

## PLANNING COMMITTEE

**Wednesday, 4th September, 2019 at 6.30 pm**  
**Council Chamber - Municipal Offices**

Committee Administrator: Callum Galluzzo  
Direct Line: 01536 5343268  
Email: [callumgalluzzo@kettering.gov.uk](mailto:callumgalluzzo@kettering.gov.uk)

## A G E N D A

1. Apologies
2. Declarations of Interest
  - (a) Disclosable Pecuniary Interests
  - (b) Personal Interests
3. Minutes of the previous meeting to be approved as a correct record and signed by the Chair
4. Any items of business the Chair considers to be urgent
5. Planning Application Reports

---

*Working with and on behalf of local people*

### **Fire Alarm**

All meetings shall be adjourned immediately on the sounding of the fire alarm. The alarm is a continuous two-tone siren. On hearing the alarm please leave the building by the nearest emergency exit. There are emergency exits at both ends of the corridor outside the meeting rooms. On leaving the building please cross the car park and assemble on the grassed area by the church. Do not attempt to drive out of the car park as this may impede the arrival of emergency vehicles. Please do not return to the building until you are told it is safe to do so by a Council employee.

### **Toilets**

There are toilets in the corridor off the main entrance to the building you came through to get to the meeting room.

### **Facilities for Babies and Children**

If you wish to use a private area to feed your baby please ask a member of staff. There are changing facilities in the corridor off the main entrance adjacent to the toilets.

### **Access for Disabled People**

There are allocated parking bays outside the main entrance to the Municipal Offices for disabled people. The meeting rooms are located on the ground floor and access is gained for wheelchair users via the main entrance. If you require assistance, please ask the attendant on duty in the reception area.

### **No Smoking**

Smoking is not permitted in the Municipal Offices.

### **Reporting on Meetings of the Council**

Members of the press and public are entitled to report on meetings of the Council, Committees and the Executive, except in circumstances where they have been excluded in accordance with national rules.

If you wish to report on this meeting, please telephone 01536 534191 or email [democracy@kettering.gov.uk](mailto:democracy@kettering.gov.uk) at least two days before the meeting to enable the Council to provide reasonable facilities for you to do so. Failure to advise the Council of your intention may mean the necessary facilities will not be available.

If you are planning to attend, and do not wish to be recorded or photographed, please inform the Chair at the start of the meeting. The Protocol for members of the public wishing to film and report on meetings is available on Kettering Borough Council's website at:

<http://www.kettering.gov.uk/recordingmeetings>

#### **Members of the Planning Committee:-**

Councillor Shirley Stanton (Chair), Councillor Ashley Davies (Deputy Chair), Councillor Linda Adams, Councillor Clark Mitchell, Councillor Cliff Moreton, Councillor Mark Rowley, Councillor Lesley Thurland, Councillor Gregory Titcombe and Councillor Paul Marks



This page is intentionally left blank

**BOROUGH OF KETTERING**

**PLANNING COMMITTEE**

**Meeting held: 30th July 2019**

**Present:** Councillor Shirley Stanton (Chair)

Councillors Ashley Davies (Deputy Chair),  
Clark Mitchell, Cliff Moreton, Mark Rowley,  
Paul Marks and Scott Edwards (Reserve)  
(Substitute for Lesley Thurland)

**19.PC.11 APOLOGIES**

Apologies for absence were received from Councillors Linda Adams, Greg Titcombe and Lesley Thurland. It was noted that Councillor Scott Edwards was acting as substitute for Councillor Thurland.

**19.PC.12 DECLARATIONS OF INTEREST**

Councillors Scott Edwards and Paul Marks declared an interest in item 5.5. Councillor Edwards indicated that he would be leaving the room during discussion.

Councillor Mark Rowley also declared an interest in item 5.1

**19.PC.13 MINUTES OF THE PREVIOUS MEETING TO BE APPROVED AS A CORRECT RECORD AND SIGNED BY THE CHAIR**

**RESOLVED** that the minutes of the meetings of the Planning Committee held on 2<sup>nd</sup> July 2019 be approved as a correct record

**19.PC.14 ANY ITEMS OF BUSINESS THE CHAIR CONSIDERS TO BE URGENT**

None

**19.PC.15 PLANNING APPLICATION REPORTS**

***The Committee considered the following applications for planning permission, which were set out in the Head of Development Control's Reports and supplemented verbally and in writing at the meeting. Two speakers attended the meeting and spoke on applications in accordance with the Right to Speak Policy.***

The reports included details of applications and, where applicable, results of statutory consultations and representations which had been received from interested bodies and individuals, and the Committee reached the following decisions:-.

**19.PC.15.1      KET/2018/0767**

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.1 Full Application: Redevelopment of site to create 10 no. dwellings with associated infrastructure. Creation of garden/paddock land and hardstanding for existing farmhouse at Home Farm, 3 Valley Road, Weston By Welland for Mr C L Parker Langton Homes Ltd</p> <p>Application No: KET/2018/0767</p> <p><u>Speaker:</u></p> <p>David Woolman attended the meeting and addressed the committee as a third party objector to the proposed development stating that due to the difference in height of the proposed development and the neighbouring pub there was a major flood risk due to inadequate drainage. Mr Woolman also raised concerns due to the parking restrictions associated with the development.</p> <p>Mark Flood attended the meeting and addressed the committee as the agent for the applicant of the proposed development. Mr Flood stated that there had been an extensive consultation period and that the development had the support of the local parish council. It was also stated that the proposed development was also feature four affordable homes.</p>	<p>Members received a report about a proposal for which full planning permission was being sought for the demolition of the existing range of modern farm buildings and to replace them with 10 dwellings set in a courtyard arrangement;</p> <p>The Planning Officer addressed the committee and provided an update which stated that revised plans had been received and that following new comments from Anglian Water, condition 6 had been updated to prevent environmental and amenity issues arising from flooding in accordance with policy 5 of the North Northamptonshire Joint Core Strategy.</p> <p>Members welcomed the inclusion of affordable homes within the proposed development and agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to a S.106 obligation being entered and the following conditions:</p>

1. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works. The submitted Construction and Demolition

Plan shall include measures to ensure that the integrity of the boundary with 4 The Lane is maintained and retained throughout the demolition and construction period and cross sectional drawing(s) shall be included to demonstrate this will be the case. The submitted plan shall also include the following;

- a. Detailed work programme/timetable
  - b. Site HGV delivery/removal hours to be limited to between 09.00 - 16.00
  - c. Detailed routeing for demolition, excavation, construction and abnormal loads
  - d. Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors
  - e. Detailed plan showing the location of on-site stores and facilities including the site compound, contractor and visitor parking and turning as well as un/loading point, turning and queueing for HGVs
  - f. Breakdown of number, type, size and weight of vehicles over demolition and construction period.
  - g. Details of debris management including location of wheel wash, programme to control debris spill/tracking onto the highway and also include sheeting/sealing of vehicles and dust management
  - h. Details of site working days and hours.
2. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until part C below has been complied with.

### C. Implementation of Approved Remediation Scheme

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

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

3. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
4. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
5. The development hereby permitted shall not be carried out except in complete accordance with the approved plans as listed on the decision notice.
6. No hard-standing areas shall be constructed until the drainage works have been carried out in accordance with the approved surface water strategy.

7. Prior to first occupation of any dwelling a scheme of hard and soft landscaping which shall specify boundary treatment (fencing and hedging), species, planting sizes, spacing and numbers of trees and shrubs to be planted and existing trees and hedgerows (which shall include the hedgerow along the site frontage to Valley Road) to be retained shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the boundary bordering No 4 The Lane, the landscape scheme shall be accompanied by cross section drawing(s) to demonstrate how any differences in ground levels shall be dealt with and this element of the landscape scheme/boundary treatment shall be fully completed prior to the first occupation of either dwelling at plot 4 and plot 5. The scheme to be submitted shall also include any boundary screening or landscaping to be erected/planted within the extended curtilage to Home Farmhouse. All approved boundary screening shall be retained as such thereafter.
8. No development or site clearance shall take place until details of root protection measures for the trees identified in the submitted arboricultural assessment as T2 and T3 have been submitted to and approved in writing by the local planning authority. The root protection measures shall adhere to British Standard BS5837. The approved root protection measures shall be retained and adhered to throughout the construction period.
9. The development shall not be carried out except in complete accordance with the Recommendations set out on pages 23 and 24 of the submitted Ecological Appraisal by Curious Ecologists dated 15 June 2017.
10. No development shall take place until a programme of archaeological work, in accordance with a written scheme of investigation, has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
11. Prior to the commencement of any development above slab level, details of all external materials to be used in the construction of all buildings shall have been submitted to and approved in writing by the local planning authority. These details shall include the make, type and colour of all materials and brochure details/photographs and/or samples of bricks, wood cladding, roof tiles, windows, front doors and garage doors. The development shall thereafter only be carried out in accordance with the approved details.
12. Prior to the commencement of the development details of the access, parking and turning construction and all hard surfacing materials (including within plots) shall be submitted to and approved by the local planning authority. The details to be submitted shall include a cross section of the access construction at a scale of no smaller than 1:50 and details to show the recessing of the visitor parking spaces further back to improve pedestrian visibility.
13. No development shall take place until detailed drawings have been submitted to and approved by the local planning authority which show the provision and



construction of a two metre wide footpath and any associated works, from the site entrance along the site frontage to where it opposes the existing footpath on the other side of Valley Road. The details shall also include tactile paving to be provided on both sides of Valley Road at this pedestrian crossing point. The development shall not be occupied until the approved footpath and associated works have been completed in full in accordance with the approved plans and details.

14. Each dwelling hereby approved shall be built incorporating measures to limit use of potable water to no more than 105 litres per person per day and external potable water use of no more than 5 litres per person per day.
15. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 of the Order shall be made or constructed to any of the dwellings hereby approved, unless express planning permission has first been obtained from the local planning authority.
16. With regard to that part of the site labelled Garden/paddock land for existing house and access to existing Home Farm House and outbuildings on the approved Site Plan drawing P001 Rev M, notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended or re-enacted) no structures or buildings shall be erected in this area unless express planning permission has first been obtained from the local planning authority.
17. In the event of any of the streets associated with this residential development are not being proposed for adoption as public highway, the following condition applies;
  - a. Details of a site management company and associated management and maintenance methodology of the street within the development, to operate in perpetuity shall be submitted to and agreed in writing prior to the commencement of the development. These details shall include a copy of a legal undertaking by the developer that the street will not be put forward for adoption and will remain private in perpetuity; that the street will be identified as private through the appropriate use of private street name plates at the entrance to the site and that any vehicular access to the site from the public highway shall be implemented as standard vehicle crossovers.

*(Members voted on the officers' recommendation to approve the application)*

*(Voting: For: 5, Against 0)*

*The application was therefore*

**APPROVED**

*(Councillor Moreton Joined the committee at 6:53pm)*

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.2 Full Application: Conversion of first and second floors, creation of third floor to provide 33 no. dwellings with associated works including lift shaft to side elevation at 17 Lower Street, Kettering for Cellica Limited</p> <p>Application No: KET/2018/0902</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal for which full planning permission was being sought for conversion of the building's first, and second floors and creation of a third floor to provide 33 flats (18 one bed and 15 two bed) with associated works including an infill extension toward the rear and construction of a lift shaft and stairwell</p> <p>Members thanked the applicant and officers for supplying the additional information that had previously been requested and agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to a S.106 obligation being entered and the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and information detailed below.
3. The development hereby permitted shall not be carried out other than in accordance with the provisions and strategies of the approved Flood Risk Assessment dated November 2018; referenced 1879 Rev: Final 1 compiled by Cellica Limited which shall remain in place in perpetuity.
4. Prior to the commencement of development hereby permitted, a scheme and timetable detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure shall be submitted to and approved in writing by the local planning authority. The fire hydrants, sprinkler system and associated infrastructure shall be installed and fully functional prior to first occupation and shall thereafter be provided in accordance with the approved scheme and timetable.
5. The proposal shall be carried out in accordance with external materials and finish details (including the finishes of the existing building) that shall first be approved in writing by the local planning authority prior to those works being undertaken and shall remain in that form thereafter.

6. Prior to first occupation a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions of a scheme to mitigate noise impacts emanating from the adjacent Post Office use. The development shall not be occupied until the approved scheme has been fully implemented and shall remain in that form in perpetuity.
7. The third floor windows in the west facing elevation above the outside private amenity space shown on the approved drawings shall be fitted with a privacy screen beneath the window in accordance with details that shall first be approved in writing by the local planning authority (including provision of a cross-section plan) and shall be in place prior to occupation of the flats they serve and shall remain in that form thereafter.
8. Prior to first occupation of the development a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details regarding the Travel Plan Co-ordinator, an effective means of monitoring and method of reporting to the Local Highway Authority. The development shall be implemented in accordance with the approved details which shall remain in place in perpetuity.
9. The development hereby permitted shall not be occupied until the bin and cycle store and lift detailed in the approved plans and information have been completed and made available for use and shall which remain available in that form thereafter.
10. No works of demolition, construction or deliveries shall occur outside these time: Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.
11. The development hereby permitted shall be used for C3 (dwellinghouses) purposes only and its associated infrastructure and for no other use whatsoever.
12. The existing timber windows in the building shall be retained in perpetuity (re-painting in a white and maintenance permitted) unless otherwise agreed by planning permission.
13. The parts of the windows shown as being inserted or fitted with opaque glaze or film, the opaque screens between outside amenity space and the planting boxes (privacy barriers) shown on the approved drawings shall be in place prior to occupation of the flats they serve and shall remain in place thereafter.
14. Prior to first occupation a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted together with details of the hard landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall explore the feasibility of a 'green' screen to the western edge of the roofs amenity space. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier.
15. Prior to occupation a biodiversity enhancement scheme which takes advantage of the buildings height shall be submitted to and approved in writing by the local planning authority and shall be implemented prior to occupation and remain in that

form thereafter. In particular the scheme should explore the feasibility of raptor nesting boxes.

16. The third floor lower panes of the windows in the side north facing elevation above the outside private amenity space shown on the approved drawings shall be fitted with opaque glass and shall remain in that form thereafter.
17. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.
18. Prior to first occupation the CCTV system, external lighting, the fob entry system, the cycle storage area together with the internal security measures and partitions between the Post Office use and the residential areas shall be in place and available for use and shall remain in that form thereafter.
19. All dwellings shall be constructed to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);
20. All flats shall be constructed to meet M4(2) Accessible and Adaptable Dwellings and at least four of the flats shall meet M4(3) (Wheel-chair accessibility) of schedule 1 part M of the Building Regulations 2010 (as amended).

*(Members voted on the officers' recommendation to approve the application)*

*(Voting: For: Unanimous)*

*The application was therefore*  
**APPROVED**

**19.PC.15.3      KET/2019/0253**

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.3 Full Application: Single storey rear and side extension, rear roof dormer to facilitate a loft conversion and 2 no. rooflights to front roof plane at 33 Fuller Street, Kettering for Mr P Mogildea</p> <p>Application No: KET/2019/0253</p> <p><u>Speaker:</u></p> <p>None</p>	<p>This item had been removed from the agenda to be dealt with under the Council's scheme of delegation following the removal of third party objections.</p>

**19.PC.15.4      KET/2019/0261**

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.4 Full Application: Change of use from care home to residential dwelling at 12 Wales Street, Rothwell for Mr H Say</p> <p>Application No: KET/2019/0261</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal which sought consent for the change of use from residential Care Home (C2) to a single dwelling (C3). It was noted by members of the committee that the proposal had no external alterations.</p> <p>Members agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to the following conditions::</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the development hereby approved shall only be occupied as a single dwellinghouse and not as any house in multiple occupation.

