the impact of the flow of traffic along Higham Road, this comes at the detriment of the existing character of the road. The works required to widen the road would result in the loss of four mature trees in a concentrated section. This section of Higham Road is characterised by having a continuous tree lined boulevard. The widening of the road and removal of trees in this section would erode the soft edges and character of the road.

The bus stop infrastructure upgrades proposed to Higham Road are unacceptable as they result in the blocking of existing residential driveways and narrowing of footpaths.

Significant concerns continue to be raised regarding the potential highways impacts of the development using Prospect Avenue as an access. The RNP Site Allocation (Site C) identifies the site as being accessed via Shirley Road. Whilst this is not stated within the policy, the allocated site includes land adjacent to Shirley Road and John Clark Way; not Prospect Avenue. Either of these access options are far more preferable as they provide a safer, more direct access routes, via appropriately sized streets. It is considered that the applicant has still not provided appropriate justification to demonstrate why one of these accesses cannot be used. The fact that the land is in third party ownership should not be appropriate justification. It has still not been demonstrated that these third parties have been approached with a view to incorporating the land into the proposal to aid access.

The applicant faces significant objection from Rushden residents for the use of Prospect Avenue, yet they continue with the planned arrangement with minor alterations. North Northamptonshire Council should be questioning why alternative accesses are not being sufficiently investigated.

The narrow entrance to the site off Prospect Avenue remains convoluted, featuring 90degree corners with limited visibility. This raises safety concerns for vehicles/pedestrians and leads to a lack of active frontages for the first 60 metres of the road, which is particularly important with regards to natural surveillance and safety for pedestrian access.

The applicant's Community Engagement Statement (April 2021) states that they have not been able to acquire the section of land near to Shirley Road as they were not aware of the ownership. It also states that formal contact has now been made with the landowner. The amended application provides no update on contacts with the adjoining land owners to enable discussions on using access at either Shirley Road or John Clark Way.

Further evidence should be provided by the applicant to demonstrate that they have fully investigated the use of this land as an access point to enable Shirley Road or John Clark Way to be used as the main access.

Previous concerns raised in the letter dated 07 June 2021 remain pertinent.

It is considered that the application still **does not** conform with RNP Policy H3 Site C: Shirley Road and RNP Policy EN3 Rushden's Greenways, in respect of providing appropriate vehicular and pedestrian access.

The application **does not** conform with the North Northamptonshire Joint Core Strategy (NNJCS) Policy 8a), b), c), d) and e) – Place Shaping Principles, as it does not provide safe and pleasant streets and spaces. Of particular concern/relevance is Policy 8b) which states that developments should be resisted where they would prejudice highway safety.

### **Proposed Construction Traffic Access**

It is noted that the amended application now seeks to divert constructed traffic away from Prospect Avenue and this is welcomed. However, the newly proposed route via Queensway, Manor Way and The Hedges is wholly inappropriate and raises considerable issues of its own. The proposed route would feature four 90 degree turns and disrupt many more residential houses due to the length of the route. Of principal concern for the use of this access route is the proximity of The Ferrers Secondary School with its entrance situated 120 meters away from the proposed route. This would create unacceptable safety issues, with children walking to/from school at the same time as construction traffic carrying heavy plant and prefab structures are negotiating a 90 degree turn.

It is noted that the Construction Management Plan has not been updated to take account of this newly proposed route. Previous comments dated 07 June 2021 remain pertinent

It is again considered that the proposed access is inappropriate and that alternative, more appropriate access has not been sufficiently investigated, both for construction traffic and site access.

### **Housing Tenure and Viability**

Significant concerns were previously raised regarding the dwelling types consisting of a single house type (modular) and tenure (100% affordable). Whilst it is welcomed that the scheme now proposes a mixture of market and affordable housing, it is puzzling how the scheme can justify such a significant drop from 100% affordable housing to 30% across the site, without more substantive changes to the application.

With the proposal being policy compliant in terms of tenure, it should also focus on being policy compliant with other policies where it currently conflicts. The previous scheme for 100% affordable units may have justified an attempted reduction in open space (for example). The scheme now proposes 70% market housing, resulting in far greater viability of the site. The Council should be questioning how this greater viability will impact the site. This could enable an increase in on-site open space, flood prevention measures, green corridors or help fund alternative access at John Clark Way or Shirley Road. It is noted that no viability assessment has been submitted and the dramatic change in tenure does not appear to have impacted any other aspect of the submission.

Clarification is sought on the tenure split. Will the market housing be fully released on the open market? Will the units be able to be purchased freehold or will they be leasehold?

It is considered that the application **does not** conform with NNJCS Policy 30 – Housing Mix and Tenure which states that:

*“housing development should 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. It states that the mix of house types within a development should reflect:*

- i) The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people;*
- ii) The existing housing stock within the settlement or neighbourhood/ward in order to address any gaps in provision and to avoid an over-concentration of a single type of housing where this would adversely affect the character or infrastructure of the area.”*

133 units of modular housing represents a severe over-concentration of a single housing type and would dominate the character of this area, which is close to the centres of Rushden and Higham Ferrers and their respective Conservation Areas.