*(Members voted on the officers' recommendation to approve the application)*

*(Voting: For: Unanimous)*

*The application was therefore*  
**APPROVED**

**19.PC.15.5      KET/2019/0284**

*(Having declared an interest in the follow item, Councillor Edwards vacated the committee during consideration)*

<u>Proposed Development</u>	<u>Decision</u>
*5.5 Application for Listed Building Consent: Installation of security shutter at Alfred East Art Gallery, Sheep Street, Kettering for Kettering Borough Council  Application No: KET/2019/0284	Members received a report about a proposal for which Listed Building Consent was being sought for the installation of an internal security shutter system on the Art Gallery side of an internal doorway between the Library and the Gallery.
<u>Speaker:</u>	It was noted that the shutter was required to enable the Gallery to exhibit high value pieces.
None	Members agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.
	It was agreed that the application be <b>APPROVED</b> subject to the following conditions:

1. The works to which this consent relate shall be begun before the expiration of 3 years from the date of this consent.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and documents detailed below.
3. Prior to work taking place precise details showing the extent of the timber sections of the architrave, frieze and skirt to be removed shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. The shutter, its housing box and its railings shall be coloured to match the existing (white/ off-white) wall colour, so far as is practicable and no works whatsoever shall be carried out to the wooden flooring or the double timber doors.

*(Members voted on the officers' recommendation to approve the application)*

*(Voting: For: Unanimous)*

*The application was therefore*  
**APPROVED**

*(Councillor Edwards re-joined the committee)*

<u>Proposed Development</u>	<u>Decision</u>
<p>*5.6 Full Application: Two storey and single storey rear extension with cedar cladding to first floor. Insertion of new window at 19 Garfield Street, Kettering for Mr G West</p> <p>Application No: KET/2019/0378</p> <p><u>Speaker:</u></p> <p>None</p>	<p>Members received a report about a proposal which sought planning consent for a part single storey part two storey rear extension.</p> <p>The Planning Officer addressed the committee and provided an update which stated that an additional comment had been received from 17 Garfield Street maintaining their objection which had been covered by the officers report, and it was also noted that one further objection had been received from 15 Garfield Street. The letter objected on the grounds that the proposal would result in overlooking of the resident's garden.</p> <p>Members agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.</p> <p>It was agreed that the application be <b>APPROVED</b> subject to the following conditions:</p>

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as submitted:  
Wall - Render colour wash and cedar cladding  
Roof - Tiles as existing and flat roof
4. The window in the first floor side elevation facing 17 Garfield Street shall be glazed with obscured glass and thereafter shall be permanently retained in that form.
5. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.



*(Members voted on the officers' recommendation to approve the application)*

*(Voting: For: Unanimous)*

*The application was therefore*  
**APPROVED**

*(The Committee exercised its delegated powers to act in the matters marked \*)*

*(The meeting started at 6.30 pm and ended at 7.19 pm)*

*Signed.....*

*Chair*

This page is intentionally left blank

## Wednesday, 4 September, 2019

### No. 5 Planning Application Reports

5.1	KET/2019/0288	RJM	Rothwell Truck Stop, Orton Road, Rothwell Advertisement Application: 5 no. internally illuminated fascia signs, 2 no. non-illuminated fascia signs, 3 no. internally illuminated totem signs, 1 no. internally illuminated roof-mounted sign, non-illuminated lettering and internally illuminated petrol station canopy Expiry date: 17-July-2019	1
5.2	<b>KET/2019/0368</b>	SBE	25 - 27 High Street Kettering Full Application: Conversion and extensions to provide five one-bed flats and associated cycle/bin store with a revised shop layout Expiry date: <b>06-September-2019</b>	6
5.3	<b>KET/2019/0385</b>	NWE	41 Oxford Street, Kettering Full Application: Erection of 2 new dwellings and two storey side/rear extension and single storey rear extension to No.41 Expiry date: <b>06-September-2019</b>	16
5.4	<b>KET/2019/0418</b>	SBE	New Lodge Farm, Church Lane, Cransley s.73A Retrospective Application: Change of use from agricultural buildings to form three dwellings, associated works and garage extension (Retrospective) and sub-division of garden land Expiry date: <b>06-September-2019</b>	29
5.5	<b>KET/2019/0440</b>	CPA	Units 2 & 3 Hazelwood Lane, Kettering Full Application: Demolition of workshops. Construction of 3 no. houses and 2 no. flats Expiry date: <b>06-September-2019</b>	40
5.6	<b>KET/2019/0446</b>	LJO	Mill Barn, High Street, Cranford Full Application: 2 no. dwellings Expiry date: <b>06-September-2019</b>	51
5.7	<b>KET/2019/0470</b>	RJA	15 Balfour Drive, Rothwell Full Application: Two storey side extension Expiry date: <b>04-September-2019</b>	62
5.8	KET/2018/0511	TJN	40 Warkton (land adj) Full Application: Demolition of outbuilding and erection of 1 no. dwelling Expiry date: 04-March-2019	69

Application Reference Numbers and Expiry Dates in bold type are within the permitted time frame

The Planning Officer's initials are in the third column. For further details please refer to the end of the individual reports.

The membership for this Full Planning Committee is as follows:-

Councillors:- S Stanton (Chair), A Davies (Deputy Chair), L Adams, P Marks, C Mitchell, C Moreton, M Rowley, L Thurland, G Titcombe

Substitutes:- Councillors S Edwards, D Howes, I Jelley, A Lee, J Smith, D Soans, J West

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2019</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Richard Marlow Senior Development Officer</b>	<b>Application No: KET/2019/0288</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>Rothwell Truck Stop, Orton Road, Rothwell</b>	
<b>Proposal</b>	<b>Advertisement Application: 5 no. internally illuminated fascia signs, 2 no. non-illuminated fascia signs, 3 no. internally illuminated totem signs, 1 no. internally illuminated roof-mounted sign, non-illuminated lettering and internally illuminated petrol station canopy</b>	
<b>Applicant</b>	<b>Mr C McGarry Applegreen</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. No advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land).

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations and in the interests of amenity.

2. No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport.

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations and in the interests of amenity.

3. Any advertisement must be maintained in a condition that does not impair the visual amenity of the site.

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations and in the interests of amenity.

4. Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public.

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations and in the interests of amenity.

5. If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity.

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations and in the interests of amenity.

6. The illumination of the proposed sign shall be of a static non-intermittent type.

REASON: In the interests of amenity.

## **Officers Report for KET/2019/0288**

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

KET/2014/0448 Reserved matters. Approved 17/09/2014.

KET/2010/0469 Outline Application (appearance, landscaping and layout to be reserved matters): Secure 24 hour truck stop facility, diesel filling station and amenity/ services building. Approved on appeal.

#### **Site Visit**

Officer's site inspection was carried out on 08/07/2019.

#### **Site Description**

The site is located on the eastern side of Orton Road, immediately to the north of the site is the A14. The site has recently been developed for a secured truck stop and associated facilities in accordance with the planning permission established through KET/2010/0469. The site is operated by Welcome Break.

The closest residential property is Slade Valley House which is directly opposite the site on the eastern side of Orton Road. Orton village is located approximately 1km to the south of the site and to the north beyond the A14 is the Harrington Park development off Harrington Road with the nearest properties being a minimum of 100m from the site boundary and separated by the A14, a balancing pond and established vegetation.

#### **Proposed Development**

The application seeks advertisement consent for 5 no. internally illuminated fascia signs, 2 no. non-illuminated fascia signs, 3 no. internally illuminated totem signs, 1 no. internally illuminated roof-mounted sign, non-illuminated lettering and internally illuminated petrol station canopy.

#### **Any Constraints Affecting the Site**

None.

### **4.0 Consultation and Customer Impact**

#### **NCC – Local Highway Authority (LHA)**

No objection subject to conditions.

#### **Environmental Protection (KBC)**

Advised they have no comments on the application.

#### **Rothwell Town Council**

Strongly object to this application in that the signs (2 x B's) should not be internally illuminated but a light affixed to the sign and shining on the actual

sign as opposed to it being internally illuminated. Signage should indicate that it is a secure lorry park for trucks only and not open to the public.

### **Neighbours**

No comments received.

## **5.0 Planning Policy**

### **Legislation**

The Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

### **National Planning Policy Framework**

Policy 12 Achieving good design

### **Development Plan Policies**

### **North Northamptonshire Joint Core Strategy**

Policy 8. Place Shaping

## **6.0 Financial/Resource Implications**

None.

## **7.0 Planning Considerations**

The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 requires Local Planning Authorities to only consider two issues when determining applications for Advertisement Consent – the impact of the proposal upon the amenity of the area and the impact upon Highway Safety.

*The NPPF in Paragraph 132 states that ‘The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’*

The signage reflects the corporate identity of Welcome Break. The roof sign and signage on the amenity building much of which is internally illuminated makes best use of the building’s location set centrally within the site. Whilst they are prominent; they are not excessive in scale. The signs attached to the petrol station canopy are also not overly large or distracting given their location. The proposals would not interact with its surroundings or neighbouring uses adversely.

Three totem signs are proposed comprising of one totem close to the site entrance off Orton Road providing details of the facilities contained within the site and two totems which identify the site to vehicles travelling along the A14.



The entrance totem due to its height and location will not impinge on amenity or result in adverse impacts to Highway Safety.

Comments have been made by Rothwell Town Council regarding the two totem signs closest to the A14 referenced as totem B's on the submitted site plan. The town council would prefer that the signs are illuminated by a projecting light rather than internally illuminated. The two totems are set a minimum of 100 metres from the nearest dwelling at the Harrington Park development in Rothwell, separated by substantial mature landscaping and the A14 which itself is illuminated via highway lighting in this location. Given the level of illuminance which is low and the location of the signs it is considered that these totems will pose no risk to highway safety and will not result in detriment to the amenity of the area. The agent for the proposal has indicated that the applicant would be willing to externally illuminate the two totems in question as proposed by Rothwell Town Council. However, the experience of officers is that internal illumination is a more subtle and appropriate form of illumination rather than external illumination.

As such the proposal is acceptable with no impacts to residential amenity or cumulative impacts or highway safety subject to the imposition of safeguarding conditions.

**Conclusion**

As such the proposal respects the visual amenities of the site and the character and appearance of area. It will also not have a detrimental impact upon highway safety or cause a nuisance to neighbours and therefore consent should be granted.

**Background Papers**

Title of Document:

Date:

Contact Officer: Richard Marlow, Development Team Leader on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:



## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2019</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2019/0368</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>25 - 27 High Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Conversion and extensions to provide five one-bed flats and associated cycle/bin store with a revised shop layout</b>	
<b>Applicant</b>	<b>Mr I Nanuwa</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and information detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. No development above building slab level shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with a lighting strategy to illuminate the rear yard area have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details with the lighting strategy made available for use prior to first occupation, which shall remain in that form thereafter.

REASON: Details of materials are necessary in the interests of the visual amenities of the area and planning out crime in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the first occupation of the development hereby approved, the refuse and cycle storage and the stock room facilities and boundary treatment shown between flats 3 and 4 shown on the approved plans shall be made available for use and retained for those purposes at all times thereafter.

REASON: In the interest of residential amenity and the viability of the retail use in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. All dwellings shall be converted to achieve a maximum water use of no more than 105 litres per person per day in accordance with the optional standards 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition);

REASON: In the interests of water efficiency in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

6. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2019/0368**

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

None

#### **Site Visit**

Officer's site inspection was carried out on 08/07/2019

#### **Site Description**

The site consists of a modern 1960's retail premise over two storeys toward the front and single storey toward the rear under a flat-roof and is located within Kettering Town Centre fronting its main pedestrianised route amongst other commercial uses.

#### **Proposed Development**

The application seeks full planning permission for conversions of the first floor to residential together. Also proposed is a rear three storey and first floor extension. The extension will consist of a stock room and cycle/bin store to the ground floor with residential flats to the first and second floor with remodelling of the shops internal layout to provide five one-bed flats. Access is proposed via a rear yard onto Meadow Road with front access also proposed to the front onto High Street.

#### **Pre-application advice**

Pre-application advice was sought in mid-2016 for a comparable scheme. The Officer advised that the principle was broadly acceptable, however a proposed second storey addition toward the front of the building was not from a visual amenity perspective. The applicant was also advised to have regard to National Space Standards (NSS) and ensure viability of the retail use.

The application was originally submitted with some regard to the pre-application advice. However, following amendments secured during the application process a rear ground floor flat was omitted and replaced with a stock room. The application therefore is considered on the basis of these amendments with full regard paid to the pre-application advice given.

#### **Any Constraints Affecting the Site**

Setting of Conservation Area adjoining site

Setting of Grade II Listed Building opposite

Located on a Primary Shopping Frontage within a Primary Shopping Area

### **4.0 Consultation and Customer Impact**

**KBC – Environmental Protection Department:** No objection subject to the imposition of conditions relating to: contaminated land, air quality, construction working hours, refuse arrangements and noise.

**NCC – Local Highway Authority (LHA):** Say that they cannot support the proposal requiring further information; with the following summarised observations:

- No car parking proposed
- A parking beat survey is requested
- Cycle storage should meet standards
- A bin presentation point should be provided at a point where it would not obstruct the highway

**Neighbours:** Two third party objection letters received from the landlord and operator of a nearby commercial unit at 1 Meadow Road adjacent to the rear access. The comments are summarised:

- Access to the proposal is used for parking with no room to get a cycle or refuse bin through and would restrict access in the event of a fire and construction
- The rear area is prone to anti-social behaviour, which will increase as a result of the proposal

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF):**

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy (JCS):**

1. Presumption in favour of sustainable development
2. Historic environment
6. Development of brownfield land
8. Place shaping
11. The network of urban and rural areas
12. Town centres and town centre uses
22. Delivering economic prosperity
28. Housing requirements
29. Distribution of new homes
30. Housing mix and tenure

## **Saved Policies in the Local Plan (LP) for Kettering Borough**

35. Housing: Within Towns

64. Shopping: Development Within Established Shopping Areas

## **Kettering Town Centre Area Action Plan**

1 – Regeneration priorities

2 – Urban Quarters, Urban Codes and Development Principles

3 – Primary Shopping Area

12 – Heritage Conservation and Archaeology

15 – The Shopping Quarter

### **6.0 Financial/Resource Implications**

None

### **7.0 Planning Considerations**

The key issues for consideration in this application are: -

1. Principle of development
2. Impact on the existing business and the town centre
3. Impact on character and appearance
4. Impact on neighbours and future occupiers
5. Impact on highway safety
6. Other matters

#### 1. Principle of development

The site is located within Town boundaries as defined by saved policy 35 of the Local Plan. As such the principle of the proposal in its broadest terms is consistent with JCS policies 11 and 29, which seeks sustainable patterns of growth and protection of rural areas.

#### 2. Impact on the existing business and the town centre

Due to the site's Town Centre location it is necessary to test the tenet of the proposal against Town Centre policies of the Development Plan. In particular Policy 12 of the JCS seeks to support town centre vitality and viability and, amongst other ways this is achieved in its part (a) by '*securing and maintaining a vibrant mix of retail, employment...and supporting the provision of additional residential uses on appropriate sites including the re-use of vacant space above shops*'. In this case, whilst the upper floor is currently used for storage associated with the ground floor retail use this is being replaced within the rear extension and thereby it does not automatically follow that as the upstairs is used as a store room that its loss would compromise the retail use to be able to function in the same way it currently does.

This approach is consistent with Chapter 7 (para.85) of the NPPF which encourages a mix of uses, acknowledging the role that residential

development can play, in Town Centres provided that the needs of town centre uses are not compromised.

The Kettering Town Centre Area Action Plan (KTCAAP) is also relevant with a Plan period of 2011-2021. Whilst it specifies particular areas where residential development is encouraged it also supports in its Regeneration Priorities (policy 1) the provision of residential throughout the Plan Area. The site is located within the Town's Primary Shopping Area which, consistent with the JCS, in its Policy 2, permits residential above ground floor. The proposal would not result in a significant change to the ground floor use or its active street frontage.

The proposal would result in the loss of the upper floors retail storage area (approx. 65sqm) as part of the change of use. The ground floor retail space would as a result be remodelled to provide a replacement storage area by reducing the existing retail space by approximately 45sqm to enable the provision of a storage room, staff room, toilet and changing rooms. The remaining shop floor retained would be approximately 125sqm. Whilst the loss of 45sqm of shop floor is significant the amount retained is consistent with a medium sized retail outlet in the Town and thereby would not compromise its ability to continue to trade in the way it currently does. Similarly, the loss of the 65sqm (approx.) of storage whilst significant is replaced by a comparably sized (approx. 58sqm) storage area which is considered to be sufficient so as not to compromise the viability of the retail use. Moreover, the revised storage area is more conveniently located on the ground floor with direct access to the rear yard via a dedicated doorway independent of the residential accesses.

It is considered therefore that the proposal would make only relatively minor changes to how the existing retail unit functions and would enable the existing retail use and the proposed residential use to co-exist in a way that would not inconvenience the retail use.

Consequently, the proposal would not have adverse implications to the existing retail use and the role that it plays to the vitality and vibrancy of the Town Centre in such a prominent location and in all likelihood would contribute to that vitality. The application therefore is considered to be acceptable in this regard consistent with the Development Plan.

### 3. Impact on character and appearance

Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to a site's wider context and local character.

As the site is located within the setting of the adjoining conservation area the proposal falls to be considered under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.



In addition, as the proposal is within the setting of a Grade II Listed Building at 16 & 18 (Natwest Bank) opposite the proposal falls to be considered under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy 2 of the JCS and Policy 12 of the KTCAAP, consistent with Chapter 16 of the NPPF seeks development to protect, preserve and where appropriate enhance a heritage asset and/or its setting.

Whilst the application was not accompanied by a 'Heritage Statement' the areas heritage influences were briefly acknowledged in the submitted 'Design Statement'. This is considered to pay appropriate regard in this case.

As experienced from the front and in the context of the nearby Listed Building and in viewpoints from the Conservation Area the building would not notably be changing its external appearance and thereby its interaction with the Heritage Assets and the way that they are seen within their setting is preserved.

The rear additions would add significantly to the overall mass and density of the building. The extensions however are polite and consistent with the design and scale of the host property and those surrounding. In particular the proposal is experienced in the context of its rear location amongst the utilitarian roofscapes of surrounding buildings in what is a functional rear yard area of poor visual quality.

A third-party objector mentions that the rear area is subject to anti-social behaviour, which was also apparent to the Officer during site visits. This is an unfortunate but existing situation with no reason to believe that the proposal will worsen how the rear area is used. In contrast it is averred that the proposal would increase the amount of people movements in this rear area, the level of natural surveillance and illumination and thereby would only improve upon the existing unwelcome activity experienced in the area. The provision of a lighting strategy for the rear area shall be required by condition. The secure cycle and bin store, which serve the development is also consistent with planning out crime principles.

Consequently, the development would preserve the character and appearance of the area, the building and heritage assets in accordance with development plan policy and national guidance on such matters, including the above referred Act.

#### 4. Impact on neighbours and future occupiers

Policy 8 (e) of the JCS consistent with paragraph 127 (f) of the NPPF seeks development to provide quality of life for existing and future users of land and buildings.

As mentioned above the proposed use of the upper floors for residential, particularly in light of the separate access arrangement to the rear would not impact significantly on the day-to-day arrangements associated with a ground floor retailer. Nor would there be any reason to believe that the residential use would impact on the working arrangements of surrounding businesses. Surrounding uses consist of retail, banks and notably the vacant former bingo hall to the south and west of the site. These uses commonly co-exist as nuisances associated with them tend to be minimal.

In particular the first-floor residential accommodation would share an internal partition with the ground floor retailer. However, nuisances between internal partitions associated with a shop that operates within normal business hours would not affect future residential amenity or the continuation of the shop use. Any normal impacts arising from noise between units (including the retail unit) and their internal walls/ceiling/floors will be dealt with through building regulations (Document E) at the time of build. An appropriate informative will be attached. The provision therefore of a condition that requires the undertaking of a noise and air quality assessment and constraints to construction working hours, as recommended by the Council's Environmental Protection Department, are not considered to be reasonable in this case.

The proposal would also not notably change how the existing building affects how light or outlook is experienced by neighbours.

Turning now to impacts associated with future occupier's amenity; the five flats are all consistent with National Space Standards (NSS) which is a requirement of Policy 30 (b) of the JCS. These units also offer a good level of natural light to internal spaces and notably flats 3 and 4 have a modest but useable outside and private amenity space – boundary treatment between the opposing outside space can be required by condition.

It is therefore considered that the proposal is acceptable on this matter consistent with Policy 8 (e) of the JCS and paragraph 127 (f) of the NPPF.

#### 5. Impact on highway safety

Policy 8 (b) in the JCS consistent with Chapter 9 of the NPPF seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

The NPPF in Chapter 9 seeks development to promote walking, cycling and public transport with encouragement for development to be focused in locations which are sustainable through limiting the need to travel and offering a genuine choice of transport modes. The NPPF goes on to say in paragraph 106 that density should be maximised in town centres that are well served by public transport and that maximum parking standards should only be applied when there is compelling justification to do so.

The site is located within the Town Centre close to its facilities and services (including doctors, dentists, food outlets and shops) and a multitude of employment opportunities. The site is located approximately 200m walking distance from a Town Centre Bus Stop hub and 650m walking/cycle distance from the Railway Station. The proposal thereby is sustainably located and well positioned to take advantage of the Town's excellent sustainable public transport services.

The application also makes provision for a cycle store for at least six cycles in a secure ground floor location.

The proposal therefore is considered to make appropriate provision for sustainable transport options and is well located to take advantage of the Town's facilities and services including its excellent public transport offer.

Whilst the proposal does not provide car parking, it is possible for large items to be delivered or dropped-off to the premise via Meadow Road or High Street. It is opined that car ownership would be low in such a location and in association with this nature and quantum of development and therefore would not give rise to highway concerns. Nevertheless, the site is located within 140m of the large municipal Wadcroft car park which is available 24/7 albeit with a fee payable during normal working hours, with some on-street parking available in Meadow Road which is closer. The car park appears to have capacity to accommodate the small number of vehicles that the proposal could generate, particularly in the evenings and night-time. The provision of a 'parking-beat' survey is not considered to be necessary for such a relatively small scheme in a Town Centre location where Officer opinions and experiences result in the view that the nearest available car park will have suitable capacity and convenience.

The proposal makes adequate arrangements for refuse with the provision of a secure bin storage able to accommodate the twelve 0.5m wide (140litre) bins required or the three large shared refuse bins required. The refuse truck would be able to easily manoeuvre within metres of the bins by reversing from Meadow Road or otherwise pick-up bins from Meadow Road which is less than 20m 'drag-distance' from the bin storage area and therefore a reasonable prospect. This arrangement appears to already exist for the commercial uses in the vicinity with bins seen to the side of 1 Meadow Road. The same arrangement would be in place for emergency vehicles with a fire rescue truck able to get to at least 20m distance of the rear area, with 45m distance required. Provision of the bin and cycle store shall be conditioned to be in place prior to occupation and shall be secured to remain available thereafter.

On the matter of the rear accessibility as a concern raised by objectors; which the adjacent business at 1 Meadow Road uses for car parking. The applicant has provided a letter and supporting documents by way of a response to this matter. These documents (including a Deed of Easement) demonstrate that the applicant has the legal right to pass on foot between the Meadow Road highway and the site provided that the way is not

obstructed along a 2m strip of land shown and is also indicated in the red-line drawings that accompany the application. As such the applicant has been shown to have the right to use the rear access and thereby would enable occupiers to use the access including for refuse and cycle travelling from Meadow Road to the store. Whilst there is no reason to believe that this arrangement would cause obstruction of the access or damage to vehicles that may be parked there this is considered to be a civil matter dealt with under the 'Easement' and not considered to be a reason to justify refusal.

In light of the forgoing and in the absence of a local highway authority objection the proposal is considered to provide appropriate measures to ensure that it would not pose an adverse impact to highway safety, particularly in such a sustainable location and therefore is considered to be acceptable in this regard.

#### 6. Other matters

Upon officer site cognisance given that the host building is in a good state of repair, has no roof space and location within an urban area there is no reason to believe that the proposal would have an adverse impact to biodiversity.

Policy 30 (c) of the JCS seeks dwellings to meet Category 2 of the National Accessibility (Building Regulations Part M4 (2)) as a minimum and negotiation for a proportion of Category 3 (wheel-chair accessible, Building Regulations Part M4 (3)) housing. On this occasion such provisions could not easily be provided without severely compromising the proposal and as such is not considered a reasonable expectation.

Policy 9 of the JCS says that all residential dwellings should incorporate measures to limit water use to no more than 105 litres per person per day. To deal with this matter a suitable condition could be imposed.

An unexpected contamination condition could be attached as a safeguard.

#### Conclusion

In light of the above the proposal complies with the Development Plan and is consistent with NPPF advice.

The proposal therefore comprises the right development, in the right place and at the right time and constitutes sustainable development. Consistent with paragraph 11 of the NPPF presumption in favour of sustainable development should apply and in accordance with the Development Plan such proposals should be approved without delay. Hence, the application is recommended for approval subject to imposition of the conditions laid out.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date:





## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2019</b>	<b>Item No: 5.3</b>
<b>Report Originator</b>	<b>Natalie Westgate Senior Development Officer</b>	<b>Application No: KET/2019/0385</b>
<b>Wards Affected</b>	<b>Northfield</b>	
<b>Location</b>	<b>41 Oxford Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Erection of 2 new dwellings and two storey side/rear extension and single storey rear extension to No.41</b>	
<b>Applicant</b>	<b>Mr S Ash Perfecta Assets</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The materials to be used in the construction of the external surfaces of the development on No.41 hereby permitted shall match, in type, colour and texture, those on the existing building.

REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. No development above building slab level shall commence on the new dwellings until details of the types and colours of all external facing and roofing materials to be used on the new dwellings, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Details of materials are necessary in the interests of the visual amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. No development above building slab level shall commence on the new dwellings until the completion of the extension on No.41.

REASON: To prevent loss of light, loss of privacy, overlooking and overbearing impacts to neighbouring properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. The first floor window on the side elevation on No.41 serving a hall shall be glazed with obscured glass and any portion of the window that is within 1.7m of the floor of the room where the window is installed shall be non-openable. The window shall thereafter be maintained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. No earthworks or groundworks shall take place until a cross-sectional plan of the site, prepared to a scale of not less than 1:500, showing the existing and intended final ground levels and land contours has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: Final ground levels and contours are necessary to preserve the character of the area and to protect the privacy of the occupiers of adjoining properties in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. No development above slab level shall take place on the new dwellings until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The new buildings shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. Prior to first occupation of the new dwellings, the parking areas should be provided on site in accordance with plan 19-002-19A and shall thereafter be set aside and retained for those purposes.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. Demolition or construction works shall not occur outside of the times Monday to Friday 08.00 to 17.00 hrs and at no time whatsoever on Saturdays, Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.



12. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

13. Prior to the commencement of development, a method statement for the removal of Asbestos from site shall be submitted for the written approval of the Local Planning Authority. The works shall thereafter be undertaken in strict accordance with the approved details unless otherwise agreed in writing in advance by the Local Planning Authority.

REASON: in order to prevent contamination of land and in the interest of residential amenity in accordance with policy 8 of the North Northamptonshire Core Spatial Strategy.

14. No development shall take place above slab level until details of a refuse storage and collection point has been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage and collection point shall be provided before the occupation of either of the new dwellings and retained as approved thereafter.

REASON: Refuse details are necessary prior to the commencement of development in the interests of visual amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

15. Prior to the occupation of either of the new dwellings, evidence of how the residential elements of the development hereby approved shall achieve a maximum water use of no more than 110 litres per person per day in accordance with the optional standard 36(2)(b) of the Building Regulations 2010 (as amended) as detailed within the Building Regulations 2010 Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition) shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests to provide a sustainable form of development in accordance with Policies 8 and 9 of the North Northamptonshire Joint Core Strategy.

16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the side elevations or roof plane of the existing building or new buildings.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

17. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and

re-enacting that Order with or without modification) no extension or alteration to the roof permitted by Classes A, B or C of Part 1 of Schedule 2 of the Order shall be constructed on the existing building or the new buildings.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## Officers Report for KET/2019/0385

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

### 3.0 Information

#### **Relevant Planning History**

KET/2019/0194: 2 no. dwellings. Withdrawn

KET/2019/0196: Two storey side and single storey rear extension.  
Withdrawn

KET/2018/0678: Redevelopment of site to allow 4 no. dwellings. Refused for the following reasons:

1. The proposed development would represent overdevelopment of the site and appear cramped and out of character to the streetscene. The increase in the height of the ridges of the proposed dwellings in order to accommodate 3 storeys, coupled with the change of the design of the roof from half-hipped roof would introduce a bulk and massing which would be out of character with the streetscene. The introduction of the roof dormers would be dominant alien features of the terraces and would be out of keeping with the character of the immediate vicinity. Therefore the proposal would be likely to have a detrimental impact upon the character and appearance of the streetscene which would be contrary to Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

2. The proposed development which has no parking provision for 4 dwellings would result in the intensification of parking within the street. Therefore the proposal would be likely to have a detrimental impact upon highway safety which would be contrary to Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

KET/2018/0262: Redevelopment of site to allow 4 no. dwellings. Refused for the following reasons:

1. The proposed development would represent overdevelopment of the site and appear cramped and out of character to the streetscene. The proposed siting of the dwellings would alter the established building line within the street. The increase in the height of the ridges of the proposed dwellings in order to accommodate 3 storeys, coupled with the change of the design of the roof from half-hipped roof would introduce a bulk and massing which would be out of character with the streetscene. The introduction to the roof of dormers would be dominant alien features of the terraces and would be out of keeping with the character of the immediate vicinity. Therefore the proposal would be likely to have a detrimental impact upon the character and appearance of the streetscene which would be contrary to Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

2. The proposed development would result in the intensification of parking to the front of the street and would create inadequate vehicular and pedestrian intervisibility from the parking spaces onto Oxford Street. The proposed development would provide unsafe access to and egress from the site for the increased level of vehicle and pedestrian movements that this proposal would generate. Therefore the proposal would be likely to have a detrimental impact upon highway safety which would be contrary to Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

### **Site Visit**

Officer's site inspection was carried out on 27/06/2019.

### **Site Description**

The application site lies within a residential street located near the town centre of Kettering and is situated on the south western side of Oxford Street. The site consists of one dwelling and a garage.

The surrounding properties are primarily large deep two storey Victorian terraced dwellings. Facing materials of the dwellings surrounding the site include brick, render and pebbledash.