### **Design/Layout**

The amendments to the layout consist of small changes around the open space area at the south west of the site to incorporate a reduction of 5 dwellings. The layout has not fundamentally changed. It remains devoid of character and features excessive use of cul-de-sacs. Landscaping remains insufficient and the area of public open space, although enlarged, is still surrounded by car parking on three sides., reducing natural surveillance of the space.

Previous concerns raised in the letter dated 07 June remain pertinent.

The proposed development does not respect the local character and pattern of development surrounding the site.

It is considered that the application **does not** conform with RNP Policy EN1 – Design in Development which states that:

*“All new developments should be of a high quality design and should adhere to the following key principles:*

- *“Understanding local character, and should respect the prevailing density and pattern of development that surrounds the application site;*
- *Materials should respect and complement existing neighbouring properties and those in the vicinity of the application site;*
- *Preserve existing neighbouring amenity and should not appear overbearing;*
- *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;*
- *Make provision for an appropriate amount of outdoor amenity space;*
- *Provide visual interest, particularly at street level and must avoid using blank walls where these would be visible from public vantage points; Development proposals will only be supported if they meet the above principles.*

*Development proposals will only be supported if they meet the above principles.”*

The application **does not** conform with RNP Policy EN2 – Landscaping in Development, as the site does not provide a suitable soft landscaping that provides a suitable visual setting for the development.

The application **does not** conform with NNJCS Policy 8 – Place Shaping Principles, which states that development should create connected places, make safe and pleasant streets and spaces, create a distinctive local character and ensure the quality of life and safer and healthier communities. The development fails to achieve the sub-bullet points under these policy headings.

### **Drainage**

Serious concerns have been raised throughout the application process regarding flooding, in particular surface water flooding. The attenuation features are considered inadequate. The applicants will have seen and heard objections from many local residents on the grounds of surface water flooding.

It is noted that the Flood Risk Assessment and Drainage Strategy have been updated, however, the amendments are still considered to be insufficient to cope with significant rainfall events.

The site’s drainage is wholly reliant on the attenuation basin at the west of the site. No other forms of attenuation, SuDS or landscaping are featured within the site. The attenuation basin lies at a higher elevation than dwellings situated on the adjacent streets of Peck Way. If the attenuation basin fails ad/or is not maintained correctly, this could result in catastrophic flooding for residents at lower elevations.

It should be noted that the surrounding area of the proposed site has, and continues to have significant development on greenfield areas. This includes nearby areas of higher elevation such as

- Warehouses to the east of the site (north of John Clark Way)
- 120 dwellings consented at Federal Estates, Newton Road (19/01781/FUL)

- Up to 2700 dwellings allocated at Rushden East Sustainable Urban Extension (20/01453/OUT and NE/21/01124/OUT, both pending decisions)
- 39 dwellings pending decision immediately to the east of the site, off John Clark Way (NE/21/00518/OUT)
- 300 dwellings consented on land south east of the Ferrers School (18/01648/OUT)

It is not considered that the Flood Risk Assessment appropriately considers these recently consented and proposed/committed sites surrounding the proposal at higher elevation, all of which are likely to cause an increase in surface water run-off towards the application site.

The proposal therefore **does not** conform with RNP Policy EN2 – Landscaping in development as it has not fully considered the impact of hardstanding on the character of the area and site drainage.

The proposal **does not** conform with NNJCS Policy 5 - Water environment, resources and flood risk management as it does not demonstrate that there is no increased risk of flooding to surrounding properties, or appropriately reduce the impact of additional run off generated by the development

### **Privacy/Separation Distances**

The originally submitted plans were considered to have a significant impact on privacy of existing dwellings, particularly along Peck Way and Prospect Avenue. These concerns and objections are still applicable to the amended scheme, which now proposing the raising of plots 59-65 so that they now have an even greater impact on the privacy of Peck Wat residents.

### **Conclusion**

Serious concerns continue to be raised by Rushden Town Council and Rushden residents with regard to this amended application for 133 modular homes.

The amendments proposed are insignificant and do not provide a tangible change. Rushden Town Council continue to strongly object to the proposal, on the grounds outlined in this objection letter.

The proposed access off Prospect Avenue is inappropriate and further investigation work needs to be undertaken to demonstrate how alternative accesses could be incorporated. There is no evidence that appropriate effort has been made to gain acquisition of the land to enable an access from Shirley Road or John Clark Way.

The amended application does not conform with the relevant policies within the Rushden Neighbourhood Plan and the North Northamptonshire Joint Core Strategy.

It is recommended that the applicant:

- Works to incorporate additional land into the proposal at John Clark Way and/or Shirley Road to enable alternative access via the east or south of the site in place of Prospect Avenue;
- Provides a mix of housing types (not 100% modular)
- Significantly reduce the number of dwellings on site to enable greater on-site provision of open space and flood mitigation features.
- Revise the layout to provide better connected streets and pedestrian routes and redesign the open space area to enable it to be used appropriately.

If the above recommendations are unable to be implemented, it is not supported by local and national policy and should therefore be refused or withdrawn.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Ed Norris'.

Ed Norris BSc (Hons) MSc MRTPI  
Senior Planning Consultant