There are significant ground level changes sloping down Oxford Street.

### **Proposed Development**

It is proposed to construct 2 no. semi-detached dwellings and to extend the existing dwelling on the site.

The existing dwelling is proposed to be extended by a two storey side/rear extension and single storey rear extension. The two storey side/rear extension would measure 5.8m deep by 3m wide and a maximum height of 7m. The single storey rear extension would measure 2.5m deep by 6.7m wide and a maximum height of 3.7m. The two chimneys on the existing dwelling would be removed. There would be additional/revised windows on all elevations of the existing dwelling. The front entrance doors would be reconfigured.

Each of the proposed 2 dwellings would measure 5.4m in width, 11.4m in depth and the maximum height would be 7.7m to the ridge and 5.3m to the eaves.

The differences in this application from the refused application KET/2018/0678 for the proposed new dwellings within the site are:

- The reduction of total number of dwellings from 4 to 3 within the site; consisting of 2 new dwellings and an extended existing dwelling
- The proposed new dwellings would be semi-detached with hipped roofs rather than terraced dwellings with pitched roofs
- The proposed width of the new dwellings would be increased from 4.9m to 5.4m

- The proposed depth of the new dwellings would be slightly increased from 11.1m to 11.4m
- The proposed maximum height of the new dwellings would be significantly decreased from 9.8m to 7.7m at the ridge height
- The proposed new dwellings would have no dormer windows or velux roof lights to the main roof on the front or rear elevations
- The proposed dwellings would each have 2 velux roof lights on ground floor roof
- The proposed windows on the front elevation of the new dwellings would be larger, the proposed bay windows would project closer out to the streetscene and there would be an additional window on the front elevations
- The proposed new dwelling would have no canopies above the front door
- The proposed brick detailing would be in different locations on each of the proposed new dwellings
- The proposed rear elevation of the new dwellings would consist of larger ground floor window and larger patio doors
- Reconfiguration of the front gardens and pathways for each proposed new dwelling
- Reconfiguration of the bin area
- There would be provision of parking to the rear of the site.

The proposed layout Plan No. 19-002-19A illustrates 2 no. parking spaces for each of the three dwellings to the rear of the site. Adequate rear garden for the existing dwelling is retained. Each new dwelling will have a rear garden containing a bike store. To the rear of the site there is a refuse store to serve all three dwellings.

### **Any Constraints Affecting the Site**

Nene Valley NIA Boundary

## **4.0 Consultation and Customer Impact**

### **Environmental Protection Officer**

No objection, subject to conditions on contaminated land, method statement for the removal of asbestos and working hours for construction and informatives on acoustic separation, asbestos and radon.

### **Neighbours**

There were objections received from 3 neighbouring properties. The objections concerned:

- Due to the close proximity to dwellings in Carlton Street there are concerns of loss of privacy and overshadowing to these properties;
- Dwellings would be in close proximity to outbuildings on Carlton Street so there would not enough space for a ladder for maintenance;
- Dwellings would be in close proximity to back of outbuildings in Carlton Street so the digging of the foundations could damage the outbuildings;

- Loss of wildlife;
- Increase in traffic congestion;
- Highway safety concerns with inadequate access from a concealed entrance to parking area;
- Lack of parking in the area already so this will worsen the situation;
- Parking to the rear would cause pollution and increase in noise to properties on Carlton Street;
- Concern of noise from contractors;
- Concern of removal of asbestos in the existing garage.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Section 5 – Delivering a sufficient supply of homes

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 1 – Presumption in favour of Sustainable Development

Policy 4 – Biodiversity and Geodiversity

Policy 5 - Water Environment, Resources & Flood Risk

Policy 6 - Development on Brownfield Land

Policy 8 – North Northamptonshire Place Shaping Principles

Policy 9 - Sustainable Buildings

Policy 11 – The Network of Urban and Rural Areas

Policy 28 – Housing Requirements

Policy 29 – Distribution of new homes

Policy 30 – Housing Mix and Tenure

#### **Saved Policies in the Local Plan for Kettering Borough**

Policy 35 - Housing: Within Towns

#### **Emerging Policies (Local Development Framework)**

Site Specific Part 2 Local Plan

#### **SPGs**

Sustainable Design SPD

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of development
2. Design and character of the area

3. Impact upon neighbours amenity and amenity to the future occupiers
4. Access, movement, parking and connectivity
5. Contaminated land
6. Nene Valley Nature Improvement Area

### 1. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering Borough currently comprises the adopted North Northamptonshire Joint Core Strategy and saved policies of the Kettering Borough Local Plan 1995.

Saved Policy 35 of the Kettering Borough Local Plan states that planning permission will normally be granted for proposals for residential development within the Town boundaries where the proposal is compatible with other policies and proposals in the Plan.

The Council's adopted development strategy is to direct development in a hierarchal order such that development sites are within the growth towns, market towns, villages and then the open countryside.

The application site lies within the designated town boundary of Kettering, albeit just outside the town centre boundary, and residential development is considered appropriate, in accordance with Policies 8, 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS).

Policy 11 of the North Northamptonshire Joint Core Strategy directs development towards the Growth Town of Kettering. Policy 29 of the North Northamptonshire Joint Core Strategy asserts that priority will be given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of new residential development and extensions to residential properties provided that it complies with the place shaping principles outlined within the policy. For example there should be no adverse impact on character and appearance, residential amenity of existing or future occupiers and the highway network. These matters are considered further below.

The proposed development is located within the designated town boundary of Kettering and some form of residential development on the site is considered appropriate. The proposed residential development and extensions would be acceptable in principle, subject to complying with other policies as considered below within the report.

### 2. Design and character of the area

Section 12 of the National Planning Policy Framework requires good design from development proposals. Policy 8 d) (i) of the North Northamptonshire Joint Core Strategy requires development to respond to the site's immediate

and wider context, to be of a high standard of design and landscaping, and development to respect and enhance the character of its surroundings.

Oxford Street has a traditional Victorian character with primarily large deep two-storey terraced dwellings. This application would ensure the proposed dwellings would be in line with the neighbouring property, No.39 Oxford Street so it would be in keeping with the established building line of the streetscene.

There are significant ground level changes going down Oxford Street so the proposed dwellings would appear higher than the dwellings on Carlton Street but lower than the adjacent property, No.39 Oxford Street. The existing dwelling would retain the maximum height of 7m and the two proposed dwellings would have a maximum height of 7.5m but given the lower ground level and half-hipped roofs on the two new dwellings the proposed dwellings would not appear much higher than the existing dwelling so would be acceptable in terms of impact on the character of the streetscene.

The proposed brick detailing on the front elevation of the two proposed new dwellings would add interest to the design of the proposed dwellings. The proposed windows would be similar in size to windows on other properties within the streetscene. There is a condition for samples of proposed materials to ensure it would be in keeping with the streetscene. The general appearance of the proposed dwellings from the street is considered to be sympathetic to the mixture of house types in the locality.

Policy 9 of the North Northamptonshire Joint Core requires new development to incorporate measure to ensure high standards of resources and energy efficiency and reduction in carbon emissions. This includes measures which limit water use to no more than 105 litres/person/day. A condition is attached.

The existing dwelling at No.41 Oxford Street proposes two storey side/rear extensions and single storey rear extension. There would be removal of the chimneys on the dwelling but these are not characteristic on all dwellings in the locality so the loss would be acceptable. The front elevation of No.41 would largely remain the same as existing so therefore there would be no adverse harmful change within the streetscene resulting from the proposed extensions. The proposed windows would be similar in size to windows on other properties within the streetscene. The proposed reconfigured entrance would not be out of keeping within the streetscene. There is a condition for the proposed materials for the extension to match the existing dwelling to ensure it would be in keeping with the streetscene.

There are trees within the site but given they are not significant species worthy of Tree Preservation Order and the site is not within the Conservation Area so therefore the loss would be acceptable.

The proposed two new dwellings and the proposed extensions to the existing dwelling on the site is not considered to impact adversely upon the character



of the local area to any significant extent and is in accordance with Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy.

3. Impact upon neighbours amenity and amenity to the future occupiers

Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy requires new development to not have an unacceptable impact upon the amenities of neighbours or the wider areas as result of noise, smell, loss of light or overlooking among other factors.

The existing dwelling, No.41 Oxford Street would be the nearest dwelling to the neighbouring property, No.39 Oxford Street. No.39 is set further back than No.41. The proposed extension to the existing dwelling would have a separation distance to the neighbouring dwelling of 7.4m, in which there is a garage on the common boundary at No.39. The proposed new first floor side window facing No.39 would serve the upstairs landing and shall be conditioned to be obscure glazed and non-opening to prevent loss of privacy. The proposed side window serving the dining room to the rear is high level window and the other ground floor side windows would serve secondary rooms. There would be a condition to ensure there is adequate boundary treatment to ensure there would be no loss of privacy. Given the separation distance and proposed conditions there would not be an overbearing impact, significant loss of light or overlooking to the occupiers of No.39.

There are no proposed side windows on the new dwellings that would face No.41 Oxford Street and as the proposed dwellings are set away at a reasonable distance from the adjacent dwelling then there are no concerns with respect to a loss of privacy to this neighbouring property. However, the proposed relationship between the new dwellings and No.41 is only acceptable if the proposed extension to No.41 is built, therefore a condition is proposed to ensure this extension is completed first.

The separation distance from the rear of the proposed dwellings to the flats No's.42-47 Windsor Gardens would be a similar distance away as the existing house at 21.2m. The windows facing the site are secondary windows and there is already mutual overlooking at first floor level from existing windows.

The separation distances between the proposed new dwellings and the dwellings on the opposite side of the street (No's 46-58 Oxford Street) would be 11m. Given the proposed dwellings are set further back in the site than the existing dwelling then the existing mutual overlooking of front gardens would not be worse than the existing situation.

With regards to the dwellings on Carlton Street (No's 38-50) which have the rear elevations fronting the site there would be separation distances between the dwellings of 8-9m. There are outbuildings nearest to the site along Carlton Street which help to reduce the overbearing impact on the proposed development. There are no proposed side windows and as the proposed dwellings are set away at a reasonable distance from the adjacent dwelling, there are no concerns with respect to a loss of privacy to this neighbouring property. Given the separation distance and outbuildings in Carlton Street,

there would not be a significant level of overshadowing to warrant refusal of the application.

Occupiers of neighbouring properties are concerned with maintenance of the outbuildings in Carlton Street but that would be a civil issue and therefore this is not a reason for refusal of the application. Given the separation distance then it is unlikely there would be concern regarding the foundations on the outbuildings but this element could be considered by Building Control.

As the proposed development is in a residential area there would be a condition to ensure reasonable working hours on the redevelopment of the site in order to respect the amenity of the surrounding residential properties. The proposed development would have adequate internal bedroom spaces and adequate external amenity space for the future occupants. Given the new properties are proposed to be semi-detached, there would be an informative on acoustic separation on dwellings, as recommended by the Environmental Protection Officer.

There are adequate proposed bin facilities to the rear of the site. Full details of the bin facilities and management of the collection of bins are conditioned.

Given the concerns regarding potential of asbestos at the site, a condition for a method statement in respect of removal of asbestos at the garage is attached as recommended by the Environmental Protection Officer.

It is therefore considered that the proposed development is in accordance with Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy in that the new development and extensions at the existing dwelling would not result in an unacceptable impact upon the amenities of neighbouring properties and to the future occupants.

#### 4. Access, movement, parking and connectivity

Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy requires development to make safe and pleasant streets by ensuring a satisfactory means of access and provision for parking, serving and manoeuvring.

The site is located adjacent to the town centre and would be accessible by walking, cycling and buses. The proposed development would provide an adequate 2 parking spaces for each property from an existing access.

There are adequate proposed cycle facilities within the rear garden of each of the proposed new dwellings.

There would be adequate provision of parking and the proposed development would not prejudice highway safety so therefore the proposed development would comply with Policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy.

#### 5. Contaminated land

Due to the underlying geology present throughout Northamptonshire, a full ground investigation will be required to prevent unacceptable risks to future occupants of the site, which could be secured via condition as recommended by the Environmental Protection Officer. There would also be an informative on radon as recommended by the Environmental Protection Officer. Subject to the condition regarding unsuspected contamination, the proposal is considered acceptable in terms of risk of contaminants and in accordance with the NPPF.

#### 6. Nene Valley Nature Improvement Area

The application site is within the Nene Valley Nature Improvement Area boundary, however, the application site is in an established residential area and the proposed scheme is on an already developed site. The site is outside the conservation area and there are no TPO's so therefore the loss of the fruit trees within the rear garden of the site would be acceptable. There is no evidence that the development proposed will have any adverse impact on the existing wildlife and it would not cause an adverse impact to the Nene Valley in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

#### Conclusion

Subject to the attached relevant conditions, the proposal complies with policies in the Development Plan and is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Natalie Westgate, Senior Development Officer on 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date:

..



## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2019</b>	<b>Item No: 5.4</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2019/0418</b>
<b>Wards Affected</b>	<b>Slade</b>	
<b>Location</b>	<b>New Lodge Farm, Church Lane, Cransley</b>	
<b>Proposal</b>	<b>s.73A Retrospective Application: Change of use from agricultural buildings to form three dwellings, associated works and garage extension (Retrospective) and sub-division of garden land</b>	
<b>Applicant</b>	<b>Mr D Cawthorn C/O Mr A Brown</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. The walls hereby approved in the courtyard shall be completed within one year from the grant of this planning permission to a height of no less than 1.6m and shall be constructed in brick and/or stonework that matches the existing external materials of the buildings on the site.

REASON: In the interest of residential and visual amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B, C, D and E of Part 1 of Schedule 2 of the Order shall be erected, constructed or installed on the application site.

REASON: In the interest of residential and visual amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2019/0418**

This application is reported for Committee decision because there are unresolved, material objections to the proposal from Great Cransley Parish Council

### **3.0 Information**

#### **Relevant Planning History**

KE/2002/0541 – Change of use to guest house and dwelling – APPROVED – 17/12/2002 – the full description of this proposal provided in the relevant Officers Report was as follows:

*The proposal is to convert a number of stone-built barns into holiday accommodation (with 8 fee generating bedrooms) which is envisaged as being run on a bed and breakfast basis. It is also proposed to have staff living in the premises and a separate annex for permanent living accommodation. The elevations of the buildings will remain the same as at present. Extension to the buildings is proposed to form a car port to the north west side of the buildings and internally to provide a first floor space within the existing two-storey barns.*

KET/2008/0287 – Section 73A Retrospective Application: Conversion and change of use of barns to guest house and dwelling – APPROVED – 30/05/2008 – this permission relates to part of the building that formed part of the above permission and other than some changes to the internal layout was a repeat of that consent to that part of the building.

*OFFICER NOTE:* neither of these permissions appear to have been implemented

#### **Site Visit**

Officer's site inspection was carried out on 10/07/2019 and 06/08/2019

#### **Site Description**

The site is located in the open countryside approximately 1km to the west of the built-up area of Great Cransley and is accessed via a hard-paved single lane track from Church Lane, Great Cransley. The built-up area of Mawsley is approximately 270m to the west which can be accessed on foot from the site via Public Rights of Way.

Public Right of Way (PROW) Bridleway (GG9) follows the route along the access from Great Cransley which continues along the site's eastern edge before continuing southwards to link up with other PROW's. Adjacent the site and to its north-east and north-west are modern agricultural buildings with farmland surrounding.

Despite the above permissions the range of former predominately stone farm buildings, set out in an enclosure layout, have instead changed their use to three independent dwellings believed to have been implemented without the

benefit of planning permission at some point between 2004 and 2006. These buildings have become known as and will be referred throughout this report as: (1) 'New Lodge Farm'; (2) 'The Barn'; and; (3) 'The Annexe'. The nature of these dwellings are as follows:

1. New Lodge Farm – is positioned between the other two dwellings in an H-layout and consists of single and two storey elements with four bedrooms and is referred to in the submission as the 'main residential unit'
2. The Barn – is located toward the northern extent of the site on the approach and consists of a predominately two storey dwelling with three bedrooms – this property is let from New Lodge Farm
3. The Annexe – is located toward the southern extent of the site and consists of a single storey two-bed dwelling and is also let from New Lodge Farm

The below extract of the submitted Design and Access Statement is provided to assist the reader to visualise the relationships of the dwellings to one another and the site layout:



The overall site has been retained in one ownership and does not have any connection with the surrounding farm business.

### **Proposed Development**

The application originally sought retrospective planning permission for change of use of 'The Annexe' and 'The Barn' however it became apparent that 'New Lodge Farm' also does not have the benefit of planning permission and that a garage extension has also been constructed at an unknown time and thereby the original description of the application has been amended to reflect those matters.

The applicant appears to be aware that planning permission was required for what is now proposed and relies much on the passage of time for justification.

The application also proposes to subdivide the site's inner courtyard by wall to create outside space for each dwelling.

### **Any Constraints Affecting the Site**

Within the open countryside

## **4.0 Consultation and Customer Impact**

**Great Cransley Parish Council:** Object to the proposal on the following summarised grounds:

- Located in the open countryside inconsistent with Local Policy 7 and RA3 and the revoked Policy 1 of the North Northamptonshire Core Spatial Strategy
- The site's development has not been carried out in accordance with the 2008 permission and thereby the granting of that permission is not a material consideration
- The proposal does not maintain the vitality of rural community
- Other permissions granted outside of village confines is not applicable – the application should be considered on its own merits
- The proposal involves the re-use of existing buildings but there is no local need and therefore the application should be refused
- The change of use of the main house should also be subject to a change of use

**KBC - Environmental Protection:** Say '*no comments.*'

**NCC – Local Highway Authority (LHA):** Say that they cannot support the application requiring further information to fully assess the proposals; with the following summarised observations:

- Whether the proposal is for two or three dwellings should be clarified



- Access is via a long access road
- Parking standards should be applied
- No dimensions of the car parking spaces have been provided
- No cycle parking has been proposed
- Details of refuse collection are required and details of fire tender access
- The proposal should not interfere with PROW

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF):**

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy (JCS):**

1. Presumption in favour of sustainable development
8. Place shaping
9. Sustainable buildings
11. The network of urban and rural areas
28. Housing requirements
29. Distribution of new homes
30. Housing mix and homes

#### **Saved Policies in the Local Plan (LP) for Kettering Borough:**

7. Environment: Protection of the open countryside
- RA5. Rural Area: Housing in the open countryside
- RA14. Rural Area: Reuse and conversion of rural buildings

## **6. Financial/Resource Implications**

0

None

## **7.0 Planning Considerations**

Accepting that the application is retrospective the golden thread that should be kept in mind as the below report progresses is; in the event that the application is considered to be acceptable today based on Planning Policy and guidance then planning permission should be granted.

The key issues for consideration in this application are: -

1. The principle of the development
2. Fall-back position

3. Impact on character and appearance
4. Impact on residential amenity and the farm business
5. Impact on highway safety
6. Implications of the proposal being retrospective

#### 1. The principle of the development

The site is located in the open countryside. Saved Policies 7 and RA5 of the Local Plan and Policies 11 and 29 of the JCS severely restrict development in such locations in the interests of securing a sustainable pattern of growth and to protect the intrinsic character of the open countryside. The proposal does not meet any of the exception criteria laid out in the JCS but it does support the appropriate re-use of rural buildings.

We then look to Saved Policy RA5 of the Local Plan, which says that *'planning permission will not normally be granted for residential development in the open country'* but then goes on to give certain exceptions. Exception (ii) permits the *'reuse/conversion, retention and/or reinstatement of a suitable rural building'* and then refers to saved Policy RA14. There is no requirement in this exception criteria to, at the same time, also demonstrate a need, as intimated by Great Cransley Parish Council. The basic tenet thereby for conversion of existing buildings in the open countryside is consistent with the Development Plan when taken as a whole.

Turning thereby to the referred saved Policy RA14 of the Local Plan. This Policy says that *'planning permission will be granted for the reuse or conversion of existing buildings...in the open countryside...'* and then goes on to give a series of criteria that should all be satisfied for a proposal to be considered acceptable. The criteria are; (i) the building should be physically suitable for conversion and retain its character; (ii) the use should be compatible with adjacent farming activities; (iii) extensions should be small and complementary; (iv) in keeping with the original design and features of the building; (v) retain or reinstate walls and roofs; (vi) provide complementary screening and garden land; and (vii) protect wildlife.

The majority of the criteria seek proposals to respect the character and appearance of the conversion building. In that regard the host buildings of the proposal have no doubt experienced noticeable changes to their original agricultural appearance. However, overall the conversion has been handled sensitively, made use of pre-existing openings, resisted the creation of new openings on out-ward facing elevations and has retained a strong farmstead enclosure layout. Whilst it is notable that the openings have not been as sensitively handled as those permitted in the 2002 application, they are considered to be within the permitted thresholds of Policy RA14, which seeks to retain the external appearances of the host rural buildings.

An extension, for which retrospective permission is also sought, involved the construction of a garage, rear access hallway with above storage space associated with 'The Annexe' and 'New Lodge Farmhouse' is modest and inconspicuous and reinforces the enclosure layout. And there is considered to be subordinate and *'complementary'*.

A condition shall be attached revoking the permitted development rights for the dwellings and thereby ensure that any further additions or alterations continue to respect the traditional rural nature of the buildings.

In addition; the residential use has been implemented without any significant recognisable changes to the building's external appearance, the provision of a curtilage fence provides a screen which means that the proposal is not readily perceivable as a change to the agricultural function of the buildings. Moreover, the proposal makes adequate provision for useable garden space for each dwelling. There is also no reason to believe that the proposal would harm biodiversity in light of the already implemented nature of the proposal. The dwellings have been in place for at least twelve years without any apparent conflict with surrounding farm uses. The proposal thereby is considered to be consistent with the criteria laid out in Policy RA14 and therefore follows that it meets the exception for reuse of buildings in the open countryside permitted by Policy RA5 and is broadly consistent with Policy 11 of the JCS which permits appropriate reuse of rural buildings.

The granting of the 2002 and 2008 applications to a quasi-residential use (guesthouse) is also demonstrative of this Policy compliance.

It is therefore considered and notwithstanding the retrospective nature of the proposal that the development is acceptable in principle. As to why the applicant chose not to apply for planning permission to change the building's use to residential before implementation or at any time prior to now, is not clear.

This Development Plan policy approach is consistent with paragraph 79 of the NPPF which, amongst other things, allows the development (for housing) where the proposal relates to the reuse of redundant or disused buildings. This Government leaning to open countryside development for existing buildings is also consistent with General Permitted Development allowances which permits the change of use of agricultural buildings to residential provided they meet certain conditions. It is highly probable that if the proposal had not been implemented then their simple change of use would have been permitted under the General Permitted Development Order today.

Notwithstanding the above findings in favour of the proposal, in light of the retrospective nature of the proposal and the often-understandable resistance to grant permission in such circumstances, the fall-back position will be discussed below.

## 2. Fall-back position

In circumstances such as this, where a residential use and building operation has existed for over four years without the benefit of planning permission, a Certificate of Lawfulness is more commonly sought rather than planning permission. Why this approach has not adopted by the applicant in this case is not entirely clear. However, in order to determine whether or not there is a legitimate fall-back position it is necessary to consider whether the change of

use would have 'deemed consent' due to the passage of time and thereby whether a Certificate of Lawfulness would be issued in the event that such an application was submitted.

Looking at 'New Lodge Farmhouse' and the 'The Barn' first; Council records available indicate that these properties have been used as independent dwellings since mid-2006 and the extension was, on the balance of probability likely to have been built at around the same time. Crucially there does not appear to have been any attempt to conceal the use with the dwellings having been used continuously for over four years for residential purposes. Thereby, in the event that a Certificate of Lawfulness application was to be received, it is highly probable that 'The Barn' and 'New Lodge Farmhouse' would be found to be immune from enforcement action and thereby would have deemed consent as independent dwelling-houses and the Certificate would be issued. The fall-back position therefore for these dwellings is legitimate and is a considerable factor that should be taken into account when assessing this application as in effect 'New Lodge Farmhouse' and 'The Barn' already have consent granted to them through the passage of time.

Turning to 'The Annexe' property; this lawful use situation is a little less clear primarily because the property appears to exist in a way that is linked more closely to 'New Lodge Farmhouse' in terms of how the Council Tax is collected as a whole on both dwellings. This application has however, been supported by a series of evidences with a view to demonstrating that whilst there are some technical linkages between the 'New Lodge Farmhouse' and 'The Annexe' that they function as independent dwellings with 'New Lodge Farmhouse' being the landlord. These evidences include:

- Drawings showing that 'The Annexe' and 'New Lodge Farmhouse' have no internal connections and that 'The Annexe' has all the necessary facilities and accommodation to be able to function as an independent dwelling house with separate private areas
- An accountant and letting agent letter confirming that 'The Annexe' has been let since May 2014
- A Council letter confirming the current occupier of 'The Annexe' with no apparent ties to the occupier of 'New Lodge Farmhouse' in terms of name
- Tenancy agreement dated July 2015
- Bank Statement and Car Insurance documents from the current occupier (although these give 'New Lodge Farmhouse' as an address)
- An accountant letter and letting agent letter confirming that 'The Annexe' effectively pays a proportion of 'New Lodge Farmhouse's' Council tax

On site it would appear that 'The Annexe' and 'New Lodge Farmhouse' have a close relationship (such as the availability of a shared internal courtyard amenity space) but not intimate and are perfectly capable of functioning as two independent residential units without assistance from one another.

It is also apparent that there has been an element of concealment associated with 'The Annexe', not so much how it appears physically on site but insofar as Council records are concerned, whether on purpose or not. The last two points in the above list of provided information is demonstrative of this view.

Planning Practice Guidance says: "*In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*" (Paragraph: 006 Reference ID: 17c-006-20140306)

The key test thereby is whether on the 'balance of probability' on the basis of the information available whether the existing use is lawful.

In this case, whilst there is some ambiguity in the information provided, by virtue of the information that has been provided and on the strength of what can be seen on site on the balance of probability the 'The Annexe' has been used for a continuous period of at least four years as an independent dwelling. A Certificate of Lawfulness would therefore most likely be issued.

The fall-back position therefore for the proposal as a whole is legitimate and is a considerable factor that should be taken into account when assessing this application as in effect the three dwellings on the site already have consent granted to them through the passage of time.

### 3. Impact on character and appearance

Policy 8 (d) of the JCS consistent with Chapter 12 of the NPPF seeks development to respond to an areas local character and wider context.

This matter has been discussed in the above Section 7.1 as its visual quality is linked to its in-principle acceptable where conversions are proposed in the open countryside.

There may be some detailed elements of the conversion that may have been handled slightly more sensitively, such as to certain openings. However, as a whole the conversion consists of a high-quality sympathetic design that pays respect to the rural character buildings and its rural surroundings.

The proposed subdivision of garden land is contained within the enclosed built-form of the dwellings and thereby does not have any adverse visual implications. The wall shall be conditioned to be completed within one year from the grant of permission and to be built in matching brick or stone work.

The proposal therefore is considered to be acceptable in this regard.

### 4. Impact on residential amenity and the farm business

The JCS in Policy 8 (e), consistent with the paragraph 127 (f) of the NPPF seeks to safeguard residential amenity.

The dwellings do not have an association with the surrounding agricultural business or rural land uses and appear to have been occupied in that manner since 2006. In particular 'The Barn' has a very close relationship to a sizeable modern agricultural building with another larger range of barns to the north. However, the fact that the residential use appears to have co-existed with the surrounding agricultural business without seeming issue for over ten years there is no reason to believe that this would not remain the case going forward and thereby not have harm to the residential amenities of occupiers. As such it would be unreasonable to impose an agricultural 'tie' condition.

The relationships between the three dwellings on the site do not appear to cause any issue and any minor issues than may currently exist through the sharing of the inner courtyard will be overcome through the provision of the proposed sub-dividing walls. Those walls can be required to be completed within one year from the grant of a permission. The internal space is consistent with National Space Standards and the private out space arrangements are appropriate to ensure a good standard of living for occupiers.

As such and with strength given to the length of time that the residential use has inured with the surround rural land use activities the proposal would not have an adverse impact to residential amenity or the ability of the farm business to operate in the way that it currently does.

The proposal therefore is considered to be acceptable in this regard.

#### 6. Impact on highway safety

The JCS in Policy 8 (b) seeks to ensure a satisfactory means of access and provision for parking and resists development that would prejudice highway safety.

The site is located in a rural location; however, it is within relatively easy reach of Mawsley facilities on foot across fields and the more limited facilities available in Great Cransley and thereby the location has a modicum of sustainability. The in-principle acceptability of housing here however relates to their converted nature rather than their location.

The site is accessed via a 1km single hard-paved track, which it shares with PROW Bridleway GG9 and which allows slow passing of vehicles with care and is well-maintained. This road-way allows access and egress to the dwellings in anything but the most extreme of weather conditions, as is the case in most rural village locations. The access therefore is satisfactory and the continued use of the road-way going forward for the small number of movements that the residences create would not be significant and therefore would not compromise highway safety in the area and in particular on Church Lane, Great Cransley.

The site has at least four parking spaces available per dwelling and probably up to another 20 in the private area to the front. This provision is ample with

cycle storage available in the garages and private areas. The site is accessibility to fire tenders and the existing refuse collection arrangements appear to function successfully.

The proposal therefore and having regard to the fact that the dwellings and their movements have been influencing the highway arrangements in the area for over ten years, is not considered to give rise to highway safety concerns.

#### 7. Implications of the proposal being retrospective

As the proposal is retrospective, in the event that an application is refused the Local Planning Authority would be obliged to take enforcement action. As such the expedience of whether or not to take enforcement action is a material planning consideration in such circumstances and if it is considered that it would not be expedient to take enforcement action then this would amount to weight that should be applied in favour of the proposal.

In this case in the event that the proposal would continue without the benefit of planning permission (which it would) the opportunity for the Council to take Enforcement action is remote in the extreme by virtue of the fall-back position, discussed above. This fall-back is simply that due to the passage of time the change of use and the associated operational works carried out would have deemed consent and thereby would be issued a Certificate of Lawfulness in the event that the applicant submitted such an application.

Notwithstanding this fall-back position, which is weighty, the proposal has been found to be acceptable in any event as it relates to the conversion of traditional agricultural buildings rather than a new build. The failure therefore not to submit an application for the proposal prior to implementation or at any point prior to now is not clear.

A notably benefit associated with the grant of planning permission is that the permitted development rights of the dwellings can be revoked in the interests of the visual amenity of the traditional rural buildings. Such a proposition would not exist with the issuing of a Certificate.

That being the case it would not be expedient for Enforcement Action to be pursued in the event that this application is refused and therefore that weight would be carried in further favour of the proposal.

Nevertheless, and as such whilst the carrying out of unlawful operations and changes of use cannot be condoned, the applicant is keen to regularise the situation and therefore the retrospective nature of the proposal should not unduly count against them with the application considered on its planning merits.

#### Conclusion

In light of the above, including the discussed fall-back position, the proposal is considered to comply with the Development Plan and the aims of objectives of the NPPF and therefore is recommended for approval.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536  
534316

**Previous Reports/Minutes**

Ref:

Date:





This page is intentionally left blank

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2019</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>Collette Panther Assistant Development Officer</b>	<b>Application No: KET/2019/0440</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>Units 2 &amp; 3 Hazelwood Lane, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Demolition of workshops. Construction of 3 no. houses and 2 no. flats</b>	
<b>Applicant</b>	<b>Mr J Royles</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be REFUSED for the following reason(s):-

1. By reason of the overall design and appearance of the proposed buildings including, the section projecting towards Hazelwood Lane which is out of character, the arrangement of apertures which is incoherent, the roof ridge lines which are uninteresting and not reflective of the topography of the land, a hipped roof which is inappropriate in the context of gable ended roofs, it is considered that the cumulative impact is such that amounts to development which is inappropriate and therefore detrimentally harmful to the immediate and wider character of the area. As such, the application fails to take the opportunity to improve the character and quality of the area. The proposal is therefore contrary to policy 8 of the North Northamptonshire Joint Core Strategy and is inconsistent with paragraphs 127 and 130 of the NPPF.

2. The level of amenity afforded to future occupier(s) of the dwelling adjacent to the flats is considered to create unacceptable living conditions by virtue of the overly tall and expansive eastern wall of the south-west projecting section which will impose an overbearing and suppressing impact along with severely reduced light resulting in an oppressive and 'hemmed-in' experience to the rear of the living unit and within its private rear garden. The proposal therefore is contrary to Policy 8 of the North Northamptonshire Joint Core Strategy and inconsistent with paragraph 127(f) of the NPPF.

3. The access proposed off Saunders Close is located at an existing junction where two roads meet and which crosses a pedestrian access from Hazelwood Lane to Saunders Close. No details of visibility splays have been provided. In this regard the proposed vehicular access is considered to present a dangerous highway safety

situation for both vehicle users and pedestrians. The proposal is thereby contrary to policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2019/0440**

This application is reported for Committee decision because a ward member has asked for it to be considered.

### **3.0 Information**

#### **Relevant Planning History**

KET/2018/0568 – Demolition of workshops. Construction of 3 no. houses and 2 no flats – Withdrawn 07/09/2018

KET/2016/0812 - Demolition of workshops and construction of 3 no. dwellings and 2 no. two bedroom flat – Returned 18/05/2017

KET/2015/0740 – Demolition of workshops and construction of 3 no. houses and 2 no. flats – Withdrawn 15/02/2016

KET/2008/0284 – 7 no. flats in two storeys and 2 no. one bedroom cottages to be built on the footprint of existing workshops and parking area, site of former cottages – Approved 27/05/2008

KET/2007/0279 - Full application for 10 no. flats in three storeys and 2 no. one bedroom cottages to be built in part on the footprint of existing workshops – Refused 10/07/2007

KET/1988/1077 – Residential development – Approved 16/11/1988

#### **Site Visit**

Officer's site inspection was carried out on 08/07/2019 for this latest application as well as having visited on 08/08/2018 to assess the previous application, KET/2018/0568.

#### **Site Description**

The site is located at the western most point of Hazelwood Lane, a cul-de-sac, and is currently occupied by one warehouse type building which has been divided into 3 no. units and rented out to small local businesses. The topography of Hazelwood Lane sees land levels drop from east to west, this character is also seen within the application site which presents a difference in land levels of approximately 0.5 metres from east to west. There is a further drop in land levels of approximately 1m on land to the south and west sides which present a network of residential flats. The existing building is approximately 4.4 metres high at the eastern point (the eaves, located on the highest land level and adjacent to residential flats), 4 metres high at the western point (the eaves, located on the lowest land level and adjacent to residential flats) and 6.5 metres high in the middle at both apexes. Hazelwood Lane is largely adopted highway until approximately three quarters of the way down the site (from east to west) where the land is then privately owned. Hazelwood Lane is characterised by a narrow carriageway. Vehicle parking is informal and very limited, it is possible to park a few cars directly outside the front of the building although this can lead to obstruction

of the road. There is a strip of land to the north, opposite, the site which is under the same ownership and which is being used as an additional informal parking area. Boundary treatment is located to the rear of the building and consists of a post and chicken wire arrangement which is set in amongst overgrown vegetation that has also seized the rear wall of unit 3.

To the north of the site, opposite, is a row of one-up-one-down ironstone cottages which are symmetrical, low in height, display small proportions and butt up to the highway.

To the east side of the site is a row of flats which are staggered in height from one to three storeys to reflect the difference in land levels down Hazelwood Lane.

To the south, rear, of the site is an arrangement of two-storey sheltered living/retirements flats which are set on land approximately lower than the front of the application site. An entrance to a small car park for the flats separates the residential building from the site.

To the west side of the site is a continuation of the network of two-storey sheltered living/retirements flats which characterise the George Street and Saunders Close area.

### **Proposed Development**

This application seeks full planning permission for the demolition of the existing commercial units and erection of 3 no. two-storey dwellings and 2 no. flats with associated parking provision; this application is a re-submission of previous planning application KET/2018/0568 which was withdrawn as a result of officer concerns raised during the process with respect to design, character & appearance, amenity, parking, bin storage and land ownership issues relating to the proposed vehicular access at the corner with Saunders Close. This application presents a scheme consistent with the withdrawn which is not considered to have addressed the material matters raised. As such, this report addresses the issues consistently, discussed in section 7.0.

### **Any Constraints Affecting the Site**

Adjacent to the Kettering Town Centre Conservation Area.

## **4.0 Consultation and Customer Impact**

Two site notices were displayed within the vicinity of the application site on 08/07/2018.

### **Northamptonshire Highway Authority – objection received on 16/07/2019**

The LHA recommends refusal of the application on the grounds of insufficient parking provision and highway safety – no details on the vehicle accesses have been proposed, pedestrian visibility splays may be obstructed and there is insufficient space for large vehicles to turn around within the lane.

**Cadent Gas – comments received on 17/07/2019**

Gas apparatus have been identified within the site boundary and a request for notes relating to considerations in relation to gas pipeline/s to be included as an informative should the application be recommended for approval.

**Northamptonshire Police – comments received on 17/07/2019**

Northamptonshire Police have the following comments, which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring. This is in the interest of the security and quality life of future occupants of the development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

This area of Kettering has historically and periodically still does suffer from incidences of robbery, burglary, theft from Motor vehicles, and theft of motor vehicles, criminal damage and issues of anti-social behavior. Due to the location of the site, designing out crime should be high on the list of sustainable priorities.

- The rear access alleyway should be gated in-line with the building frontage (adjacent to the first floor flat). This gate should be lockable and match the height of the boundary treatment.
- All doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3<sup>rd</sup> party accredited products.
- Street lighting should be assessed and improved if required for the footpath.
- Each individual external door should have a dusk 'til dawn light fitted.
- The garage door should be certificated to LPS1175:SR 1 or equivalent security standard.

**Kettering Borough Council Environmental Protection – comments received 18/07/2019**

No objection subject to the following regarding:

- Working hours for construction
- Construction/demolition method statement
- Contaminated land
- Radon
- Acoustic Separation
- Refuse (flats)

**Neighbours - representations including objections, strong objections, concerns and comments received during the public consultation period**

Received from the following properties, most of which raise matters following the same theme:

Saunders Close (flats) – 34, 36, 37 & 38  
Hazelwood House, Hazelwood Lanes – 4  
George Street, The Lawns (flats) – 16, Kettering Borough Council Lawns  
Scheme Manager,  
George Street (flats) – 22, 24 & 26

The matters raised have been summarised and set out in bullet point format below:

- Elderly residents of the surrounding area do not wish to experience upheaval or disruption from building works including increased vehicles and equipment causing dust, noise and obstruction to the highway
- The existing roof is asbestos which, when removed, if not removed properly, could impact surrounding residents' health
- Traffic down Hazelwood Lane is horrendous; turning is difficult due to the narrow width of the carriageway, lorries get stuck and it resembles living on a race track
- Kettering Council should be encouraging affordable homes
- Kettering Council should compulsory purchase these units and with public consultation decide on what is appropriate
- The proposal will seriously affect our privacy as it is overlooking our yards/gardens
- Residents of the surrounding retirement living units are all elderly and the proposed access off Saunders Close/George Street presents additional risks and safety concerns
- Parking around Saunders Close and George Street is extremely limited, there are more residents than spaces which causes existing problems for family, carers, nursing staff and residents with cars and more residential properties would only intensify this problem
- Noise during the construction and once the buildings are occupied are a concern as many residents have spent years making the communal garden area an award-winning area over which this development would look causing loss of privacy
- Loss of turning/parking area and bin storage space for the proposed garage access
- Location of bins on George Street/Saunders Close could cause danger to traffic or pedestrians
- Safety and privacy concerns with respect to overlooking between windows on existing and new properties
- The size of the building proposed will restrict natural light which could be detrimental to residents' health
- The roof ridge of the south elevation of the proposed building is some 40ft higher than the car park level on which my ground floor flat on George Street sits, this development would comprehensively take light from my flat
- Privacy to my flat would be severely affected by overlooking from 8 first floor windows as well as ground floor windows and doors



- Strong objection to the proposed footpath to the east connecting Hazelwood Lane to the resident's car park as people will use this as a cut through making residents feel vulnerable
- Strong objection to the gate in the fence as people will drag their bins through the car park affecting our quality of life, privacy and safety
- Highway safety issues arising from the proposed vehicular access to the garage under first floor flat which passes over a footpath used by elderly residents of the surrounding housing schemes obstructing the pavement for wheelchair users, scooter users and those with mobility problems
- Traffic and parking survey results are way out.

## **5.0 Planning Policy**

### **National Planning Policy Framework 2019 (NPPF)**

Policy 2. Achieving sustainable development

Policy 5. Delivering a sufficient supply of homes

Policy 8. Promoting healthy and safe communities

Policy 11: Making effective use of land

Policy 12. Achieving well-designed places

Policy 16: Conserving and enhancing the historic environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy 2016 (NNJCS)**

Policy 1: Presumption in favour of Sustainable Development

Policy 2: Historic Environment

Policy 6: Development on Brownfield Land and Land Affected by Contamination

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 11: The Network of Urban and Rural Areas

Policy 15: Well-Connected Towns, Villages and Neighbourhoods

Policy 28: Housing Requirements

Policy 29: Distribution of new homes

Policy 30: Housing Mix and Tenure

#### **Saved Policies in the Local Plan for Kettering Borough**

Policy 35 – Housing with Towns

#### **Kettering Town Centre Area Action Plan**

Policy 6: Residential

Policy 21: The New Residential Quarter

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The principle of development
2. Design and impact on the street scene
3. Impact on residential amenity
4. Highway safety
5. Sustainable buildings
6. Other matters

#### 1 The principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kettering Borough currently comprises the adopted North Northamptonshire Joint Core Strategy and saved policies of the Kettering Borough Local Plan 1995.

The application site is in an established residential area within Kettering town centre, to the south-west.

Paragraph 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct the majority of development to existing urban areas and indicate that Kettering as a Growth Town will be the focus for infrastructure investment and higher order facilities to support all elements of development.

Policy 8 of the North Northamptonshire Joint Core Strategy (NNJCS) is supportive of new residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

The site is brownfield land and Policy 21 of the Kettering Town Centre Area Action Plan identifies it as NRQ13 and allocates it for the provision of 5 no. residential dwellings.

As a result, subject to detailed consideration being given to the impact of the proposed development having an acceptable impact on the character and appearance of the area and residential amenity, in conjunction with ensuring its compliance with National & Local policies, the principle of development for this proposal is established subject to the satisfaction of the development plan criteria.

#### 2 Design and impact on the street scene

Policies 8 and 12 of the NPPF requires development to be *well-designed* and *safe, healthy, inclusive* environments, these are echoed by respective Policies 8(d) and 8(b) of the NNJCS which require new development to *respond to the site's immediate and wider context and local character* and to *make safe and pleasant streets and spaces*.

Notwithstanding the residential use and subsequent density designated to this land through the Kettering Town Centre Area Action Plan (2011-2021), any proposed development is also required to satisfy all other matters detailed in the development plan. Planning policies have developed and evolved to present a policy position which has a strong emphasis on design being a fundamental aspect in new development. This discussion is framed in such context.

These matters were raised with the agent during the previous application KET/2018/0568.

The application site is located at the western extent of Kettering Town Centre in a sensitive setting which borders the Conservation Area and lies in the vicinity of historic and Listed buildings. As a result, due to the proximity of the application site to such constraints it is considered that a high standard of design is required to respect and reflect the historic environment and to ensure that no adverse impact is caused to the character and appearance of the designated area for which new development must have regard under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 in conjunction with other local and national planning policies.

The application site can be read within the context of both Hazelwood Lane & West Street from the front and east side, and George Street & Saunders Close from the west side and rear, although it is considered that its primary context is where the main accesses are positioned, within Hazelwood Lane. In any case, both contexts present consistent characteristics which are not reflected within the proposed scheme. The prevailing character of the area comprises gable roofs over simplistically designed residential buildings which are arranged in an uncluttered fashion down Hazelwood Lane with stepped floor and roof levels to reflect the topography of the land. The buildings and their respective roofs on Hazelwood Lane and West Street (adjacent) are clearly presented in a linear form with unbroken elevations visible within the public realm. Window and door openings are also of consistent size and arrangement with horizontal emphasis and corresponding detailing which includes brick headers, cills, surrounds and inset front doors.

The proposed scheme essentially presents one structure displaying an uncoordinated mass which does not principally differ from that proposed in the 2015 and the subsequent applications. The difference in land levels constitutes a fundamental characteristic of the site and as such should be respected and reflected in the design of new development to form an interesting feature. The appearance of the proposed flats differs dramatically from the proposed dwellings by displaying an overly fussy front elevation facing Saunders Close with a concentration of incoherent windows within close proximity, a hipped roof, an incongruous garage, and an expansive side elevation with no outdoor amenity space which results

in development wholly out of character with its immediate and surrounding context. Furthermore, an inappropriate projecting section breaks and interrupts the partially linear elevation to Hazelwood Lane which is considered to result in an awkward relationship with the remaining 3 no. proposed dwellings and existing development surrounding the site. Windows are inconsistent in size, proportion and design which results in an incoherent presentation particularly to the flats which display a large expanse of roof and wall to Hazelwood Lane in contrast with the number of cluttered apertures presented to Saunders Close. As a result, it is considered that the proposed development presents an unbalanced and unorganised scheme which would jar with its surroundings rather than relate well to it thereby causing adverse harm to the character and appearance of the immediate and wider street scenes.

It is accepted that there are newer buildings in the vicinity of the application site, possibly from the 1980s, however, they are of their time and have taken inspiration from the Victorian cottages located on the north side of Hazelwood Lane which have a strong presence in the street scene and from which the character of the area derives. Notwithstanding any previous point made within this report, it is considered that application fails to take the opportunity to provide a good quality development.

Furthermore, an additional pedestrian access between Hazelwood Lane and George Street flats car park via a thoroughfare which runs parallel with the east elevation is considered to create a secluded space which would likely promote anti-social behaviour to the detriment of the area. Having said that, this matter could be dealt with through condition.

Overall, it is considered that the proposed development presents an inappropriate appearance within the street scene which would cause harm to the surrounding character and therefore does not accord with Policy 8 of the JCS nor Chapters 8 and 12 of the NPPF.

### 3 Impact on residential amenity

Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to protect quality of life and safer healthier communities by ensuring new development does not result in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

Neighbours to the rear (south) of the application site have raised objections with respect to harm to their amenity, in particular regarding overlooking towards windows which serve habitable rooms as a result of the proposal. According to the submitted plans, the distance between the rear wall of the proposed dwellings and the rear wall of flats at 10-28 George Street which host windows serving habitable rooms is approximately 30 metres. This is considered an acceptable back-to-back relationship. As a result, it is considered that the proposal is acceptable in this respect in that it is not considered to cause adverse harm to neighbouring amenity by means of inappropriate overlooking.

Furthermore, the amenity afforded to future occupiers of the proposed buildings(s) is considered to be adversely harmed due to the height of the eastern wall of the south-west projecting section (forming the garage and first floor flat) such that it would cause an unacceptable situation to the living conditions of the adjacent mid-terraced dwelling, specifically to the rear windows and outdoor amenity space due to an overly tall and expansive wall which will impose an overbearing and potentially suppressing impact along with severely reduced light.

It is considered that all other neighbouring properties are set a sufficient distance away from the proposed development to ensure that their amenities would not be adversely impacted by means of loss of light, loss of privacy or overbearing development.

Consequently, by virtue of the identified harm that would be caused to the amenities of future occupiers of the proposed building the proposal is inconsistent with Policy 8 of the JCS and Chapter 8 and Paragraph 127 of the NPPF.

#### 4. Highway safety

Policy 8(b) of the North Northamptonshire Joint Core Strategy requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

The concerns of the Local Highway Authority (LHA) have not been dealt with through this submission despite the agent having been advised of the highway issues by the case officer during the previous application.

The LHA require 12 no. parking spaces which includes 2 no. visitor spaces. However, it is recognised that the site is within the town centre and therefore accepted that public transport is widely available within a reasonable walking distance and as such less off-road parking provision may be considered to be adequate and acceptable. Overall the site is likely to be able to provide at least 7 no. off road parking spaces with the proposed scheme and although this is likely to be considered acceptable it has not been clearly demonstrated on the plans and as such should be clarified.

The access proposed off Saunders Close is located at an existing junction where two roads meet and which crosses a pedestrian access from Hazelwood Lane to Saunders Close. No details of visibility splays have been provided. In this regard the proposed vehicular access is considered to present a dangerous highway safety situation for both vehicle users and pedestrians.

Due to the narrow width of Hazelwood Lane a turning head is required to ensure vehicles can turn around and exit the road, such a turning head does not form part of this proposal.

Cycle stores are provided to the rear of the two-storey dwellings although no provision is specified for either of the flats.

As such the proposal is considered present inadequate parking provision as well as an unsafe highways situation inconsistent with policy 8 of the JCS and is therefore unacceptable in this respect.

#### 5. Sustainable buildings

Policy 9 of the JCS seeks development to incorporate measures to ensure high standards of resource and energy efficiency. Policy 30(c) of the JCS requires new dwellings to meet Category 2 of the National Accessibility Standards as a minimum.

Subject to the imposition of appropriate conditions in to ensure that the houses employ measures to limit water use to no more than 105 litres/person/day and to comply with the mentioned Accessibility Standards the proposal is considered to be acceptable in this regard.

#### 6. Other matters

It is the responsibility of the site owner to ensure that all relevant licences are obtained, notices are served, and The Control of Asbestos Regulations 2015 are sighted and understood prior to undertaking any works on site including demolition and removal of such material. Furthermore, KBC Environmental Protection, in their consultation response, recommended that should the application be approved, a condition requiring a Demolition and Construction Management Plan to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development should be imposed.

It is widely accepted that noise may be a resulting impact of new development taking place which is usually for a temporary period of time. KBC Environmental

Protection, in their consultation response, recommended that should the application be approved, a condition be impose stating general construction work be restricted to: Monday to Friday 08:00-18:00, 08:00-13.30 Saturdays and not at all on Sundays or public/bank holidays.

The proposed scheme does not meet the trigger for affordable housing provision, therefore the Local Planning Authority are not in a position to negotiate a proportion of affordable units.

To deal with any matters arising from possible ground contamination a safeguarding condition to deal with unexpected contamination could be added.

Due to the industrial nature of the site which has been established since approximately 1945 there is no reason to believe that the proposal would cause impacts to biodiversity.

**Conclusion**

The proposal as submitted presents a scheme which conflicts with local and national policy by displaying a design which is fundamentally inconsistent with the character and appearance of the immediate and surrounding area, imposing inappropriate and supressing residential amenity for future occupiers of one or more of the proposed units, and introducing a new vehicular access which would result in an unsafe highways situation for both vehicle users and pedestrians. The application is therefore recommended for refusal.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Collette Panther, Assistant Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:

..





## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2019</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Louisa Johnson Development Officer</b>	<b>Application No: KET/2019/0446</b>
<b>Wards Affected</b>	<b>Queen Eleanor and Buccleuch</b>	
<b>Location</b>	<b>Mill Barn, High Street, Cranford</b>	
<b>Proposal</b>	<b>Full Application: 2 no. dwellings</b>	
<b>Applicant</b>	<b>Mrs Davis &amp; Mrs Poole</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as set out in the approved Material specifications KET/2019/0446/4 received 24/06/19. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The windows, doors, timber finishes, verge detailing, rainwater goods and stone finishes to be used in the construction of the development hereby permitted shall be as set out in the approved drawings Proposed eaves and gutters plan SK30A and Proposed floating mullion detail SK31 received 24/06/19. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. All external walls shall be constructed in natural stone and shall not be laid, coursed or pointed other than in accordance with a sample panel which shall have been constructed on site and approved in writing by the Local Planning Authority prior to the commencement of construction of any such external walls. As approved, the sample panel shall be retained on site and kept available for re-inspection throughout the construction period.

REASON: In the interests of the character and appearance of the Conservation Area in accordance with policy 2 of the North Northamptonshire Joint Core Strategy.

6. The development shall be carried out in accordance with the approved Woodland Management Plan KET/2019/0446/8. The development shall be implemented in accordance with the approved plans and details and the area shown hatched on the approved drawing SK56B shall be maintained as woodland in perpetuity.

REASON: In the interests of biodiversity in accordance with policy 4 of the North Northamptonshire Joint Core Strategy.

7. The development shall be carried out in accordance with the approved Sustainability appraisal and energy statement KET/2019/0446/7, Water efficiency calculations plot 1 KET/2019/0446/5 and Water efficiency calculations plot 2 KET/2019/0446/6. Thereafter and before first occupation, evidence to demonstrate that this requirement has been incorporated shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of water efficiency in a designated area of water stress in accordance with Policy 9 of the North Northamptonshire Joint Core Strategy.

8. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08:00 to 18:00 hours, Saturday 08:30 to 13:30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: In the interests of residential amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy

9. The development shall be carried out in accordance with the approved Soil technics Preliminary Investigation Report STP4091G Parts 1 - 5 dated August 2017.

REASON: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

10. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to

further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

11. The development hereby permitted shall not be carried out other than in accordance with the approved access and refuse presentation point details shown on drawing number SK11 Rev A received by the Local Planning Authority on 13/08/19, which shall be retained as approved at all times thereafter.

REASON: In the interest of securing an appropriate form of development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

12. The garaging and parking shall not be carried out other than in accordance with the approved plans and details shown on drawing number SK56 Rev B received by the Local Planning Authority on 24/06/19, which shall be retained as approved at all times thereafter.

REASON: In the interest of securing an appropriate form of development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

13. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the elevations or roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2019/0446**

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

KET/2016/0372 – 2 no. dwellings - Approved

KET/2015/0215 – Detached dwelling– Approved

KET/2012/0271 – Renewal of Extant Permission (Full) – Approved

KET/2009/0306 - 1 no. detached dwelling – Approved

KET/2008/0288 – 1 no. detached dwelling – Withdrawn

KET/2007/0676 – 2 no. detached dwellings with detached garages – Refused

#### **Site Visit**

Officer's site inspection was carried out on 10 July 2019.

#### **Site Description**

The majority of the application site is within the village boundary of Cranford, with a strip of woodland on the southern end of the site falling outside the village boundary. The site falls within Cranford's Conservation Area.

The site is located to the rear of Mill Barn which was granted permission for residential conversion in 1980. Although Mill Barn is not a listed building it is located to the rear of a number of listed properties which front onto the High Street. The application site appears to form part of the residential curtilage of Mill Barn. This dwelling comprises both two storey and single storey elements in a 'U' shape with the eastern section which will be closest to the proposed dwelling comprising single storey garaging and outbuildings. The site is relatively flat and is screened from the south by existing trees. There is a paddock to the east of the site. The site is accessed off High Street via an access point shared by Mill Barn and No. 2 High Street. To the south is the former Kettering to Huntingdon railway line that delineates the southern extent of the village boundary and Conservation Area.

#### **Proposed Development**

Two detached dwellings with associated access and parking

#### **Any Constraints Affecting The Site**

C Road – High Street

Cranford Conservation Area

### **4.0 Consultation and Customer Impact**

#### **Parish Council**

No comments received, any comments will be reported in an update report.

#### **Highway Authority**

No comments received, any comments will be reported in an update report.

## **Environmental Health**

No objection subject to conditions relating to unexpected contamination and working hours for construction.

## **Neighbours**

Three letters of objection have been received on the following grounds:

- The proposal is unnecessary and not fitting to the village;
- The proposal will be detrimental to flora and fauna as will require the clearance of a large area of woodland / shrubland;
- The proposed houses would overlook nos. 6 and 10 High Street and would block views from upstairs bedrooms;
- The proposed houses would overlook 10 Orchard Field.

## **5.0 Planning Policy**

### **National Planning Policy Framework (2019):**

Policy 2: Achieving a sustainable development

Policy 5: Delivering a sufficient supply of homes

Policy 12: Achieving well-designed places

Policy 15: Conserving and enhancing the natural environment

Policy 16: Conserving and enhancing the historic environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy (NNJCS) 2011–2031**

Policy 1 – Presumption in favour of sustainable development

Policy 2 – Historic Environment

Policy 4 – Biodiversity and Geodiversity

Policy 8 – North Northamptonshire place shaping principles

Policy 11 – The network of urban and rural areas

Policy 15 – Well-connected towns, villages and neighbourhoods

Policy 29 – Distribution of new homes

Policy 30 – Housing Mix and Tenure

#### **Local Plan**

Policy RA3 – Restricted Infill Village

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The principle of development
2. Design and impact on the street scene
3. Heritage Assets (Conservation Areas and setting of listed buildings)
4. Amenity of future occupiers

5. Impact on Residential Amenity
6. Highways and parking
7. Biodiversity
8. Refuse
9. Sustainable construction & design
10. Contaminated Land

#### 1. The principle of development

The proposal involves the erection of two detached dwellings and associated access and parking. Previous planning permissions on the site have established that the principle of development is acceptable as the majority of the application site is located within the village boundary of Cranford, in a residential area. The part of the site which falls outside the village boundary is currently woodland and a condition requiring this to be maintained as woodland is recommended to ensure that this does not become a part of the residential gardens at a later date.

Policy 29 of the NNJCS directs development to existing settlements within the Borough to strengthen the existing network of settlements whereas Policy 11 permits small scale infill development on suitable sites if no resultant harm to character, residential amenity or infrastructure.

Policy RA3 of the Local Plan defines Cranford as a Restricted Infill Village. The policy states that planning permission will only be granted for residential development in Restricted Infill Villages where the proposal is within the defined village limits, it is appropriate in terms of size, form, character and setting of the village, where it does not involve the development of open land which is important to the form and character of the village and where it is compatible with all other policies. The site is within the defined village boundary on a secluded site that is not considered to be important to the character of the village and the appropriateness of the size and form is to be discussed further below.

Policy 8 of the NNJCS states that development should ensure quality of life and safer and healthier communities by protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking and be of high quality of design.

Subject to detailed consideration of the impact of the works, having an acceptable impact on the character and appearance of the area and residential amenity the development is considered acceptable in principle.

#### 2. Design and impact on the street scene

Policy 8 d) of the NNJCS requires development to respond to the site's immediate and wider contexts such as the overall form, character and landscape setting, a view reinforced by policy 12 of the NPPF.

Regarding views from the High Street, the location of the proposal is somewhat discreet being set behind the High Street frontages and only

obliquely visible from the public realm. The proposal has design elements and material choices taken from surrounding development to help the proposal merge into the rural location.

Although the proposal has a larger footprint than the previous permissions, it is to be located forward (north) in the plot thereby much of the rural edge of settlement feel will be retained and enhanced with an improved woodland mix replacing the species poor existing wooded area with a species rich native wooded buffer to the south whilst maintaining the relationship with the built form of Cranford. As stated in the description, to the immediate south is the former Kettering to Huntingdon railway line that demarcates the southern extent of the village boundary and Conservation Area. There is development in this buffer between the High Street and former railway lane as the Orchard Field development of 12 properties to the east of the current site is built right up to the southern village boundary. As the site is 0.26 ha and the proposal is for two dwelling, this is a density of 7.7d/ha which is extremely low and suitable for a village development.

The dwellings respect the scale and mass of the buildings within the locality and the elevational treatments and materials complement the historic and architectural character of the village in accordance with policies 2 and 8 of the NNJCS and policies 12 and 16 of the NPPF.

### 3. Heritage Assets (Conservation Areas and setting of listed buildings)

The property falls within the Cranford conservation area; section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “special attention” shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Previous approvals have established that the site is considered suitable for limited residential infill, it is important that the scale form and materials are appropriate, repeating or echoing the values already established in the conservation area. The proposal as submitted has a larger footprint than previous permitted schemes although the positioning to the rear of Mill Barn avoids any direct conflict with the setting of the Grade II listed properties of 2-8 High Street and the scale of the proposal remains suitable to the location and surrounding development (principally Mill Barn).

The development will not impinge on the described assessment of special interest which is noted as being the meadow and pasture land that separates the two Cranfords. The proposal are 2 storeys and the materials proposed are coursed natural stonework under a slate roof, timber fenestration and doors, reclaimed red brick chimney with feature stone lintels and cills that will be secured through condition.

Overall, it is considered that the proposal would make a positive contribution to the Conservation Area. The proposal is in accordance with policy 16 of the National Planning Policy Framework and policy 2 of the NNJCS which encourage proposals that respect and enhance the historic environment and character by strengthening distinctive historic qualities. The proposal, therefore, can be said to preserve the character of its surroundings in

accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the adopted Cranford Conservation Area

#### 4. Amenity of future occupiers

Policy 8 e(i) of the NNJCS requires that development does not result in an unacceptable impact on the amenities of neighbouring properties, by reason of noise, vibration, pollution, loss of light or overlooking.

Policy 30 of the NNJCS requires new dwellings to meet the Technical Housing Standards – nationally described space standards as a minimum.

The proposal is for two detached two storey houses with attached garages and gardens to the rear.

The proposed dwellings would both have four bedrooms and would be at least 155sqm excluding the garage. The proposed dwellings meet the minimum floorspace standard required for a dwelling of this size. Both properties have substantial rear gardens, and these are considered to be adequate for dwellings of this size.

Therefore the proposed dwellings comply with the requirements of the Technical Housing Standards – nationally described space standards, March 2015. The proposal would be acceptable in terms of the amenity of future occupiers and in accordance with policies 8 and 30 of the NNJCS.

#### 5. Impact on Residential Amenity

Policy 8 of the JCS requires development not to result in an unacceptable impact on neighbouring amenity by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

Two objections have been received on the grounds that the proposed dwellings would overlook 6 and 10 High Street and 10 Orchard Field. A further objection has been received on the grounds that the proposal would block views from upstairs bedrooms at 6 and 10 High Street.

The boundary of the site is approximately 32m and the nearest proposed dwelling approximately 39m away from the rear boundary of 6 High Street. The boundary of the site is approximately 58m away and the nearest proposed dwelling approximately 65m away from the rear boundary of 10 High Street. The boundary of the site is approximately 68m and the nearest proposed dwelling is approximately 75m away from the rear boundary of 10 Orchard Field. Given these separation distances, it is considered that the proposal would not result in undue overlooking or a loss of privacy to 6 and 10 High Street and 10 Orchard Field.

Furthermore, it is considered that the proposed dwellings would be far enough away to ensure that they do not affect the outlook from upstairs



bedrooms at 6 and 10 High Street. Whilst private views are not protected, it is also considered that the proposed dwellings would not unduly impact on views from these properties given the separation distances involved.

The proposed dwellings would be to the south of the existing dwelling at Mill Barn, however the proposed two storey dwellings, at a distance of over 20m, should not result in any overshadowing or loss of light to Mill Barn.

The southern extent of Mill Barn to the east is unoccupied garaging with no habitable rooms however the western extent to the south does contain a habitable room at first floor level where there was the prospect of overlooking. The proposed dwellings have been orientated at an angle so that there is a separation distance of over 20m between each of the proposed dwellings and Mill Barn. This is considered to be an adequate separation distance to ensure that there are no direct unopposable views between dwellings.

Therefore it is considered that there will be no unacceptable impact on the amenity of neighbouring residents or Mill Barn through this proposal in accordance with policy 8 of the NNJCS.

#### 6. Highways and parking

Policy 8 b) ii) of the NNJCS requires new development to have a satisfactory means of access, provide for parking, servicing and manoeuvring to adopted standards, and not to have an adverse impact on the highway network nor prejudice highway safety.

The submitted drawing Visibility splay at site entrance and Site entrance details SK11 A shows the proposed access and pedestrian and vehicular visibility splays. The existing access to Mill Barn will be utilised and the plans show the vehicular access being constructed in accordance showing the minimum width of 4.5m and hard paved surface for the first 5m from the highway boundary and visibility splays implemented. In addition details of a positive means of drainage to ensure surface water from the vehicular access does not discharge onto the highway shall be submitted to and approved in writing by the Local Planning Authority.

Whilst no comments have been received from the Highways Authority to date, this drawing was approved by the Highways Authority on the previous scheme under KET/2016/0372. As nothing has changed on site, it is considered that the submitted drawing is still valid and complies with the requirements of the Highways Authority; subject to comments being received from the Highways Authority.

With regard to parking, the application makes provision for car parking within the red line in the form of 2 double garages and 6 x parking spaces.

Therefore, subject to further comment from the Highways Authority and conditions securing the provision of the access, surface water drainage and parking, it is considered that the application is acceptable in terms of access and parking in accordance with policy 8 of the NNJCS.

## 7. Biodiversity

Policy 15 of the NPPF requires Local Planning Authorities to aim to conserve and enhance biodiversity by permitting development only where significant harm can be avoided. This is enforced through Policy 4 of the North Northamptonshire Joint Core Strategy that states development should be refused if significant harm cannot be avoided, mitigated or compensated.

A Woodland Management Plan has been submitted with the application, the plan was previously submitted to discharge condition 6 (Woodland Creation and Management) of permission KET/2016/0372 and was approved as part of that application.

The majority of the works have been carried out and the plan involved removing species poor mix of Acers and non-native conifers which albeit covering a smaller area, which were replaced with new native species rich planting. As a result it is considered that the loss of species poor woodland has been mitigated and enhanced in accordance with the above policies. Therefore it is considered that the proposal is acceptable in terms of biodiversity subject to a condition requiring the development to be carried out in accordance with the submitted Woodland Management Plan.

## 8. Refuse

The submitted Visibility splay at site entrance and Site entrance details SK11 A drawing shows a bin presentation point set approximately 5m from the highway boundary. It is considered that the proposed bin presentation point is in an appropriate location and would be adequate to accommodate the bins of two properties.

Therefore subject to a condition requiring a bin presentation point to be provided in accordance with the submitted drawing, it is considered that the proposal is acceptable in terms of provision for refuse storage and collection in accordance with policy 8 of the NNJCS.

## 9. Sustainable construction & design

Policy 9 of the NNJCS requires development to incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. All residential development should incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day which will be secured through condition

The proposal includes a Sustainability Appraisal and Energy Statement and calculations for water usage in each property, these calculations show that water usage would be under 105 litres/person/day. As such it is considered that the proposal complies with the requirements of policy 9 of the NNJCS subject to a condition requiring the development to be carried out in accordance with the submitted information.

## 10. Contaminated Land

The submitted Soil technics Preliminary Investigation Report STP4091G dated August 2017 was previously submitted to discharge condition 9 (Contaminated Land) of permission KET/2016/0372 and was approved as part of that application.

It is considered that the report is still valid and therefore it is considered that the proposal is acceptable in terms of contaminated land, subject to conditions requiring the development to be carried out in accordance with the Soil technics Preliminary Investigation Report STP4091G dated August 2017 and a condition relating to unexpected contamination.  
Comments on other points raised by proposal - none

**Conclusion**

The application is considered to accord with the Development Plan. The extant permissions and the NPPF are material considerations in favour of the application. The application is recommended to members for approval subject to conditions

**Background Papers**

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:

..



## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2019</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Ruth James Assistant Development Officer</b>	<b>Application No: KET/2019/0470</b>
<b>Wards Affected</b>	<b>Rothwell</b>	
<b>Location</b>	<b>15 Balfour Drive, Rothwell</b>	
<b>Proposal</b>	<b>Full Application: Two storey side extension</b>	
<b>Applicant</b>	<b>Mr S Hughes</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match, in type, colour and texture, those on the existing building.

REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The window hereby approved on the first floor rear north elevation of the extension, shall be obscure glazed and permanently fixed shut and non-opening below 1.7 metres from finished floor level thereafter shall be permanently retained in that form.

REASON: To protect the privacy of future and adjoining occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

## **Officers Report for KET/2019/0470**

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

None

#### **Site Visit**

Officer's site inspection was carried out on 10/07/2019

#### **Site Description**

The application site is in an established residential area to the east of Rothwell within the Rothwell Town Boundary. The surrounding development was all built as part of the same development and properties within Balfour Close are all constructed from the same palette of materials and are of similar designs.

No. 15 Balfour Close is comprised of a two-storey semi-detached house located on the north side of Balfour Close. The walls are constructed from dark multi-brick with white uPVC windows and doors and brown tiling between the ground and first floor windows, which creates a shiplap effect to the front elevation. Between the two first floor windows there is a white uPVC shiplap panel and the front door has a flat roof canopy above. The front amenity area has open access and a block paved driveway which slopes up gently from the highway and provides off road parking for 2 no. cars. To the east of the driveway there is an area of lawn and a single flat roofed garage is located to the western side of the host dwelling.

To the rear the house is set down from the good sized garden that slopes up gently from south to north. At the rear of the garden steps lead up to a decked area and around the perimeter there is a 1.8 metre high close boarded fence. Beyond the fence at the rear, there is the boundary treatment for the rear neighbour which includes trellising above their fence, raising the height of the boundary treatment higher and above the fencing for no.15.

#### **Proposed Development**

The application seeks consent for a two storey, side extension to provide a larger kitchen and utility to the ground floor and an additional bedroom with ensuite to the first floor.

#### **Any Constraints Affecting the Site**

Within the Nene Valley Nature Improvement Area (NIA) Boundary

### **4.0 Consultation and Customer Impact**

#### **Rothwell Town Council**

No objection

**Neighbours** Notifications were sent out to neighbouring occupiers and a site notice was erected. A response from one address was received.

Comments received from the occupants of no. 14 John Smith Avenue:

- Objection: Loss of privacy and two storey extension is not in keeping with nearby homes.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 12. Achieving well-designed places

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

#### **Saved Policies in the Local Plan for Kettering Borough**

35. Housing: Within Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The Principle of Development
2. Design, Character and Appearance
3. Residential Amenity
4. Highways and Parking
5. Nene Valley Nature Improvement Area (NIA)

### **1. Principle of development.**

The application seeks the erection of a two-storey side extension.

The site is located within the designated town boundary; the scheme would therefore strengthen the network of settlements within the borough in compliance with Policy 11 of the North Northamptonshire Joint Core Strategy.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of development to residential properties provided there is no adverse impact on character, appearance and residential amenity.

Subject to detailed consideration being given to the impact of the proposed scheme, having an acceptable impact on the character and appearance of the area and residential amenity, and ensuring it complies with national and local

policies detailed above, the principle of development is considered acceptable.

## 2. Design, Character and Appearance.

Policy 8(d) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character and Policy 12 of the National Planning Policy Framework, seeks that all development should be of a high quality design.

The proposed development would see the demolition of the existing single-storey garage to make way for a two-storey side extension to the western side of the main dwelling. The proposed extension would have a length of 6.5 metres and a width of 3.4 metres, the roof would be gabled in keeping with the existing dwelling. Materials would match with the existing and these can be secured by condition.

The proposed extension would be stepped back slightly from the front elevation of the main dwelling and the roof line would be slightly lower than the main roof keeping the development subordinate to the main dwelling. Extensions that are subordinate to the main dwelling are considered to be acceptable and follow good design practise. Many of the properties within Balfour Drive have been extended with no's 4 and 6 both having two-storey side extensions which are prominent within the existing street scene. Although the proposal would reduce the separation distance between the host dwelling and no. 13 Balfour Drive, a three metre separation would be maintained and this would help to reduce the visual impact within the existing street scene, making it acceptable.

The design would see the retention of an up and over garage door to the front of the new extension. This would give access to a small storage area to the front of the extension beyond which would be the new utility room and help to maintain the character of the existing street scene.

The design is in keeping with the design and character of the existing dwelling and the proposal accords with Policies 12 of the National Planning Policy Framework and 8(d) of the North Northamptonshire Joint Core Strategy in that the new development responds to the site's immediate and wider context and local character and is of good design.

## 3. Residential Amenity

In addition to seeking development to respect the character of an area, Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of overbearing, loss of light or overlooking.

The closest neighbour is no.13 Balfour Drive and although the proposed extension would reduce the existing separation with no. 13 Balfour Drive, it would not extend beyond the western build line of the current garage and a 3 metre separation distance between the side elevations of the two properties would be maintained. Therefore, any potential overbearing impact is considered to be limited and acceptable. There are 2 no. first floor windows in



the side elevation of no. 13 facing towards the new extension; the smaller window towards the rear, is a secondary window serving the bathroom and the larger window serves the staircase and landing, which is a passing place and not a habitable room. The orientation of the site means that there will be a small increase to overshadowing but this will be in the early morning and is not considered to be significant enough to warrant a refusal.

An objection has been received from the occupants of no. 14 John Smith Avenue, the neighbouring property to the rear of the application site, raising concerns regarding a loss of privacy and overlooking and that the two storey extension would not be in keeping with nearby homes.

There would be no windows in the side elevation of the proposed extension as the main windows would be located to the front and rear of the extension. The first floor window to the rear would be obscure glazed as it would serve the new ensuite bathroom. A condition will be applied to secure the obscure glazing and ensure that the window will be non-opening below 1.7 metres from finished floor level, in order to protect the amenity of the occupiers of no.15 and neighbouring properties to the rear. In addition, the separation distance between the rear first floor elevation of no. 14 John Smith Avenue and the rear elevation of the host dwelling measures over 30 metres. As the proposed extension is not extending beyond the existing rear build line of no. 15, it can be argued that there is no increase in overlooking impacts from the host dwelling as it will remain the same as the current arrangement with the existing rear windows. Moreover, the rising land levels mean that the host dwelling is set down from no. 14 John Smith Avenue, which further reduces residential amenity impacts towards the rear. On the contrary no. 15 Balfour Drive is overlooked by its rear neighbour given that this property occupies a higher more dominating position.

In regard to the concerns that a two-storey extension is out of keeping, as discussed at section 2 there are other two-storey side extensions within the street and the subordinate design is in keeping with good design practise and therefore accords with local and national policy.

The separation distances to the front of no.15 provided by the highway help to ensure that any other potential overlooking impacts to the front would be kept to an acceptable level.

The adjoining neighbour at no.17 to the east would not be impacted by the side extension given that it is located to west side of the application site.

For the reasons discussed above, it is considered that the proposed scheme is in accordance with Policy 8(e) of the North Northamptonshire Joint Core Strategy in that the new development appropriately safeguards the amenities of neighbouring occupants.

#### 4. Highways and Parking

Policy 8(b) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The loss of the garage will result in a reduction of one off road car parking space; however, the area can still accommodate two additional parked cars on the driveway. There are no changes proposed to the access arrangements to the site therefore there will be no adverse impact upon highway safety.

As such, it is considered that the proposal will not lead to an adverse impact on the highway network or highway safety in that it will provide adequate parking in accordance with Highway Standards and is therefore in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy.

#### 5. Nene Valley Nature Improvement Area

The application site is within the NIA boundary; however, the application site is in an established residential area and the proposed scheme is small and on an already developed site. It is considered the small scale of the development proposed will not have any adverse impact on existing wildlife or the improvement of the Nene Valley.

#### Conclusion

Subject to conditions relating to materials and obscure glazing it is considered that the proposal complies with policies within the Development Plan and is recommended for approval.

#### **Background Papers**

Title of Document:

Date: 14/08/19

Contact Officer:

Ruth James, Assistant Development Officer on 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date:

..

**BOROUGH OF KETTERING**

<b>Committee</b>	<b>Full Planning Committee - 04/09/2019</b>	<b>Item No: 5.8</b>
<b>Report Originator</b>	<b>Theresa Nicholl Development Team Leader</b>	<b>Application No: KET/2018/0511</b>
<b>Wards Affected</b>	<b>Queen Eleanor and Buccleuch</b>	
<b>Location</b>	<b>40 Warkton (land adj)</b>	
<b>Proposal</b>	<b>Full Application: Demolition of outbuilding and erection of 1 no. dwelling</b>	
<b>Applicant</b>	<b>Mr Curwen</b>	

**1. PURPOSE OF REPORT**

This report is not being presented for a determination but for Member's information and to seek the views of the Planning Committee to forward on to the Planning Inspectorate

## Officers Report for KET/2018/0511

### 3.0 Information

A full planning application for demolition of an outbuilding and a new dwelling was submitted in July 2018.

The applicant made an appeal against non-determination of this application to the Planning Inspectorate on 17 June 2019. This has the effect of removing the determination of the scheme from the local planning authority and placing this in the hands of the Inspectorate.

Officers submitted a statement to the Inspectorate on 14 August 2019 (this being the deadline for such statement). In Appendix A is a summary of third-party responses, the evaluation of key issues and officer's conclusions that would have been recommended had the application been put to the Committee for determination. The recommendation would have been for approval subject to conditions.

Members cannot now determine the application, but Committee is invited to make its view known as to whether it would have likely made a determination in accordance with the conclusions of the officer statement or would otherwise have come to a different conclusion. The views of Committee will be forwarded to the Planning Inspectorate.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Theresa Nicholl, Team Leader 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date:

..